

To the expert panel 14/12/22

Re Council assessment panels

I have been in front of the council assessment panel a few times and I am shocked by the procedural unfairness and injustice.

This is how it is for the applicant to subdivide his land. After trying to persuade a council planner of the merits of the development and having an adversarial experience rather than what would be the best outcome considering the rules the planner writes a report for the CAP recommending refusal. They include in that report all the arguments from the applicant but has had the opportunity to consider the points and puts in the report their argument against. The applicant only sees that report a couple of days before it goes to the Panel. There is no real opportunity for rebuttal.

When the applicant attends the meeting where the report is considered they have no right to address the Panel and must sit mute while possible factually incorrect details are given to the Panel.

There is no opportunity for discussion yet the Panel invites the planner to emphasise why they are recommending refusal.

The Panel then pretend to discuss the application however it is clear a decision has already been made behind closed doors and no reasoning on the merits is visible or available nor is it able to be challenged.

Why is the process not open and transparent?

In my case I saw the long time chairman push his point of view on the other panel members.

The chair should change every say five years and maybe the panel have a rolling change.

For the applicant to get a fair hearing they then need to appeal to the ERD Court which takes time and money for both parties although the cost is not unreasonable if you represent yourself.

I feel a lot of time and money could be saved if an applicant can have a right to direct discussion with the Panel prior to any decision.

As it is the Council, though it claims the Panel is independent, is effectively the prosecutor, judge and jury and the defence can't even speak let alone cross examine the planners report or the planner.

This is unfair and not just and costs the community unnecessarily

My experience is with the Tee Tree Gully Council.

Happy to discuss this in more detail

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