



MEDIA RELEASE

Planning Minister Hazzard 'mixes it up' on ABC 7.30 NSW over AGL's plan to mine for coal seam gas in South West Sydney

On Friday 2nd November the NSW Department of Planning and Infrastructure sent letters to Campbelltown and Camden community representatives informing them that *the first coal seam gas production development application* under the NSW Coalition Government (Camden Gas Project Stage 3, Northern Expansion) was being transferred from Part 3A to the Government's new State Significant Development (SSD) legislation, and had been referred to the Planning Assessment Commission (PAC) for a *merit review with public hearings* - wiping out the rights of the Campbelltown and Camden urban communities to legally challenge any decision on its merits in the courts.

To the further dismay of the community, the published *Terms of Reference* for the review showed that the PAC could only "*recommend appropriate measures to avoid, minimise and/or offset these impacts*", but could not recommend that the development application be denied. Local community group the Scenic Hills Association (SHA) wrote to the Minister on the 15th November asking for clarification but has received no reply.

On 23rd November 2012, Quentin Dempster of the ABC's 7.30 NSW interviewed SHA spokesperson Jacqui Kirkby on the local community's loss of trust in the NSW Government's new processes for assessing coal seam gas mining projects, suggesting that the community had been 'blindsided'. Mr Dempster then asked the Minister for Planning, the Hon. Brad Hazzard, for a response.

On the program the Minister made three points that we wish to correct. First he accused Mr Dempster and the community of 'mixing up' things. In fact it was the Minister who confused the issues by not clearly distinguishing between the two roles of the PAC on this project (there are two PAC panels, one will *review and recommend*, the other will *determine* the outcome), and between the two ways to appeal to the courts (*judicial review vs. merits appeal*). The Minister would know that the former only allows the courts to review the decision-making process but not to examine the quality of it. It is the latter that has been taken away from the community – and the only real hope of stopping the project should it be approved by the PAC.

Secondly the Minister falsely claimed that it was "not an action of this government" that removed the merits appeal rights. In fact it was *several actions* of his government that removed the appeal rights. The O'Farrell Government first broke its pre-election promise by enacting similar legislation to Part 3A and keeping the discredited processes of the previous government that allow it to override communities and local planning on projects of State Significance. Then in October this year, the Minister used those processes to wipe out the community's legal right to challenge any approval in the Land & Environment Court on its merits.

Finally the Minister denied that the PAC's *Terms of Reference* were limiting, saying the PAC could "*refuse*" the project application. However he failed to clarify the different roles between the two proposed PAC panels. In a Catch 22, the 'determining' PAC could refuse the project but only by going against the recommendation of the 'reviewing' PAC whose *Terms of Reference* do not permit a recommendation that the project be denied.

View: ABC 7.30 NSW 23rd November 2012: [A Lack of Trust](#) and [NSW Planning Minister defends Development Regulations](#)

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