Can the department respond to claims by the Scenic Hills Association that assessing Camden Gas proposal as State significant development would only allow for the matter to be sent to the Land and Environment Court for a judicial review, as opposed to a full review/ appeal.

Department of Planning and Infrastructure response:

General comments

- The measures announced by the department this week relating to the Camden Gas Project will result in members of the public having a far greater opportunity to have their say than would have otherwise been the case.
- The department’s decision to re-exhibit AGL’s revised plans means members of the public will now have an additional six weeks to review the plans and provide their feedback.
- This is on top of the initial six week exhibition in late 2010, resulting in a total exhibition time of 12 weeks or three times the normal length.
- The decision to refer the project to the PAC for review and public hearings will also ensure a heightened level of independent scrutiny, as well as giving local residents an extra opportunity to have their say in person.

Appeal rights

- The project’s transition from Part 3A to SSD does not, in itself, affect the appeal rights available to those who oppose the project.
- However, under NSW planning law, as the merits of the project will have already been reviewed by an independent expert body (the PAC) and the community will have been given a far greater opportunity to participate (via public hearings), appeals on the basis of merit will not be available should the project be approved.
- Other appeals to the Land and Environment Court will, however, remain available.

Reasons for the transition

- The department completely rejects any assertion that AGL is dictating how its project is assessed.
- Following the introduction of the new SSD system in October 2011, a large number of projects were automatically transitioned from Part 3A into the new system.
- However, projects which were already well advanced under Part 3A remained under that system. The Camden Gas Project is one such project.
- The department is currently in the process of accelerating the assessment of outstanding Part 3A projects and removing others from the Part 3A system entirely with the aim of phasing Part 3A out by 30 June next year.
• AGL’s request to move out of Part 3A was in line with this objective and the department was happy to transition the project across to the Government’s new rigorous and transparent assessment system.

PAC independence

• The PAC is separate from and independent of the Department of Planning and Infrastructure.

• However, it should be noted that the government of the day regularly appoints independent experts to panels, tribunals and commissions of all kinds. It is not appropriate to question the independence or integrity of these bodies purely on the basis of their appointment by the government.