

# LOCAL GOVERNMENT LAW JOURNAL

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## **The curious case of property rights in the NSW planning system and its reluctance to adopt transferable development rights – *Peter Williams***

The mechanism of transferable development rights (TDRs) is an innovative and often effective tool at the disposal of planners to implement various land use management objectives. Yet in New South Wales there has been a general reluctance at a State government level to embrace TDRs as a planning tool. An often cited reason is that development rights are not assumed or guaranteed under the *Environmental Planning and Assessment Act 1979* (NSW). Yet in several instances, State government planning decisions have apparently contradicted this advice, including compensation, acquisition or rezoning of land to protect property and development rights. This article argues for the need for consistency of State government policy in the area of property and development rights, and that, irrespective of State government intransigence, effective TDR schemes are possible. .... 61

## **The hydra beast of Western Australian local government and the misconduct risks faced – *Sarah Withnall Howe***

Currently Western Australia has over 140 local government bodies, each headed by a Chief Executive Officer, staffed by multiple public officers and comprised of a number of elected councillors. These local governments are regulated by complex legislation and are overseen by the Department of Local Government who reports to the relevant Parliamentary Minister. Further to this, the relevant legislation creates a Local Government Standards Panel who can receive complaints about elected councillors and also allows for the State Administrative Tribunal to hear and determine some complaints against elected councillors. Local government in Western Australia is analogist to the multiheaded Hydra beast of Greek mythology; being that there are multiple participants within local government, each with their own capacity to make decisions which affect a wide array of stakeholders. It is against this backdrop that oversight bodies – such as Western Australia's anti-corruption agency, the Corruption and Crime Commission – must attempt to monitor corruption issues within local government. This article will argue that the multiple heads of local government within Western Australia hinders the monitoring of local government corruption issues. It will also argue that these multiple heads have the potential to foster corruption practices within local government. Suggestions to overcome these issues will be made. .... 80

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