



Groundswell Gloucester Submission - Independent Planning Commission (IPC) review

Groundswell Gloucester has had direct experience with the Planning and Assessment Commission (PAC) (predecessor of IPC) with the Planning Assessment Commission Meeting held in Gloucester on 14 & 15 November 2017, in its consideration of the Rocky Hill Coal Project. Groundswell Gloucester and many community members presented and made submissions to this PAC in opposition to the Rocky Hill Coal Project.

In this instance the PAC determination agreed with the Department of Planning's report as follows:

NSW Planning and Environment's Report: STATE SIGNIFICANT DEVELOPMENT ASSESSMENT Rocky Hill Coal Project (SSD 5156)

"the Department does not consider that the amended project is able to or should be approved, and the Department does not recommend that the Commission approve the development."

NSW Planning Assessment Commission Determination Report Rocky Hill Coal Project (SSD 5156)

- The creation and operation of an open cut coal mine in this proposed location within the RU1 and E3 zones of the Gloucester Local Environmental Plan 2010 is in direct contravention of each zone's objectives
- The residential visual impact of the mine would be significant throughout all stages of the project; and
- The project is not in the public interest

"For the reasons set out above, the Commission has determined to refuse consent to the development application".

Groundswell Gloucester's submission is that the public interest is best served by retaining the Independent Planning Commission in its present, but strengthened form, because:

- The IPC is perceived by the community to be free from political influence, whereas the community feels that political decisions are often influenced by such things as political donations and political allegiances.
- It provides an important safeguard against corruption in the planning system, something which has been recognised by ICAC.
- The IPC is a particularly crucial check on developments classified as 'state significant' which don't require concurrence from any other agencies or from local government.
- The Department of Planning provides little transparency in relation to the details of meetings with proponents or other government agencies, whilst the IPC provides transcripts of all interactions with proponents and agencies.
- IPC is able to hear the concerns of the community, as community members and groups have difficulty procuring meetings with NSW ministers.
- Communities in mining-affected regions have little trust in the Department of Planning or political representatives to take a balanced approach to managing land use conflict, and rely on the IPC for an independent and objective consideration of highly damaging and controversial mining projects.

- In the PAC that determined Rocky Hill, a PAC member was changed due to a perceived conflict of interest. This somewhat alleviated community distrust in the independence of the process.
- The IPC members bring a further layer of independent expertise to the approval process.

Additionally IPC should be strengthened.

- The Commission should be provided with additional resources to undertake its role and to ensure that it has all the access it needs to scientific and other expertise.
- The IPC must be free to differ from the Department of Planning's Assessment Reports which are often politically influenced and treat economic considerations with greater weight than social and environmental effects.
- Any interested member of the public should be able to attend and address public hearings where they are held.
- Stronger laws are needed to protect communities, agricultural land and water resources from unacceptable impacts from mining, rather than such issues being at the discretion of the Commission.
- The circumstances where a court merits review can take place should be enshrined in legislation and not simply be at the discretion of the Minister.

As a community group which has been involved in all the phases of a mining application, we strongly recommend the independence of the IPC should be strengthened, not weakened. IPC should be provided with greater resources and given quasi-judicial status as the ICAC has previously recommended. Public policy needs to be based on rigorous science and transparent policies.

Due to the access and the influence that the mining industry has, communities in mining-affected regions have little faith in the ability of the Department of Planning and political representatives to properly balance land use. Stronger measures are needed to protect communities. The Independent Planning Commission is required to provide an independent and objective consideration of highly damaging mining projects.

Yours sincerely

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