

**From:** [REDACTED]  
**Sent:** Wednesday, 13 November 2019 12:18 PM  
**To:** NSW Productivity Feedback

**Categories:** Green Category

*Please note that this submission has been included as a hardcopy, with a number of other hand written submissions, and mailed to the Productivity Commission C/- Minister Stokes.*

TO: NSW Productivity Commission  
FROM: Illawarra Knitting Nannas Against Greed & Sydney Knitting Nannas and Friends  
Submission to the Review of the Independent Planning Commission (IPC)  
8 November 2019

Thank you for considering this submission to the IPC Review.

We submit:

- It is essential that NSW has a genuinely independent body to assess and decide on significant planning proposals.
- Without real and demonstrable distance from political influence or invested commercial interests, no development consent authority can be relied on to hold true to the principles of good planning.
- Good planning principles are captured in the concept of Ecological Sustainable Development and are enshrined in NSW legislation. ESD is affirmed in over 60 pieces of NSW legislation. As defined in section 6(2) of the Protection of the Environment Administration Act 1991 (NSW), the four principles of ESD are: the precautionary principle; inter-generational equity; conservation of biodiversity and ecological integrity; and, improved valuation, pricing and incentive mechanisms ([https://www.edonsw.org.au/hys\\_what\\_is\\_ecologically\\_sustainable\\_development](https://www.edonsw.org.au/hys_what_is_ecologically_sustainable_development)). The EDO rightly asserts that “These principles are [should be] implemented at the State level through a number of decision-making processes, including the regulation of pollution, and development assessment and approval regimes.”
- Adherence by consent authorities to ESD principles will produce balanced determinations integrating “... short and long term social, environmental and economic considerations to create lasting benefits for communities, now and in the future” ([http://thecommunitycharter.net.au/wp-content/uploads/2019/01/planning-for-people\\_-\\_charter-companion-printer-version.pdf](http://thecommunitycharter.net.au/wp-content/uploads/2019/01/planning-for-people_-_charter-companion-printer-version.pdf)).
- Commitment to the principles of ESD will help ensure a consent authority that is: i) protected from corruption risk; ii) transparent and accountable; iii) fair and democratic; iv) committed to environmental conservation and climate safety; and v) capable of and committed to objective, evidence-based assessment and decision making.

We wish to firmly emphasise the importance to the public interest not only of retaining the IPC but of strengthening its independence. In particular, we recommend that structures and processes of the IPC are shored up to achieve the following:

Lower corruption risk: Unless established as an independent body and structurally corruption-proofed, a planning body such as the IPC will be the source of distorted inappropriate decisions and be bereft of

public confidence. A recent illustration of corruption risk has been called out by the ICAC's ongoing lobbying enquiry. The Mineral Council NSW has described to the enquiry its relentless lobbying of the Minister of Planning and his department for a review of the IPC, the aim of which was to reduce rejections of development approvals on environmental grounds. Alarming, this very review appears to be the result of the Mineral Council's lobbying campaign. Former ICAC commissioners have asserted that loss of an independent consent authority would be a "recipe for corruption" and erosion of accountability (<https://www.theguardian.com/australia-news/2019/oct/21/nsw-minerals-council-pressured-publicly-and-privately-for-review-of-planning-body> ).

Openness and accountability: Planning assessment and decision making must be transparent and accountable. "Decisions must be made publicly and respond objectively to matters raised in submissions, provide reasons and be subject to the rules of procedural fairness". There must be provision for communities to seek review of determinations perceived to be detrimental (<http://thecommunitycharter.net.au>).

Fairness: Each of us has the right to participate in decisions that affect us. Planning decisions that do not reflect the needs and wishes of the local community are inappropriate and an affront to democracy. The IPC and its secretariat must be adequately resourced to facilitate public participation in its determinative processes. Community consultative processes must be inviting and convenient. Details of all that is at stake in any given determination must be accessible to lay people. Consultative time lines must be generous (note that the two week period allowed for submissions to this review is close to being tokenistic).

Commitment to the preservation of ecological integrity: Long term social and economic wellbeing is dependent on the health of our natural environment and the services it provides. Development consent authorities are legally and morally obliged to preserve ecological integrity. For example, in its recent submission to the proposed extensions to South32's Dendrobium coal mine in the Metropolitan Special Area of the Greater Sydney Drinking Water Catchment, WaterNSW pointed out that it is obliged to maintain ecological integrity as well as drinking water safety under the Water Act NSW. South32's Environmental Assessment and the IEPMC's report (Oct 2019) explicitly acknowledge that the integrity of the Upland Swamps within the Metropolitan Special Area cannot be preserved should the proposal go ahead.

Protecting the integrity of our natural environment includes climate change mitigation. It is imperative that planning approvals reflect the climate crisis that we all face. Most CO2 emissions across the state are authorised, implicitly or explicitly, by planning and development approvals. Local and statewide emissions targets will not be realised unless this fact is accepted and acted on.

Commitment to making determinations on the basis of adequate and objective data: "... (G)ood quality and objective data (must)... be used as a basis for planning and development decisions at state, regional and local level" (<http://thecommunitycharter.net.au>). Commissioners must not be pressured to stint on time, effort or resources when researching and sourcing evidence. They must be of broadly diverse backgrounds and at the same time have relevant experience and expertise. Appointment of commissioners should not be in ministerial hands alone.

In making this submission, we have been inspired by the "Community Charter for Planning in NSW" ([thecommunitycharter.net.au/](http://thecommunitycharter.net.au/) ). We recommend the past and ongoing work of the Community Charter's main promoter, the Better Planning Network (<https://www.betterplanningnetwork.org.au>), much of which is relevant to the terms of reference of this review.

Yours sincerely,

[Redacted signature]

Illawarra Knitting Nannas Against Greed Sydney Knitting Nannas and Friends

Sent from [Mail](#) for Windows 10