

NSW overhaul of Planning Act leaves major appeals, climate gaps: green groups

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The Berejiklian government's overhaul of the Planning Act marks a "missed opportunity" to promote greater community input and address the long-term threat from climate change, environment groups say.

The new Act - expected to be voted on in the Legislative Council overnight Tuesday and to pass the lower house on Wednesday - includes the renaming of the Planning Assessment Commission to become the Independent Planning Commission and new community participation plans.



Picking winners: overhaul of NSW planning laws likely to fall short for those wanting more public rights to challenge verdicts. Photo: Vincent Mundy

Pending last-minute amendments, though, the new IPC will no longer have a midway review function in assessing major projects.

Nor will it restore third-party merit appeals if a public hearing is held, "a major flaw" in the current process, the NSW Environment Defenders Office said, noting communities near 30 large projects had already been unable to challenge their merits in the courts.

"With this law, the government is abolishing the review function of the Planning Assessment Commission but is keeping the one aspect of those reviews where

communities have pleaded for change: the ripping away of legal rights to challenge the merits of decisions to approve mining projects," Georgia Woods, NSW Coordinator for Lock the Gate, said.



Open-cut case for more community involvement: Hunter Valley coal mines. Photo: Dean Osland

David Shoebridge, the Greens Planning spokesman, said the commission's name change was merely "window dressing", with its members still appointed by the planning minister.

"This was a missed opportunity to expand community rights to bring merit appeals, as recommended by the Independent Commission Against Corruption," Mr Shoebridge said.

Fairfax Media sought comment from Planning Minister Anthony Roberts. His office said he would comment once the bill was passed.

Climate omission

Despite being more than 100 pages long, the bill fails to mention climate change, one of the biggest threats to long-lived assets in the state.

"While the bill has some positive amendments, it fails to address one of the most urgent challenges - planning for climate change," Rachel Walmsley, the EDO's policy and law reform director, said.

"Now more than ever, NSW needs to plan for a responsible carbon future, and our planning system is key," Ms Walmsley said.

The Planning Act would have been the place to address climate mitigation because most of the state's greenhouse gas emissions are authorised through planning and development approvals, she said.



Planning Minister Anthony Roberts brings a lump of coal into the NSW Parliament. Photo: NSW Legislative Assembly

While the Coalition government last year set a net-zero emissions target by 2050, there is no object in the Act to direct development to that end.

"The Greens want every approval for a coal mine or significant development to have to take into account its impact on our climate," Mr Shoebridge said.

"The clock is ticking for us to stop climate change, we have just a few short years."