



Speaking to Ray Hadley about Planning Panels

Description

This morning I was invited to speak to [Ray Hadley on Sydney Radio station 2GB](#) about two issues.



If the streaming link above for the audio does not work, try this [direct .mp3 sound file link](#).

The first issue is the prospects for two Development Applications that have been lodged for a concrete recycling plant at Ebenezer.

Both DA's are problematic for a number of reasons, including the loss of tree cover, noise and dust within 700m of a local primary school, the excessive fill proposed, some land use conflicts, and the increased burden on road maintenances from truck movements. [Many Ebenezer locals](#) have contacted

me with their concerns.

However, this particular application draws our attention to a much broader issue, and that's the role of planning panels.

Prior to 2017, most DA's were voted on by elected Councillors. Less contentious ones were processed by Council staff under delegated authority, and only state significant developments were sent to external panels.

In 2017, the news was full of rare bad apples in local government, like [Salim Mehajer](#), whose corrupt behaviour tainted the reputation of Councils as fair judges of development proposals. So the State Government [revoked the ability for all Sydney Councils](#) to vote on DA's and mandated that *all* DA's are to be assessed by [independent panels](#) of unelected bureaucrats.

There are [five Sydney Planning Panels and four Regional Panels](#). Matters go to a *Local* Planning Panel if there are more than 10 public submissions, if it's Council's own DA, or if a matter requires advice. Matters go to a *Regional* Planning Panel if the value of the proposal is over \$20 million, if it is State Significant Development, or "[Designated Development](#)".

Unfortunately, I think the pendulum has swung too far, and democracy has been eroded, even though the impulse — to reduce corruption, reduce red tape, and stimulate the economy, is a worthy one.

The key here is to strike balance. Programs like "[Yes Minister](#)" incisively reveal a productive tension between the public service and elected representatives. Public servants are a professional class, and may have institutional memory and significant subject expertise in an area.

However, appointed delegates to Planning Panels may also be people who do not live in the area in which their decisions affect people, are less connected with local sentiments, and are not truly accountable — they 'have no skin in the game', and if they make an unpopular or incorrect decision there is little democratic remedy.

When I make a decision on your behalf, I have a vested interest in listening carefully to your concerns. If I get it wrong, you get to vote me out, and that's as it should be. This balance between the mechanistic letter of the law and the democratic prerogative of elected representatives usually works well.

People approach me and your other Hawkesbury Councillors regularly expecting that we will represent their concerns on development applications, which is a fairly core function of Council. We have to disabuse them of our ability to influence or vote on matters of public interest, because of this change, even though most Councils are run well and can be fair judges of the merits of an application.

Some among my colleagues argue that Council's role is to set the [frameworks for development](#), such as our Local Environment Plan (LEP), Developer Control Plan (DCP), Local Strategic Planning Statement (LSPS), Residential Land Strategy, Rural Land Strategy, and so on. But Council's process for updating these documents, which is ongoing, has been interminably slow, and has us relying on outdated documents that are sometimes years old. Our DCP, for example, dates to 2002!

I feel I'm in good company in seeking a review of the extent of planning panels, [joining Liberal Councillors in other Councils](#) in branding this an over-reach.

Category

1. Uncategorized

Tags

1. Planning panels
2. Development Applications
3. NSW Planning

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