

Moving planning power from councils to the state of NSW will not help Sydney

SMH 3 June 2017
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The last thing our city needs is a panel of arm's length experts.

Just when you thought the government couldn't get any madder or badder in its overarching Mission Destroy Sydney – when it seemed to have flogged every floggable asset, breached every democratic principle, whittled every beloved park, disempowered every significant municipality and betrayed every promise of decency, implicit or explicit – it now wants to remove council planning powers.



Now-jailed Eddie Obeid, shown here outside the NSW Supreme Court last December, was part of the state-level machinery. Photo: Daniel Munoz

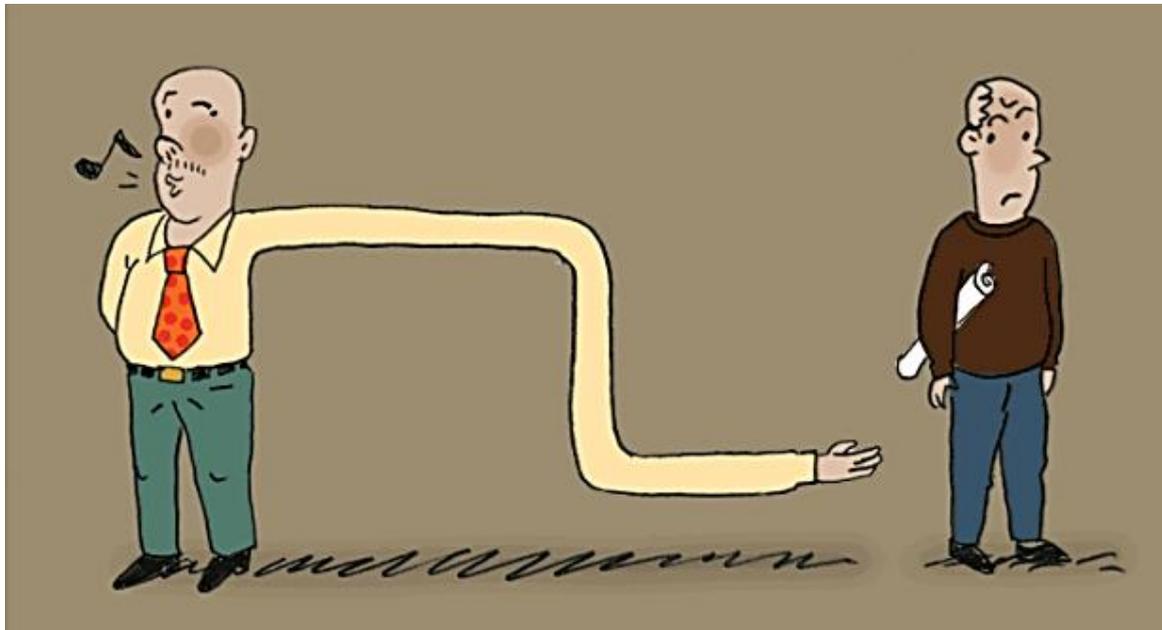
The excuse, naturally, is "probity". Somehow, we're meant to believe that locally elected people are inherently more corrupt than those elected at state level, and that this puts local decision-making into the greedy mitts of Big Developers.

Demonisation like this is an old, old rhetorical tactic, traditionally used by the powerful to justify their oppression of the powerless by painting them as morally and intellectually inferior, subhuman and therefore worthy – or needy – of oppression.

(Thus, 19th-century women could be sent to the madhouse for "imaginary female trouble", "hysteria" or "suppression of menses" and white Christians could persuade themselves that blacks were uneducable, unspiritual and deserving of enslavement or worse.) So it is, in this country, with state governments against councils.

For current purposes, the state's whipping-boy is former Auburn deputy mayor Salim Mehajer, who famously escaped punishment for voting to rezone his own property and closed local streets for his helicopter wedding. Tasteless, certainly. Idiotic even. But compared with state-level misdeeds? Almost sweet. Almost touching.

Same with Jeff McCloy. The developer and former Lord Mayor of Newcastle famously told a 2014 ICAC hearing that he'd dished out so many thousands of dollars he "felt like a walking ATM".



So – uh, run that probity thing past me again?

Fine. Funny. But hang on, wait. Who were the recipients of McCloy's dished-out dollars? Quelle surprise! The supplicant queue included many state-level MPs. "They all come to see me for money," McCloy noted with disarming frankness – including, says ICAC's Operation Spicer report, Chris Hartcher MP (referred to the DPP to see if larceny charges should be laid), Tim Owen MP, Andrew Cornwell MP, Garry Edwards MP and then-police minister Mike Gallacher MP, all of whom – said ICAC – "acted with the intention of evading laws" under the election funding act.

Remember, this is the same level of government that created, and for decades sheltered, Joe Tripodi, whose entire political career was marked by allegations of impropriety and corruption, former Resources Minister Ian Macdonald, currently in custody for granting a mining licence to his union mate John Maitland, and Eddie Obeid – whose family received a \$30 million windfall from the Mt Penny mine deal.

"Misconduct in public office" sounds minor, but the public costs are not trivial. Nor are they merely monetary, although tens of millions of public dollars are lost. The main costs are civic – the destruction of public trust – and environmental – the wanton pollution of our water, land and air. As ever, it's the commons that suffers.

But even that wasn't enough for these gluttonous fools. Still unsatisfied, they then worked to disembowel the very body that made the findings, pushing out Commissioner Megan Latham halfway through her appointed term and hobbling it

into the future. Latham was forced to reapply for her own job and resigned. This is disgraceful. It's Trumpist. Latham was our Comey. Yet we barely whimper.

My point is not that state governments are inherently corrupt, but that they're at least as corrupt as local governments and arguably more so, because subtler, more extensive, more insidious.

A point of clarification: "planning powers" sounds like power to make plans – locating roads, establishing zonings and so on. But that's not what's at issue here, because the state already controls most of that. No, the powers they want are not planning but development control; parcelling out the windfall gains to developers. It's not actually a fight about planning. It's a squabble over who holds the cake tin.

The Berejiklian government's proposal, which was not approved by cabinet Thursday and will instead go to consultation, is not to acquire these powers themselves – not exactly. Rather, they'll hand them to (state-appointed) IHAPs, or Independent Hearing and Assessment Panels and call it "arm's length". It sounds clean and noble – but is it?

IHAPs comprise architects, planners, urban designers and community members. Already, many councils have trialled them voluntarily and consider them useful. But there's a world of difference between voluntary expert advice and mandatory expert control.

And in any case, what exactly does arm's length mean? And why exactly is it good? Arm's length implies distance, and sure, IHAPs are distanced from the public. But they're already excluded from decision-making. As state-constituted panels, though, IHAPS will hardly be arm's length from government.

On the contrary, they'll be panels of government-huggers and consultants who look to developers for their livelihoods. Does anyone believe they will risk dissent? Honestly?

But there's also this. Why would being appointed, and therefore unaccountable, make people more trustworthy?

If anything, it works the other way. "Arm's length" enables MPs to evade responsibility. It wasn't me, your honour, who channelled developer funds into party coffers, who approved this casino on public land. Arm's length, your honour.

Underpinning all this is an assumption that "experts" make better decisions. But do they? I give you Canberra, Brasilia. The most planned cities are usually the least loved. The sweetest cities evolve organically, which is why the old cores of cities are almost always lovelier than their planned and engineered concrete outskirts.

Let's be clear. Planning is not a science. City creation requires wisdom, insight and poetry; these are not supplied by experts.

I kid you not. I've sat on expert committees – including the joint city-state Central Sydney Planning Committee – where "experts" insisted that a string-line from one building to another should set heights for everything between.

Governments love "experts" not because they're independent but because, on the contrary, they're controllable. Predictable. Governments hate councils not because they're in bed with developers, but because (with some exceptions) they refuse to be.

In creating cities, experts should serve the popular will, and no-one is better equipped to voice that will than the populace. Our city is our home. Way too important to leave to the experts.

<http://www.smh.com.au/comment/what-makes-us-think-state-governments-are-less-corrupt-than-councils-20170601-gwhz3g.html>