

# **Making Development Planning Decisions ‘in the Public Interest’ How Can We Improve?**

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# **“In The Public Interest”**

- **Acting ITPI fundamental to good public administration in a democracy**
- **Complex concept**
- **Means public officials acting in interests of majority; for wellbeing & benefit of public/society as a whole**
- **However, means different things to different people**

# Where is the term currently used ?

- DPE Assessment Reports; Independent Planning Commission Reports, etc (both for & against)
- Other panel or government decisions
- Ministerial announcements & politicians justifying decisions made for various reasons
- Term is used too loosely; over-used

# So Who is “the Public”?

- Neighbours, region, state, national & global
- Need to genuinely consider interests of all, including sub-groups (eg. Indigenous, farmers, etc)
- Stakeholders include proponent, govt, vested interests
- Who has greatest influence on a decision ?
- Is the playing field level for all?

# Key Questions

- What are high level/guiding principles that should underpin decision?
- How do you weight rights/interests of minorities relative to interests of majority?
- Can we be sure public officials are being fair & transparent in exercising discretionary powers?
- How do public officials deal with undue political or private influence? Is there impartiality & no bias in response to the pressures?
- Are natural justice principles applied?
- Is there full transparency & accountability in decision making?

# Alternate Definition of Planning Decisions Made 'In the Public Interest'

A decision that provides the maximum benefits to the community & the general public (of NSW), but in such a manner that no neighbours or district shall be worse off environmentally, socially or economically. Or if they are, then those externalised costs are carried by the proponent to the satisfaction of the impacted party.

- Who speaks for environ? Eg climate change, biodiversity, enviro flows?
- Should change over time to reflect changes in society
- Shape & form of our economy, not the size, key factor in our wellbeing
- In mining context, wealth inherent in minerals owned by public (ie a public good). Should be used for our common wealth, not select few

# Examples

## 1. Lithgow coal mines

- Over-riding community need for local jobs
- Risk of depression, social deterioration if employment not maintained

## 2. Wind Farms

- Can divide communities
- Depends which side of the fence
- Self interest - host landowner v unhappy neighbour

# Case Studies

## Case Study 1: Sunrise Mine: Neighbour 'Public'

- Farmer has to prove 'adverse & direct impacts' from mining activity on his nearby g/w supply
- 'Contemporisation' of consent by DPE (only proponent knew & endorsed)

## Case Study 2: Vickery: Neighbour 'Public'

- Farmer exposed to noise & dust; water impacts. Does he stay, with mitigation measures at homestead or sell to miner?
- If to sell; what capacity to influence terms? How level the playing field for negotiation?



# Characteristics of Decision Making Process that Acts 'In the Public Interest'

- Complies with both letter & spirit of the law
- Fair procedures (inclusiveness, voice heard & acted upon) & provide natural justice
- Public servants act honestly, fairly, impartially & apolitically
- Public trusts & has confidence in the decision-making process
- Accountability & transparency in behaviour of all parties involved
- Conflicts of interest are avoided/properly managed
- Governance capacity: resources & the will applied to protect public rights & identify, expose & address corrupt conduct or maladministration

# Contact Details

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