

Mr Peter Achterstraat
NSW Productivity Commissioner
NSW Treasury
GPO Box 5469
SYDNEY NSW 2001

12 November 2019

Dear Commissioner

Call for an increase in the status and powers of the Independent Planning Commission (IPC)

As you would be well aware, Australia is already experiencing the frightening effects of human-induced global heating (aka climate change) as evidenced by the catastrophic bushfires currently raging across much of NSW and Qld. There is little relief in sight.

Scientists have been warning of the deleterious effects of continuous coal mining on the environment for many years, both in Australia and worldwide (for example <https://www.ucsusa.org/resources/coal-power-impacts>; and <https://skepticalscience.com/Australia-coal.html>). As special Counsel to the Environmental Defenders Office (EDO), Brendon Dobie stated on 31 October 2019:

“The scientific reality is that, while climate change is a global problem, its impacts are hitting us here at home - particularly in rural communities struggling with increasingly more severe drought and bushfire seasons, and in coastal communities grappling with flooding and the looming threat of sea level rise. The fact is that Australian coal, no matter where it is burnt, is contributing cumulatively to global climate change. That is why NSW Courts and approval bodies alike have recognised that, in turn, all GHG emissions from NSW coal projects adversely affect the environment and people of NSW...”

(https://www.edonsw.org.au/opinion/scope_3_bill?utm_source=eBulletin+list+June+2018&utm_campaign=25f36a6919-ebull2019Nov1_COPY_01&utm_medium=email&utm_term=0_0a)

Yet despite this knowledge and evidence, somehow the NSW Minerals Council continues to have undue influence over the Berejiklian Government (as well as its predecessors). Following the IPC's recent rejection of a proposed new coal mine in the Bylong Valley near Mudgee, and the decision by the Land and Environment Court (L&EC) not to allow the Rocky Hill mine to proceed, the Minerals Council has called on the Government to review the role of the IPC with the apparent aim of abolishing or minimising its role. Indeed, the Government – with undue haste – is proposing this week to introduce the *Environmental Planning & Assessment (Territorial Limits) Bill 2019* whose object “is to prohibit the imposition of conditions of a development consent that purport to regulate any impact of the development occurring outside Australia or any impact of development carried out outside Australia” – that is, to counter the influence of recent decisions such as by the IPC and the L&EC and change the law to prevent other mining projects from being rejected on global heating impact grounds here or overseas.

From several years of interacting with and speaking to representatives from regional NSW communities in a number of settings, including in their own homes, I am well aware that people in mining-affected regions have lost faith in the ability of the Department of Planning and political representatives to properly balance land use conflict, given the excessive influence of the mining lobby.

To put it bluntly Commissioner, if new coal mining (and other unconventional mining projects) continue to be approved without clear independent review, our environment will soon be beyond repair. We are ALL in this boat together - breathing the air, drinking the water and living off the produce of the land. The interests of ordinary people trying to exist in this deteriorated and challenged environment must be the primary consideration – not the wishes of a wealthy and publicly unaccountable lobby group with more financial clout than most of the rest of us can dream of.

Your official mandate may be “to bust red tape” but I believe that regarding the continuation of anything like a healthy, liveable environment (and hence a well-functioning economy that provides ongoing jobs towards full employment), you must support the continuation of the IPC as an independent body.

In summary: There has never been a greater need for an independent, well-resourced body to transparently review controversial decisions around mining applications and approvals. I absolutely reject planning decisions of the scope referred to above being left to Government ministers alone as it has become painfully clear they are too easily compromised by the vested interests of money-making lobby groups. It is surely axiomatic that a genuinely independent review body must be maintained.

Recommendation: I strongly support the recent call by the Independent Commission Against Corruption (ICAC) – for the IPC to be **strengthened**, not weakened, by giving it quasi-judicial status and increased financial and staffing resources, as a matter of urgency.

Yours sincerely

