

# **'WE ARE NOT CORRUPT' - COUNCIL**

Sutherland Shire Council is seeking exemption from new State laws which remove councillors' power to decide development applications (DAs), claiming that "we are not corrupt."

Labor's Cr Ray Plibersek said residents would lose by removing elected councillors from planning decisions, paving the way for "an overnight, dirty backroom deal."

"We are not corrupt, we have a good process and we should defend it."

The NSW Planning Minister Anthony Roberts will be asked to allow council retain its former control over DAs worth up to \$30 million, rather than by panels vetted by the State Government deciding the big-dollar projects.

Cynics note that the reforms could reduce some corruption risks, but at council level only.

The move was put by Cr Plibersek at Council's last meeting (18 September) and was passed by a vote of 9-5, with Cr Carol Provan breaking from the Liberal bloc to support it. Cr Plibersek is a former internal ombudsman for Council.

Other Liberals tried unsuccessfully to counter by approving the new "anti-corruption" laws of their State Government aimed at councillors. Labor leads a slender majority on Council. DAs below \$5 million are decided by council staff now [or an Independent Hearing and Assessment Panel (IHAP)]. Those costing between \$5 million and \$30 million are solely decisions for IHAP, which has State and Council nominees. More costly projects go to a regional panel, dominated by State Government appointees.

## **STATE MPs JAILED**

"The minister talks about corruption, but never mentions the four State politicians, who have been jailed over the last 20 years."

"In 22 years here, I don't recall a criminal investigation of a councillor or staff member of this council."

"The only investigation received a tick," he claimed. In 2013, ICAC declined to investigate media reports of Liberal shire councillors acting favourably to developers. It had described the allegations as "speculative" with no evidence of corrupt conduct.

A spokesman for the Planning Minister admitted that politics had influenced the recent changes to its changes. "The reforms that passed go further than those released for consultation in January."

"This was a decision made by government in response ... and the need for urgent action ahead of local government elections in September (2017 for some councils)."

He highlighted a "litany of inquiries and corrupt findings by the ICAC regarding councils over the past several years ... this move is well overdue."

"The proper role for council is a strategic one – setting the vision, strategic plans and development controls for the local area rather than determining individual DAs."

*Based on an article in The Leader, 3 Oct 2017.*

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## **Sutherland mayor back in top job after ICAC referral [2014]**

The Sydney Morning Herald, by Michaela Whitbourn, September 26 2014

<http://www.smh.com.au/nsw/sutherland-mayor-kent-johns-back-in-top-job-after-icac-referral-20140925-10lr39.html>

Kent Johns has returned to the role of Sutherland Shire mayor after spending a year on the sidelines following allegations he made decisions that favoured friends and developers.

Cr Johns, who was re-elected on Tuesday night, told Fairfax Media it had been "12 months of wasted time" and the Independent Commission Against Corruption had said the allegations against him were "speculative".

*Mayor returns: Kent Johns, left, with deputy mayor Carmelo Pesce. Photo: Jane Dyson*



A former Labor mayor of Rockdale, Cr Johns was elected as the Liberal mayor of Sutherland in 2012.

But he decided not to contest the mayoral ballot in September last year – and pulled out of a preselection contest for the state seat of Miranda – after the *Herald* reported that he had proposed zoning changes that could have delivered a windfall to two Liberal councillors and benefited property developers and Liberal donors.

One of those councillors, Carmelo Pesce, was elected as deputy mayor on Tuesday by the Liberal-controlled council.

The proposed zoning changes were among dozens contained in a controversial mayoral minute tabled just over an hour before a council meeting in July last year.

Cr Johns and Liberal councillor Steve Simpson, who replaced him briefly as mayor, both referred the allegations contained in the *Herald's* reports to the ICAC last year.

The ICAC informed Cr Simpson on December 2 that it would "not be commencing an investigation".

"The Commission noted that the press reports provided were speculative in nature and there was no indication that any of the Council officials had engaged in corrupt conduct or acted with a corrupt motive," it wrote.

The local government division of the Department of Premier and Cabinet also conducted a preliminary investigation and advised Cr Simpson on December 9 that the allegations and information referred to it "did not disclose evidence of a serious breakdown in Council's operations or major flaws in key Council processes".

It referred "one specific matter" relating to a potential breach of the Sutherland Shire Council's code of conduct back to the council. The council's general manager advised that in his opinion there had been no breach.

#### **LAWFUL BUT UNUSUAL -- REVIEW**

Asked whether his proposal favoured two of his colleagues, Cr Johns said "there's actually been no benefit to them from what I can see".

He said the draft Sutherland Shire Local Environmental Plan (LEP), now on exhibition, "utilises the independent planning panel's recommendations".

An independent review of the draft LEP, ordered by former planning minister Brad Hazzard after the *Herald's* reports, concluded it was "lawful" but "unusual" for mayoral minutes to be used for planning matters.

"However, to say that the actions of the Council ... were lawful is not to say that they were examples of good governance or of good public relations," the review panel said.

It said the council would need to "develop a new, open and transparent approach if it is to rebuild the public confidence lost by the processes which brought about this review".

Cr Johns, who unsuccessfully ran as the Liberals' candidate for the federal seat of Werriwa last year (2013), said the council did not have a "public perception problem".

"There is a problem with the Greens and a problem with the anti-development movement that do not want to see anything happen in the Shire," he said.

His deputy, Cr Pesce, said "public faith in the council has already been restored" as it acted swiftly to address the allegations. He and his Liberal colleague, Hassan Awada, declared their conflicts of interest and took no part in debates relating to the rezoning issue.

"The allegations last year referred to the proposed rezoning of an area in which I owned a single-bedroom investment unit," he said.

"The current LEP has down-zoned the area to a less intensive use *than that proposed in earlier versions*. This change makes it economically unattractive for anyone to redevelop the site."