

IPC Review

I wish to make a submission about the IPC for your consideration.

Independence and transparency

There are sound reasons why the IPC/PAC was originally established and I believe it is still in the public interest to maintain an independent planning commission as the consent authority for state significant developments as a safeguard against potential corruption and to bolster public confidence in a planning process that should be free from political interference.

Transparency is also important to build and maintain public trust and so the IPC must continue to publish all material including transcripts of meetings on the IPC website in a timely manner.

Referrals

My view is that the threshold for referrals of state significant developments (SSDs) needs to be lowered and strengthened. Proposals opposed by communities and regional councils should routinely be referred to the IPC for final consent as they are now. I also believe that proposals which have the potential to cause significant environmental and visual impact now or in the future should also be referred to the IPC. There might also be a case to argue that ALL SSDs should be referred to the IPC as community mistrust and anti development hostility grows across NSW.

Assessment by the Department

The Department of Planning assessment process is weighted in favour of the proponent. SSD proposals are years in the making and the proponent has every opportunity to put forward an EIS and development application which balances their interests in profit against the public and private interests of the proposal. The Department works closely with the proponent to develop an approvable project by providing advice, extending deadlines and allowing rewrites and modifications to a proposal that can go on for many years.

Whereas the community is given limited information and short deadlines to assimilate complex EIS documents and to prepare written submissions with little or no guidance on the key issues that might affect a development.

Then the proponent has the opportunity to respond to the issues raised by government agencies and the community and refine their proposal. And yet time and again we see opened ended, unrealistic, incomplete or flawed proposals referred to the IPC. Yet another important reason why we must have an IPC or equivalent which scrutinises proposals and considers every interest in a balanced and fair way.

Assessment by the IPC

It is not the role of the IPC to negotiate compromises and consider alternatives offered by the developer when this should have been done during the EIS and Response to Submissions phases. Their decision should be based on the EIS and assessment report provided to them.

My view is that the IPC must:

- Focus on the environmental impacts, community concerns and inter generational equity

- Verify that the EIS is complete, the assessment is thorough and the conditions of consent rigorous
- Confirm that applicable guidelines are followed and key issues have been adequately addressed
- Validate the Department's conclusions and recommendations

There might also be a case to argue that the IPC NOT meet with the proponent nor accept and consider any last minute revisions to the proposal as has been happening recently.

If the IPC decides that there are flaws in the EIS, the proposal should be refused and if the Department's conclusions are flawed the proposal should be returned to the Department for further assessment.

The role of the IPC is not simply to rubber stamp the Department of Planning recommendations but rather to provide a balanced, fair and honest assessment of proposals referred to them whilst weighing the public versus the private interests for the long term.

A case to answer

Yes, the IPC has a case to answer for mistakes. On occasion Commissioners have been called out for conflict of interests, real or imagined. There have been instances where high impact projects have been approved, the precautionary principle ignored or widespread community opposition dismissed.

There is nothing that strong leadership, careful selection of commissioners, improvements in efficiency and funding commensurate with workloads cannot improve.

Conclusion

NSW needs an independent, open, fair and honest IPC.

My view is that by enlarge we already have one, and I have to ask what the real reason for this review is when the current organisation is not even 2 years old?

