

## ‘PLANNING PANELS’ BILL FURTHER DIMINISHES LOCAL DEMOCRACY

The Environmental Planning Assessment And Electoral Legislation Amendment (Planning Panels And Enforcement) Bill 2017 passed both Houses of Parliament with amendments on Thursday 10 August 2017. The text of the Bill as passed is [here](#).

Initially the original Bill passed the Lower House (Legislative Assembly) on 9 August 2017 and proceeded to the Upper House for consideration.

In the Upper House The Greens moved, supported by the Shooters, Fishers & Farmers (SF&F), that the Bill be rejected. This failed to get further support and was defeated.

Labor moved a number of amendments that were successful with the support of the Greens, SF&F and Christian Democratic Party (CDP) as follows: Local Planning Panels not to contain property developers or real estate agents, ICAC is to apply to Panels, meetings are to be in public with public notice and recording (audio or video) to be placed on council websites, reasons to be given and placed on websites, and a member with a pecuniary interest cannot take part in the deliberations or the decision.

The Government accepted these amendments which then went back to the Lower House where they and the Bill were approved on 10 August.

Further amendments proposed by Labor and supported by The Greens and SF&F in the Upper House were not successful.

The First Print of the Bill is [here](#) and the schedule of amendments that passed on 9 Aug 2017 is [here](#).

A detailed summary of the Bill appears below under the heading ‘A Summary of EP&A ‘Planning Panels’ Bill.

In brief, Local Planning Panels will be dominated by appointments favourable to the Minister.

Communities’ elected councillors will play no role in relation to assessment of developments over \$5 million, or which have been by certain sections of the Bill or by directions of the Minister sent to the Panels.

Costs are to be paid by councils, that is ratepayers, and not by the Government.

Panels are compulsory in Sydney and Wollongong, and voluntary elsewhere.

The character and heritage of areas is very important to local communities. What kind of development takes place in their area is very much their concern. These matters have always been core issues for local councils.

For Government to take away this important role played by elected councillors is in reality an attack on local communities and their role in the planning system.

It is an attack on local democracy.

## A SUMMARY OF EP&A 'PLANNING PANELS' BILL

1. This Bill takes local democracy away from communities' elected councillors and effectively gives it to unelected appointees of the Minister.
2. The Panels are limited to 4 in number, with the chair appointed by the Minister, two more from a pool chosen by the Minister, and one community member. The Chair has the casting vote. There is no requirement that any Panel members live in the area or have real knowledge of its community (except for the one community person). One Panel can be appointed for a number of council areas.
3. This is an additional level of bureaucracy to be paid for by the Council, that is by the ratepayers who are no longer represented in the process.
4. Three on the Panel may be drawn from planners, architects, economists, tourist operators, engineers, and persons from government or public administration. Many in this 'pool' could be involved in the development industry directly or indirectly and probably conflicted. They are generally subject to Ministerial direction.
5. Councillors sit publicly in meetings and are accountable to their community. They are the representatives of the community. They are subject to a code of conduct and many requirements. Favours are more likely to occur with Panel appointees who may frequently in their work deal with developers of land, and are not responsible to anyone else but the Minister and Government with a policy of 'Development and Growth'.
6. The Bill is mandated for Sydney and Wollongong. To take but one example – Hunters Hill Municipality. The heritage of this area was saved by the actions of its community and elected councils from 1968 onwards. Its heritage was then under threat of demolition and inappropriate development and to a degree still is today. The Council established its own heritage advisory committee early on. Because of the way this community and council has protected Hunters Hill, over 75% now lies in conservation areas and it is recognised as one of the nation's most significant historic areas. This community wishes to retain its local democracy.

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