



Australians  
for Sustainable  
Development



**MEDIA RELEASE**

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## **Minister for Planning amends law to override legal process at last minute**

The Minister for Planning Tony Kelly has today used ministerial powers to override legal process and legitimate community concerns about contamination at the site of the Barangaroo development.

Australians for Sustainable Development (AfSD) has been awaiting the judge's decision on a recent court case – testing whether the Planning Minister should have paid greater attention to detail with regard to laws regulating development on contaminated land.

“Effectively what has occurred today is that Mr. Kelly has changed the planning law retrospectively to absolve himself of a possible adverse finding that he had not done enough to prevent contamination leaching into Sydney Harbour,” said AfSD spokesperson Cr Marcelle Hoff, the Deputy Lord Mayor of Sydney.

“The court case has concluded in the Land and Environment Court, and now, while we are waiting on the judge's decision, the government has gone and “made amendments” to State Environmental Planning Policy – Remediation of Land (SEPP 55); the exact point of law that we had taken the government to court on.

“By changing the goal posts today, the Minister for Planning is in effect admitting that he has failed the people of New South Wales at Barangaroo,” said Cr Hoff.

“These sudden changes are an admission by the New South Wales government that planning approvals at Barangaroo cannot comply with planning law designed to protect our environment from contamination.

“This is an abuse of power by the New South Wales government - which is the landowner, project manager, planning decision maker and principal financial beneficiary at Barangaroo.

“The Minister has shown complete disrespect for the Land and Environment Court by changing the law that the judge was asked to rule on. By this act, the New South Wales government has set itself above the law,” said Cr Hoff.

The changes mean that the Barangaroo Delivery Authority and Lend Lease are now exempt from carrying out remediation works at the Barangaroo site in accordance with what were legal safeguards (SEPP 55) to ensure the contamination is cleared up.

AfSD calls on the Coalition to commit to a public enquiry into the Barangaroo planning process.

**MEDIA ALERT:** Lawyers for the Minister for Planning will appear before Justice Biscoe in the Land and Environment Court at 4pm today - to explain the amendment to planning law.

**For media interviews contact: Natasha Webb, 0410 729 594**

- Kirsty Ruddock, principal solicitor at the Environmental Defenders Office
- Deputy Lord Mayor of Sydney, Cr Marcelle Hoff