

## Review of Independent Planning Commission

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Thank you for the opportunity to comment on the IPC Review.

I have participated in the process of objecting to proposed projects via written submissions to the Department of Planning and I have made individual presentations at PAC/IPC community consultation forums. I have personally petitioned my local MPs, seeking representation over my concerns only to be told that they must fall into step with party lines.

**I urge this Review to retain the services of the IPC and to protect and strengthen its capabilities and functions. The IPC should be an autonomous body that employs their staff with the appropriate backgrounds, expertise and commitment to fair appraisal of development proposals.**

It is common knowledge that the community members are not afforded access to Ministers and their department heads to petition concerns about contentious developments in the way that mining lobbyists are afforded. When the community challenges the mining industry via the Department of Planning, the cards are stacked on the side of industry.

The Department of Planning has historically approved mining projects that environmentally and economically don't stack up, particularly for local agricultural communities. The economic analysis for coal related projects has been biased in favour of projected, aspirational economic benefit to the State with no accounting for the likely on-going social and environmental costs that are carried by the community. (see Maules Creek Coal Mining: Water use under investigation <https://www.abc.net.au/news/2019-11-05/maules-creek-coal-mine-under-investigation-again-over-water-use/11658718> )

By way of example - the vociferously opposed Fourth Coal Terminal (T4) proposal at Newcastle Port, to service the Hunter's expansive coal industry, was approved by government in 2015, yet disbanded in 2018 by the proponent because market demand for coal did not eventuate and because it was not likely to in the foreseeable future. In fact, the chairman of Newcastle Port has since announced that the "long term outlook for coal is a threat to the port" –highlighting the clear messages the community conveyed to the Department of Planning and the PAC at the time; that expansion of coal facilities was economically futile as well as potentially destructive for the region. (<https://www.theguardian.com/australia-news/2017/dec/19/port-of-newcastle-chairmans-comments-on-coal-are-basically-a-call-for-help> )

If the community have no IPC as a back stop in the determination processes of contentious projects, we are effectively denied a tangible avenue for considered independent dialogue and assessment – even if determination hasn't gone our way.

With the formation of the Planning Assessment Commission in 2010 and now the IPC, the community has the opportunity to present information and question the credibility and accuracy of mining development proposals.

Unfortunately, too many mining projects are still approved but at the very least, the community and independent scientific and economic experts are afforded the right and opportunity to raise issues overlooked by either the proponent and/or the Department of Planning and our government Ministers. Findings from the IPC determinations, however, allow Government Agencies and the community to better monitor approved projects that fail in their performance and operational commitments.

What we really need, rather than an IPC review, is to see a much-needed review of our planning laws. We need to see unbiased and proactive planning laws that value and consider our social and environmental costs on a level playing field with any state significant development's anticipated economic benefits. Fair assessment procedures and processes for any state significant project must include accounting for the external costs in relation to ecological functioning, social impacts and climate change impacts. (e.g. IPC's recent and contentious Bylong Valley Coal Mine determination).

As the on-going impacts of climate change and environmental degradation are both increasingly made public and now obviously exacerbated by mining industry developments, the IPC plays a crucial role in being seen to be distanced from both the government of the day and the mining lobbyists. ICAC have recognized that the IPC provides a safeguard against corruption in the planning system. In a perfect world, the mining industry should welcome unbiased appraisal of their project applications.

However, it is disheartening and concerning that after lobbying or perhaps threats, from the Minerals Council, Minister Stokes has announced that the terms of reference for the Review of the IPC include "whether it is in the public interest to maintain an IPC". As the NSW government has recently announced plans to open new mines to make NSW "the number one mining destination", (<https://www.theguardian.com/australia-news/2019/oct/10/nsw-government-may-open-two-new-coal-fields-for-exploration-to-boost-economic-growth>) one can be forgiven for believing that undue and improper influence of our government Ministers is taking place.

We know the CEO of the Minerals Council, Stephen Galilee does not believe the IPC is fit for his organisation's purpose - *"If things were going so well for us we wouldn't be getting project refusals and we wouldn't be getting increasing regulation, and timeframes for assessment wouldn't be going up – and the number of mines in NSW wouldn't be falling, investment wouldn't be dropping, and we wouldn't be running a public campaign against the planning minister and his planning system."* (<https://www.theguardian.com/australia-news/2019/oct/21/nsw-minerals-council-pressured-publicly-and-privately-for-review-of-planning-body>) (<https://www.smh.com.au/national/nsw/government-caving-in-to-industry-pressure-over-planning-commission-review-say-former-icac-bosses-20191021-p532om.html>)

It is important that the IPC maintains independence from our politicians and the Department of Planning where transparency and accountability are not guaranteed. The IPC provides transcripts of all interactions with proponents and agencies – and the community. The probability of undue influence is unlikely and transparent. It is important that the IPC be given the resources to fully investigate and challenge, if necessary, the assessment reports prepared by the Department of Planning, Industry and Environment and proponents.

It would be appropriate if an independent review was carried out on the IPC on a regular basis so as to ensure optimal functioning. However, I fear this particular review is tainted, having come about as a result of political pressure exerted by disaffected vested interests on government.

I wish you well in your deliberations, and trust that this Review will recognize the value of retaining and improving the services of the IPC - for the sake of fairness, public transparency and accountability in the consideration of state significant planning projects.

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10<sup>th</sup> November 2019

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