

Dear Department of Planning, Industry and Environment Data Broker,

Thank you for making the Department of Planning, Industry and Environment “Environmental Planning Instrument - Land Zoning” dataset available under the Creative Commons CC BY 4.0 license.

I am a volunteer of [OpenStreetMap](#), a collaborative open project to create a global geodata set freely usable by anyone on share-alike and attribution terms under the [Open Database License \(ODbL\)](#).

We’re very interested in using the data in the “Environmental Planning Instrument - Land Zoning” dataset to improve OpenStreetMap. In order to facilitate this, we need to confirm with you that the Department of Planning, Industry and Environment has no objections.

In particular, there are two issues we would like to clarify.

First, because OpenStreetMap's data comes from thousands of local volunteers as well as numerous government sources, attribution to all such sources on an OpenStreetMap-based map or similar visual display is impossible. Instead, we provide attribution (including original license information) to major sources like the Department of Planning, Industry and Environment on our [Contributors page](#). OpenStreetMap users are then required to [attribute "OpenStreetMap Contributors" in a collective fashion](#) when using any OpenStreetMap data. CC BY's attribution requirements are relatively general, so we just need you to confirm that you would consider OpenStreetMap's attribution method to attribute the Department of Planning, Industry and Environment in a "reasonable manner" in accordance with Section 3(a)(1) of the CC BY 4.0 license.

Second, the ODbL and CC BY 4.0 have slightly different ways of addressing digital rights management technologies. The ODbL allows data users to apply technical protection measures to their own works so long as they also provide an unrestricted version of the underlying database, including their own additions ("parallel distribution"). In contrast, CC BY 4.0 can be read to prohibit any application of technical protection measures to databases that include CC BY material. This is a relatively minor difference in how the licenses are drafted, but means that in some cases, users who comply with ODbL might not comply with CC BY 4.0.

In practice, we have found that parallel distribution is an excellent way of ensuring open access to data while allowing flexibility in use. Thus, we ask that, to the extent CC BY 4.0 Section 2(a)(5)(B) prohibits any downstream restrictions even when parallel distribution is available, you waive this license restriction as to OSM and its users. This waiver would have no effect on the original Department of Planning, Industry and Environment dataset and only pertains to the restrictions allowed on combinations of that data with OSM data.

Thank you for your consideration. If the Department of Planning, Industry and Environment is amenable, can you please check off the boxes in the attached form and return a signed version to me?

If you have any questions or would like more information about OpenStreetMap, please do not hesitate to contact me by e-mail.

Regards,

Oliver Lenehan

Local OSM Representative

## Permission to Incorporate CC BY Data Into OpenStreetMap

With respect to the “Environmental Planning Instrument - Land Zoning” dataset, the Department of Planning, Industry and Environment agrees to the following:

1. Attribution by OpenStreetMap and its users through <http://wiki.openstreetmap.org/wiki/Contributors> is sufficient to provide attribution to Department of Planning, Industry and Environment in a "reasonable manner" in accordance with Section 3(a)(1) of the CC BY 4.0 license.
2. Department of Planning, Industry and Environment waives Section 2(a)(5)(B) of the CC BY 4.0 license as to OpenStreetMap and its users with the understanding that the Open Database License 1.0 requires open access or parallel distribution of OpenStreetMap data.

*Peter Bowen*

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Signature

19 January 2021

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Date

Peter Bowen

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Name

Director Spatial and Data

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Title