



Tuesday, 22 September 2009

Letter to the Editor of the Sydney Morning Herald – Legal Appeals

I refer to the story “Town planners back third party appeals”, 22/09/09.

The NSW planning system allows residents to challenge development approval decisions made by either a local council or the NSW Government.

For instance, we have long-standing provisions that allow objectors to challenge the merit of approvals for development types which have the potential to have major impacts on adjoining land. These development types include most mines, and chemical, waste management and mineral processing facilities.

A far greater proportion of decisions made by the Minister are potentially subject to these appeals, compared to local council decisions.

That is in addition to a general provision allowing any person to challenge the legality of development approval decisions. It is only in a small number of specific circumstances, such as when proposals are declared critical infrastructure, that challenges to the legality of decisions are not possible.

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