

ICAC's advice is to steer well clear

Author: Harvey Grennan
Date: 11/09/2007
Words: 476
Source: SMH

Publication: Sydney Morning Herald
Section: News and Features
Page: 29

COUNCILLORS should step aside from discussion and voting on development applications that are associated with someone who has donated above a certain amount to their election campaign.

If this leads to the lack of a quorum they should vote, but any decision should be subject to third-party appeal.

And when developers bypass the local council to take their application to the Minister for Planning, they should declare any donations that have been made to the minister or his/her party.

These are some of the recommendations by the Independent Commission Against Corruption (ICAC) in its final position paper on corruption risks in NSW development approval processes.

ICAC supports the West Australian system that requires local government candidates to divulge donations before an election, but it made no formal recommendation.

It made no findings on calls to ban political donations from developers, leaving this matter to a select committee of the NSW Legislative Council, which is inquiring into the funding of state and local government elections and disclosure of political donations.

ICAC said developers should include in any development application or rezoning proposal to the minister details of any donation made to that political party. "The Minister for Planning has considerable power to approve developments, for example, under Part 3A of the Environmental Planning and Assessment Act," it said.

"There is, however, no obligation equivalent to that placed on councillors to at least consider declaring political donations as non-pecuniary conflicts of interest when dealing with applicants who are donors."

Developers say the commission's proposals to curb corruption don't go far enough. "We support a total ban on all donations, from anyone, to all political parties in local, state and federal elections," said **Aaron Gadiel**, the chief executive officer of the NSW Urban Taskforce, a forum for stakeholders in development and planning. "Political parties should be funded by their own members and a public funding formula tied to election results."

As reported in the Herald last week, ICAC wants councils to give reasons for all decisions on development applications, including approvals, and to record how councillors vote on development matters.

It has recommended that third-party merit appeal rights be allowed where a council is both the applicant and consent authority, and for major and controversial developments such as large residential projects and where development standards are relaxed under State Environmental Planning Policy No.1.

Other recommendations include:

- * The Department of Local Government to co-ordinate training for councillors on planning matters and corruption awareness.

- * Councils disposing of council land should use a competitive process or obtain at least two valuations based on the land's "highest and best use". They should also clearly identify their reasons if disposing of land at below market price for strategic purposes.

hgrennan@mail.fairfax.com.au