

From: Sheila [REDACTED]
Sent: Wednesday, 24 January 2018 8:52 AM
To: Legislation
Subject: Local Government Act Review

My comments relate to the planning powers entrusted to local governments.

Planning is a major function of local government. Planning decisions affect the lives of ordinary citizens, and given the permanent nature of such decisions, there is strong expectation that these decisions are made properly. From my recent experience with the Dardanup Shire Council about a planning approval for a restaurant on an adjacent property, third parties have very little power to ensure proper decisions are made. Accountability standards are deficient.

I hope any re-writing of the Act can address the following issues, even though the subject material is planning.

1. Given the impact on the lives of people, accountability standards for council employees (town planners) need improvement. Many professions (particularly in the health field) now operate under an Act where there are specific requirements about entry qualifications, ongoing professional development and professional conduct (which encompasses a formal complaints system). All these things are designed so the public can have confidence that their needs are properly addressed. I think it is time for a professional registration system for town planners. If not this, then a requirement by Councils that their planners belong to a professional organisation (for example the Planning Institute of Australia) where good practice is clearly laid out. Interestingly, at the time of my dispute with the Dardanup Shire, none of its planners were members of the PIA.
2. Accountability standards for individual councillors miss the mark. A complaint can be made to the Standards Panel, but a member of the public has to spend a lot of time deciphering the jargon. Two characteristics of the Panel suggest that its proceedings are designed for the benefit of councillors rather than a member of the public. There is no public advocate on the panel (but WALGA gets a seat). There is no right of appeal for the a member of the public (the complainant), but a right of appeal exists for the councillor (via the State Administrative Tribunal). Not only does the complaints system need an over-haul, but there needs to be some training standards for councillors. I have noted WALGA's intransigence on this issue which inspires no confidence that quality planning decisions will be made by councillors.
3. Council planning approvals need to be accountable to the highest standards. In my opinion giving third parties the right of appeal to the State Administrative Tribunal would achieve this. The current arrangements in Western Australia are biased towards developers (who have appeal rights to SAT) and facilitate second rate development (please note the ministerial intervention to address the problems caused in the Swan Valley by poor past planning approvals). Without third party appeal rights, poor planning approvals by councils cannot be scrutinised nor stopped (unless the Minister for Planning chooses to intervene), and I think it leaves the door open for corrupt conduct on the part of councillors and council staff. I do note the Review focus on red tape reduction, but this should not come at the expense of transparent decision making which can be properly scrutinised.
4. There is an accountability issue for the State Government and its employees to ensure all relevant legislation is considered when councils make a planning decision. As an example, the Dardanup Shire had a long-standing disregard for exercising its responsibilities in areas designated as Landscape Protection Areas as outlined in its own Planning Scheme. In my representations to the

State's Department of Planning there was an awareness of the problem but a definite unwillingness to take any action, even though Landscape Protection Areas were a "joint responsibility" of state and local government. Landscape protection issues were only given a perfunctory consideration when the council came to consider the restaurant's planning application.

John Ferguson

