

Resolution of Council

9 August 2021

Item 2.8

Property Development

Original motion moved by Councillor Scott, seconded by Councillor Thalís -

It is resolved that:

(A) Council note that:

- (i) councils in NSW have an important role in land use planning and development approval;
- (ii) councils assess local development and are able to grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development;
- (iii) in 2020 NSW Minister for Energy and Environment Matt Kean likened allowing property developers to be elected as local councillors to “putting Dracula in charge of the bloodbank” due to the planning decisions taken by councils;
- (iv) in 2017 the City of Sydney put forward a motion to the Local Government NSW (LGNSW) annual conference that LGNSW adopt a policy which prohibits property developers from holding office as local councillors in NSW;
- (v) property developers have an innate bias in planning decisions and allowing them to serve as local councillors erodes the ability of councils to make independent decisions on planning matters;
- (vi) on 22 June 2021 the NSW Legislative Council amended the Local Government Amendment (Elections) Bill 2021 to include a ban on property developers from holding office as local government Councillors, with “property developer” having the same meaning as “property developer” in the NSW Electoral Funding Act;

- (vii) this bill now awaits consideration by the NSW Legislative Assembly with concerns that the government may amend the bill to remove the ban on property developers holding office as local councillors;
- (B) Council oppose those working as, or close associates of, property developers running to be elected to the City of Sydney Council (property developer and close associate are as defined in the Electoral Funding Act 2018); and
- (C) the Lord Mayor be requested to:
 - (i) submit this motion in support of the adoption of a policy which prohibits property developers from holding office as local councillors in NSW to the LGNSW conference for consideration; and
 - (ii) write to the NSW Premier, NSW Opposition Leader, NSW Local Government Minister, NSW Shadow Local Government Minister, and NSW Members for Sydney, Wagga Wagga and Lake Macquarie seeking their commitment to oppose any attempt to amend the Local Government Amendment (Elections) Bill 2021 to remove the ban on prohibiting property developers from holding office as local councillors in NSW.

The motion, as varied by consent, was carried unanimously.

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