

The Main Beach Association

Sharing a vision for Main Beach and The Spit

The Main Beach Association Inc.

Registration QLD 1A55586

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Friday March 23, 2018

Economics and Governance Committee
Parliament House
Brisbane Qld 4000

Dear Committee Members,

Local Government Electoral (Implementing Stage 1 of Belcarra) and other Legislation Amendment Bill 2018

Background of the Main Beach Association

The Main Beach Association was formed in January 2016 as a direct response to [REDACTED] proposed development of two 44-storey towers at Mariners Cove on the Southport Spit, despite the area's 3-storey height limit in the 2016 City Plan. During the campaign waged against this development, our Association became aware of possible improper connections between the developer, [REDACTED], and donations to candidates in the March 2016 Gold Coast Council elections. These concerns were conveyed to the Hon Jackie Trad, Minister for Local Government in a submission entitled 'Developers, Political Donations, and the Gold Coast City Council' (12 May 2016, attached.)

Main Beach Association responses to aims of the Amendment Bill 2018

As our Association worked to preserve the 3-storey height level of The Spit, we became aware that the behaviour of the Mayor and certain councillors and officers displayed disturbing conflicts of interest and a lack of transparency in many aspects of policy. This led us to support other community and business organisations, several of which were established as a direct result of actions by a Council believed to be acting in the interests of developers and special interest groups, rather than the wider community.

When the Main Beach Association made its submission on the first draft of this Bill (26 October 2017, attached), we were unaware of very serious issues of probity surrounding the destruction of Black Swan Lake and the proposed sale of the Bruce Bishop Car Park. However, given that you will read detailed submissions from the organisations directly affected, we will confine our responses to examples involving Main Beach and The Spit.

1. *Reinforcing integrity and minimising corruption risk that political donations from property developers have potential to cause at local government level*

As stated in our May 2016 submission, referred to above, we strongly believe that developer donations funnelled through the [REDACTED] were a major factor in the election of councillors who could be relied upon to vote in support of [REDACTED] at all times. In particular, the voting record of [REDACTED] would appear to bear this out. Similarly, much of the electoral funding provided to [REDACTED] appears to have come from development-related entities. Her record of staying in the room to vote on developments involving her donors, though legal, exemplifies the urgent need for reform of the legislation

In terms of the 2016 Council elections, we believe that it was the quality (i.e. expense) of campaigns rather than the quality of candidates that ensured victory in many Divisions.

2. *Improving transparency and accountability in local government*

There are several examples in relation to The Spit that reflect serious shortcomings in this vital area of corporate governance.

- a. As was shown on the 2017 Four Corners program, 'All that Glitters', [REDACTED] signature policy when running for re-election was the development of a Cruise Ship Terminal, at no cost to ratepayers. After expenditure of \$2 millions of ratepayer funds, a consultants' feasibility report was released, with key findings heavily redacted. Further major expenditure on feasibility studies has been approved by a majority of councillors, despite no commitment to an ocean-side cruise ship terminal having been made by either the State Government or the cruise ship companies.
- b. [REDACTED] has a Technical Advisory Group comprising representatives of developers, including [REDACTED] and [REDACTED] the proponent of a high-rise casino development on State-owned land on The Spit. When in late 2017 the State Government rejected the [REDACTED] proposal, [REDACTED] tasked his Technical Advisory Group with producing a report on changing height limits in the City Plan. (No minutes are kept of the meetings of this group.) A copy of the Group's report, which is believed to recommend an increase in building heights on The Spit from 3 to 25 storeys, was obtained by Four Corners, but has not been released to our Association, despite Right to Information requests.
Unfortunately, secret meetings, redacted documents and closed meetings are all emblematic of a culture of secrecy in the Gold Coast City Council. Any councillor who dares to disagree is publicly derided and punished by [REDACTED] and, in one case, sued for defamation. (A notable example of this practice of retribution occurred when the councillor for Southport organised a rally to oppose [REDACTED] plan for an [REDACTED] on the bowls and tennis court sites of her Division. [REDACTED] stripped her of her role as Chair of an important committee and attempted to publicly humiliate her.)
- c. In May 2017, the Main Beach Association lodged an official complaint to the then Minister of Local Government regarding [REDACTED] failure to comply with Council Policy and the Local Government Act. The complaint referred to his initiation of a Community Consultation on his proposal to extend the light rail through Main Beach to The Spit. (8 May 2017, attached). Although the campaign led by our Association forced [REDACTED] to back down, his behaviour reflected yet another attempt to subvert the 3-storey height limit of the Spit in the 2016 City Plan. (Although not part of the Amendment Bill, the way in which complaints about councillor and mayoral behaviour are handled is another aspect of the Local Government Act in urgent need of reform. Our complaint was simply referred back to the Council [REDACTED]—who reports to [REDACTED]. Needless to say, [REDACTED] denied that any breach had taken place.)

Conclusion

The Main Beach Association strongly endorses the detailed submissions being made by organisations such as Gecko and Save Surfers Paradise, and hopes that the implementation of Stage 1 of the Belcarra recommendations leads to a much more representative and accountable Council on the Gold Coast.

Yours sincerely,
Sue Donovan
President, The Main Beach Association

Submission to
the Honourable Jackie Trad, Minister for Local Government

**Developers, Political Donations
and the
Gold Coast City Council**

12 May 2016

Main Beach Association¹
President: Mr David Hutley
Secretary: Ms Susan Donovan
Treasurer: Ms Carol Edwards
<http://mainbeachgc.com.au/>

¹ The Main Beach Association was formed in December 2015 to represent and inform residents about planning and development decisions in the area.

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12 May 2016

Introduction

Based on recent revelations in the Gold Coast Bulletin² and other media, the Main Beach Association asserts the newly elected Gold Coast City Council is compromised and has lost the public's confidence in its ability to act properly on property development approvals.

This submission provides case studies to illustrate the impact of political donations on the Gold Coast and to highlight some of the issues that need to be addressed in order to restore public confidence in the planning process. The issues and case studies described below form part of a disturbing pattern.

Background

The Main Beach Association has a vested interest in who represents Division 7 on the Gold Coast City Council due to the imminent decisions to be made regarding the [REDACTED] development on The Spit. The development consists of two 44-storey towers that will greatly impact on the area which was previously limited to a 3-storey height. Potentially the [REDACTED] development will create a precedent for more hi-rise development on The Spit, a unique open parkland bordered by a pristine ocean beach that defines the area for both Division 7 constituents and the many people and tourists from the Gold Coast and beyond who use the space for swimming, surfing, dog walking, fishing and many other recreational activities.

Case studies

1. *Endorsement of Council candidates by a political party*

When applying to run for Council, a candidate is required to disclose whether he or she is independent or endorsed by a political party. However, in the case of candidates [REDACTED] and [REDACTED], despite receiving \$30,000 each from the [REDACTED] they failed to disclose this very strong connection to the LNP. As well as receiving financial support, it was obvious that each had a large band of LNP supporters working for them during pre-polling and on polling day

2. *Voting on development applications despite having received donations from the developer*

² See articles in the Gold Coast Bulletin by Andrew Potts, Paul Weston and Kathlene Skene from 4 May 2016 to 12 May 2016 including [REDACTED]

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An example of treating the public interest with contempt is that of [REDACTED], who refused to absent himself from a future vote on the [REDACTED] development on The Spit, despite having declared a donation from [REDACTED] in the 2012 election. In an interview he claimed that he had had a meeting with other Councillors and the Mayor and they voted it would be in the public interest for him to not abstain from the [REDACTED] development vote despite the perceived conflict of interest.³

3. *Unhealthy links between developers and politicians*

These are typified by the now well documented links between [REDACTED], politicians and leading developers. Although allegations were made during the election campaign, it is only now that the connection has been made public. [REDACTED] client list of developers includes [REDACTED]. During the recent elections, [REDACTED] advised on the campaigns of [REDACTED] according to the Gold Coast Bulletin of 12 May, 2016⁴. [REDACTED], [REDACTED] former media adviser, refuses to answer questions from the Gold Coast Bulletin on funding,⁵ as does [REDACTED].

It was notable that on polling day the same telephone marketing process was used up until 3pm for the campaigns of both [REDACTED]. It is unclear from where the telephone numbers were obtained. In a recent radio interview [REDACTED] denied that he knew the names of [REDACTED] developer clients, a claim that is inconceivable in the close knit Councillor/developer community of the Gold Coast.

4. *Federal interference in Council matters*

The Gold Coast Bulletin of 12 May 2016, claims that [REDACTED] ensured the election of [REDACTED]-preferred candidates in the northern divisions with 'a killer funding blow'⁶. [REDACTED] justified this approach by stating that he saw no greater public service than ensuring that

³ See article: Gold Coast Bulletin, *Council donations loophole: Widespread confusion for Gold Coast City leaders* 19 November 2015 at <http://www.goldcoastbulletin.com.au/news/gold-coast/council-donations-loophole-widespread-confusion-for-gold-coast-city-leaders/news-story/f2e59342f461efa778fce0ee10d97239>

⁴ Gold Coast Bulletin, *How LNP Got its Bloc Party*, 12 May 2016, at <http://www.goldcoastbulletin.com.au/news/council/how-the-gold-coast-council-poll-played-out-behind-the-public-stage-in-each-division/news-story/ca6e61badfe6e5a81d6a9b29fa82364a>

⁵ Gold Coast Bulletin, 11 May 2016, *Declarations of integrity, and Vorster stalls again*, p6 and Gold Coast Bulletin, 13 May 2016, *Vorster blocks it out as donor row grows*, p6.

⁶ Gold Coast Bulletin, 12 May 2016, *How the Gold Coast Council poll played out behind the stage in each division*, <http://www.goldcoastbulletin.com.au/news/council/how-the-gold-coast-council-poll-played-out-behind-the-public-stage-in-each-division/news-story/ca6e61badfe6e5a81d6a9b29fa82364a>

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a Labor candidate did not win Division 5 - an astounding claim. [REDACTED] has form interfering in property development assessments at local government levels. In 2013 he asked then [REDACTED], to 'call in' the decision over a blocked \$200 million apartment development. This request was on behalf of property developers who made subsequent donations of \$7,000 to [REDACTED] 2013 election campaign⁷.

5. [REDACTED] *manipulation of Division 7 result*

Due to previous history, [REDACTED] wanted to make sure that candidate [REDACTED] could not win Division 7. [REDACTED] was persuaded at the last minute to run for Division 7, the busiest and most important division on the Coast. This elderly [REDACTED] won, partly through name recognition by older residents, and partly through a very heavily funded campaign featuring the word TRUST. It had all the professional hallmarks of [REDACTED] yet [REDACTED] claims that apart from a small donation by [REDACTED] his campaign was funded by his family. Where the money came from to fund his elaborate campaign remains a mystery. [REDACTED] had previously received donations from [REDACTED] in his unsuccessful run for mayor in 2004).

Since [REDACTED] won office it has become apparent to those that have met with him that he is not capable of carrying out his job in an effective manner. They report he is unable to grasp complex ideas; he also claims that, despite having been chair of the [REDACTED], he knows only what he has read in the paper about the [REDACTED] development. He seems to be unaware of the forthcoming [REDACTED] integrated resort development.

The election of [REDACTED] to the most important, and probably the most politically sensitive division, in that it covers The Spit and Surfers Paradise where huge developments are planned, symbolises the fact there is 'something rotten in the state of the Gold Coast City Council', to paraphrase Shakespeare. In another Classical allusion, the Gold Coast Bulletin, normally very supportive of development, currently lampoons the Council by using the image of a Trojan horse.

Conclusion

Clearly, there are several steps that could be taken by the Department to restore public confidence in Council decision making.

1. Clarify and tighten up what is allowable in terms of disclosure of political funding.

⁷ Sunshine Coast Daily, [REDACTED] *went to bat for the \$200m block*, 8 March 2016 at <http://www.sunshinecoastdaily.com.au/news/robert-went-to-bat-for-200m-block/2968329/>

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2. Ensure that Councillors who have received funding, either directly or indirectly from relevant developers, at any time previously, abstain from voting when there is a conflict of interest. (This happened in Melbourne recently when half the Council, including the Mayor, abstained from voting on a new development designed by architect [REDACTED]). For example, in the case of the impending sensitive [REDACTED] decision, the following Councillors may have a perceived conflict of interest: [REDACTED]
[REDACTED]
[REDACTED]
3. Ensure transparency in terms of links between companies whose clients include both politicians and developers.
4. Ensure that politicians from the State and Federal spheres are not able to interfere in Council matters.
5. Initiate a Crimes and Corruption Commission enquiry to determine whether the current Council is a fit and proper body to make decisions on development applications—and delay any major planning decisions until this is determined.

⁸ ArchitectAU, [REDACTED] Melbourne tower gets clear path through council, 6 May 2016 at <http://architectureau.com/articles/zaha-hadids-melbourne-tower-gets-clear-path-through-council/>

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26/10/2017

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Local Government (Implementing Belcarra) and
Other Legislation Amendment Bill 2017

Electoral Act
273 Prohibited Donor

Our organisation is firmly of the belief that the draft definition does not go far enough in preventing developers and related entities such as town planners, engineers, builders and so on, from donating to candidates. Nor does it take into account recent gifts to candidates that allows them to put some of their income into their electoral fund.

A telling case study on the flow on effects of political donations at Local Government level is provided by the [REDACTED] application for a high-rise development at Mariners' Cove on the Southport Spit. (We will not go here into the well documented details about the close connections between [REDACTED] and [REDACTED].)

It is very clear to observers of Gold Coast City Council affairs that [REDACTED] cash donations to [REDACTED] and [REDACTED] in the March 2016 Council elections were intended to stack the Council in order for it to approve non-compliant developments, particularly the [REDACTED] development. It was notable that the Council decision on [REDACTED] was delayed for twelve months in the hope that planning regulations on The Spit could be changed to allow for high-rise development.

In addition to cash donations from the [REDACTED], assistance in kind through corflutes, printing and robot calls was provided to several candidates through [REDACTED]. Of particular interest to my Association was the assistance provided to candidates [REDACTED] committee, and [REDACTED] as the [REDACTED] whose candidature for [REDACTED] was announced at the very last minute before nominations closed.

[REDACTED] support for the [REDACTED] development was particularly egregious given that his own planning officers had come up with 14 substantial reasons why the development application should not be approved. As for [REDACTED] it is widely believed that he was persuaded to stand for Council in order to prevent one of several strong candidates from representing the most important division on the Coast—certainly in terms of development potential.

Despite the best efforts of councillors who had received assistance from [REDACTED] and the [REDACTED], [REDACTED] was unable to persuade the majority of the Council to approve the [REDACTED] application, so moved to defer a decision for 12 months—a period which has now passed.

However, the [REDACTED] case is not over by any means. (It is of particular significance as The Spit is public land zoned 3 storeys, and a constant target of both local and foreign developers. If the three-storey height limit is breached by one development, the precedent will have been created for other high rise development.)

[REDACTED] recently tasked his Technical Advisory Group, comprising representatives of several developers, including [REDACTED] to advise on building height increases. A copy of this heavily redacted report, which was shown on the recent Four Corners program, 'All that Glitters', proves that there is indeed a secret recommendation for high rise buildings of up to 25 storeys on The Spit.

We hope that this case study will help your committee to appreciate the wider implications of donations to councillors, in cash and in kind, by developers and related entities.

On the Gold Coast, this issue and the others addressed in the draft legislation, have led to deep distrust in a Council that has more than two years to run.

Time does not permit us to address specifically issues in the Local Government Act such as: S175D, conflict of interest; S175E conflict of interest at a meeting; and S1751 (2)

However, as frequent observers of Council meetings, our members can attest to the need for significant reform in all of these areas, including tightening up of some of the wording of the draft legislation and ensuring that councillors who have a conflict of interest in a matter before council that is to be voted on have to remove themselves from the Chamber while the discussion and voting takes place.

Our Association has spent nearly two years fighting off proposals for inappropriate developments on The Spit and other areas of Main Beach, with enormous community support. It is our hope that stringent tightening up of both the Electoral Act and the Local Government Act would lead to a lessening of the perception of corruption in the Gold Coast City Council.

On a different issue our association also had occasion to lodge a very serious complaint against [REDACTED]. This complaint was referred to the [REDACTED] to determine, as was the law at the time. Naturally he found in favour of [REDACTED]. Therefore, we welcome the appointment of an independent arbitrator to determine the outcome in future similar cases.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'David Hutley', with a stylized flourish at the end.

David Hutley
President
The Main Beach Association

8 May 2017

The Honourable Mark Furner MP

Minister for Local Government

1 William Street

Brisbane QLD 4000

Email: local.government@ministerial.qld.gov.au

Dear Mr Furner,

The Main Beach Association¹ at the Gold Coast lodges this official complaint with your Department about recent conduct of the [REDACTED].

As will be seen below, by initiating a Community Consultation on a light rail proposal without complying with the relevant rules, he has breached both Council Policy and the Local Government Principles that underpin the Local Government Act 2009 (Qld).

Background

[REDACTED] recently announced a public consultation on his proposal for an extension of the existing light rail from the Gold Coast Highway to Sea World at Main Beach on the Gold Coast. He released drawings to the media of four different routes through Main Beach and claimed that the costing of \$200 million would be provided by developers wishing to build high rises on the Southport Spit at Main Beach. The sudden announcement and short consultation process came out of "left field". The lack of consultation process has created great uncertainty for Main Beach businesses and property owners (we know of at least one major shop fit out and lease cancelled due to the announcement). Residents are angry about the proposal as it will destroy the village character of Main Beach and impact on their lifestyle and enjoyment of the area. It is generally assumed that the light rail extension proposal is not in the interests

¹ The objectives of the Main Beach Association are available at: <https://mainbeachgc.com.au/objectives/>

of Main Beach nor the public but is only for the benefit of pushing through approvals for the [REDACTED] development, [REDACTED] Cruise Ship Terminal and high-rise development on The Spit in the future. This connection is not highlighted in any of the information provided by the GCCC to the public. The Main Beach Light Rail extension should therefore not be approved in isolation but rather be acknowledged as part of a massive high-rise development; approval of the Main Beach light rail extension will change the current 3-storey height limit on The Spit to unlimited height and density.

Timeline of events – Announcement of Light Rail Public Consultation

Saturday 1 April 2017	[REDACTED] informed Gold Coast Councillors by confidential email of the Main Beach Light Rail extension at 2.00pm on Saturday afternoon within a few hours of publication and on a weekend.
Sunday 2 April 2017	Article published in Brisbane-based publication, the Courier Mail: <i><u>"First look at Gold Coast's planned \$200m light rail extension to The Spit"</u></i> ² outlining details of the proposal: <ul style="list-style-type: none"> • Four possible routes were identified • <i>"No cost to ratepayers" – "future developments on the Spit would bear the cost of the project"</i> • <i>"The options will go to public consultation today"</i> (with no mention the closing date of consultation will be in less than a month, 1 May 2017).
Sunday 2 April 2017 11 am	Media conference held by City of Gold Coast Council to announce the "Light Rail Community Consultation process" running 2 April 2017 to 1 May 2017. Given the extremely short notice (less than 24 hours and on a weekend), the only community member to attend was [REDACTED] the Main Beach Association. The only TV camera crew present were <u>Seven News Gold Coast</u> (who complained that they had not been advised of the event until the last minute).
Monday 3 April 2017 3 pm – 6.30 pm	First "Community engagement listening post" held at Marina Mirage, Main Beach. Again, due to extremely short notice (only 48 hours) and inconvenient time for working people, only fewer than 50 people in attendance.

² Courier Mail, "First look at Gold Coast's planned \$200m light rail extension to The Spit" by Jeremy Pierce, 2 April 2017 at: <http://www.couriermail.com.au/news/queensland/first-look-at-gold-coasts-planned-200m-light-rail-extension-to-the-spit/news-story/04963459409fba6bc04771ae4a418d3f>

Monday 10 April 2017 8 am – 11.30 am	A mere week after the announcement, the second “Listening Post” held at Tedder Avenue. Approximately 250 traders and residents staged a rally at this event to oppose the light rail extension and object to the flawed nature of the consultation process.
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In all, there has been a period of barely seven hours of community consultation and fewer than 300 people have attended the two “Listening Posts” events. No details about the project were posted on the GCCC website.

Breach of Council Policy – Community Consultation was not approved by the GCCC

██████ failed to consult Councillors prior to starting the public consultation on the proposed Light Rail extension. In fact, a Council resolution is required for any formal public survey. The Gold Coast Council Community Consultation Policy³ states:

“Prior to any formal public surveys being undertaken as part of community consultation (or any other activity), a Council resolution is required in accordance with G07.0622.025 (“That Councillors be informed prior to any further surveys being undertaken, with information being provided such as who is undertaking the survey, and what questions are being asked”).

Councillors in this instance were informed of the survey one day before the announcement as reported in the Gold Coast Bulletin:

Gold Coast councillors were kept in the dark about a proposed Main Beach light rail spur line until 24 hours before the plans were unveiled.

The secrecy around the plans which were released for public consultation on Sunday have led to questions about whether council policy was breached.⁴

Of particular note are the comments made by ██████, representative of ██████ on the GCCC, the electoral division that includes Main Beach and The Spit. He told the crowd at the second “Listening Post” on 10 April 2017 as reported in the Gold Coast Bulletin:

³ City of Gold Coast, Community Consultation Policy effective from February 2016, page 2, at: http://www.goldcoast.qld.gov.au/documents/bf/Community_Consultation_Policy.pdf

⁴ Gold Coast Bulletin, “Gold Coast councillors left in dark over Main Beach tram line” on 5 April 2017 at <http://www.goldcoastbulletin.com.au/news/council/gold-coast-councillors-left-in-dark-over-main-beach-tram-line/news-story/38c3ad0ef15c005fdcf490da055e68df>

"Because just over a week ago was when I first learned of this myself — this is a surprise to me...Personally I can't see how a light rail can fit along Tedder Avenue without taking the cars away," [REDACTED] said.⁵

To this day, no significant supporting information enabling an informed assessment of the light rail extension proposal has been made available by the GCCC website online. Only a bare

⁷ Confirmed by two councillors on this committee, [REDACTED] and [REDACTED], as reported in Gold Coast Bulletin article: "Opinion: [REDACTED] struggles to understand where the #BetterOurSpit campaign came from" [REDACTED], April 8, 2017 12:00am at:

(70 word) mention of the survey is provided with a link to another website for the online survey (explained below).⁸

Breach of Council Policy – Flaws in the Online Consultation Survey

The online survey questionnaire was active for a period of only four weeks—from 2 April 2017 until 1 May 2017. To complete the survey, respondents were required to register at a site called gchaveyoursay.com.au, managed by an international, Melbourne-based company called [REDACTED].⁹ Problems with the online consultation survey are:

- there was practically no supporting information to enable an informed analysis and review of the proposal provided, for instance, in the form of maps, plans or discussion points.
- the survey site did not present any significant information until *after* the visitor respondent had logged in.
- questions were poorly worded and in the case of the last question, ambiguous.
- once a respondent had completed the survey, it was not possible for them to look again at the four route maps. Nor was it possible to see the information anywhere else since, as explained, there was no information available on the GCCC website.
- a significant number of elderly people reside in Main Beach, and many of them have told our Association that they are unable to use the Internet. By having no opportunity to give their views in person, this demographic was effectively disenfranchised from expressing their views. There was a limited letterbox distribution of a postcard referring to the community consultation. However, it did not allow for any response other than the online survey.
- there were no submission forms that people could fill in and send to the council.

⁸ <http://www.goldcoast.qld.gov.au/council/light-rail-main-beach-to-the-spit-40346.html>

⁹ We note that their Privacy Policy provides: “We collect information that you put on the site after you have signed up including but not limited to ... Comments in forums; Votes on other comments in forums...” We understand that this means voting records are maintained and we question who in the Gold Coast City Council will be provided with this kind of personal information. The collection and retention of this information may not be in compliance with privacy laws.

- there was no council help desk established to enable people to ring in and get information about the project.
- many Main Beach residents found this site so difficult to manage that our Association felt obliged to set up a shop front in Tedder Avenue to advise passers-by how to navigate the survey site.

The poor design of the survey site, together with the unavailability of the route maps on the GCCC website, indicate that [REDACTED] has failed to comply with the following Local Government Principles:

- a) transparent and effective processes, and decision making in the public interest;
- c) democratic representation, social inclusion and meaningful community engagement;
- d) good governance of, and by, local government; and
- e) ethical and legal behaviour of councillors and local government employees.¹⁰

Background to flawed “consultation”

It is evident that significant ‘behind the scenes’ planning has taken place for the proposed light rail extension. Local news media have speculated¹¹ that the proposal and rushed consultation is simply an attempt to help developers build high-rises on land along The Spit. Although the town plan dictates a three-storey height limit, “intensified” development and reduced car parking requirements are allowed for sites within 800m of a light rail track. The surprise month-long community consultation would enable a report to be prepared for Council, reporting some community support in principle for a light rail route to Main Beach, which ultimately Council planning officers could use as a basis to approve multi-storey developments without the light rail extension ever being built.

¹⁰ Local Government Act 2009 (Qld) at <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/L/LocalGovA09.pdf>

¹¹ Gold Coast Bulletin article: "Opinion: [REDACTED] struggles to understand where the #BetterOurSpit campaign came from" [REDACTED], April 8, 2017 12:00am at:

Breach of Council Policy – Funding of the Public Consultation Process

It is evident that significant funds have been expended on both the planning and on the public “consultation” processes. The Council has yet to reveal the cost to date of these exercises, and whether it was paid for from ratepayers’ funds—or from some external source. The following list describes some of the light rail extension-related activities that have taken place.

- Route options have been determined and assessed with some level of technical transport planning expertise.
- Detailed ‘on the ground’ technical evaluations appear to have taken place – local residents report that blue markings are visible on roads for which light rail routes are proposed. These markings are consistent with an investigation of the services that would be impacted were the light rail to proceed.
- Route maps and other materials have been prepared.
- A survey company has been engaged, survey questions have been determined, the material has been published on the questionnaire site and presumably measures implemented to monitor, assess and report the results.
- Council resources have been used to prepare media statements and disseminate them to the media.

When elected, all councillors are required to take an oath that they will uphold the Local Government Principles. It is our view that [REDACTED] is in breach of the Local Government Principles that underpin the *Local Government Act 2009* (Qld), for the following reasons:

- the process regarding the light rail consultation was not transparent;
- the timing, control over relevant information and onerous requirements on respondents to participate in the survey was designed to give the appearance of complying with the requirements of a proper consultation (thereby enabling [REDACTED] to say a consultation had been provided, whereas in practice the design had severely limited the level of public consultation);
- the consultation was not conducted in a manner that served the public interest;
- the consultation was not meaningful; and
- the consultation did not demonstrate ethical and legal behaviour.

The Main Beach Association wishes to know how much has been spent with [REDACTED], and how such expenditure could be justified, given [REDACTED] failure to comply with due process and Council Policy.

Breach of Local Government Principles¹² - Funding of Light Rail Extension

The Sunday Courier Mail article on 2 April 2017 reported that *“with a \$3 billion resort planned for The Spit and the area’s increased popularity already placing a burden on roads, the Council has devised four options for a light rail link — at no cost to ratepayers.”*¹³ The GCCC website stated that the proposal was at “no cost” to ratepayers with any rail extension costs to be met by proponents looking at developments in the light rail area [REDACTED] statements ‘no cost to ratepayers’ and ‘costs to be met by developers’ are misleading as they apply to any light rail extension through Main Beach. And could in fact have falsely influenced some responses the online survey. Particularly from people living outside the Main Beach area.

Request

It is the submission of the Main Beach Association that [REDACTED] has failed to comply with both Council Policy and the Local Government principles in the ways described above. Furthermore, the community consultation process has been deeply flawed and cannot possibly present an accurate picture of the community’s views on this contentious proposal. Our Association requests that you, as the responsible Minister, urgently investigate the above implied breaches of the GCCC Community Consultation Policy and the Local Government Rules, particularly in regard to the directions set out in Section 115 and Section 116 of the Act that refer to the rules for gathering Information and how to act on the information gathered and Section 176 (1) of the Act that refers to inappropriate conduct when a Councillor fails to comply with local government procedures.

¹² Local Government Act 2009 (Qld) at

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/L/LocalGovA09.pdf>

¹³ Courier Mail, “First look at Gold Coast’s planned \$200m light rail extension to The Spit” by Jeremy Pierce, 2 April 2017 at: <http://www.couriermail.com.au/news/queensland/first-look-at-gold-coasts-planned-200m-light-rail-extension-to-the-spit/news-story/04963459409fba6bc04771ae4a418d3f>

We ask that you suspend the current Community Consultation process and insist that it be replaced with a transparent consultation process. We suggest that, instead of pressuring the community into a limited Yes/No to a light rail in Main Beach under a rushed and flawed "consultation", a range of true development options should be developed with the involvement of the community. We support creation of a masterplan for The Spit encompassing a full review of public transport options to the far northern point of The Spit which is not currently serviced by public transport and whether high rise buildings, a casino and a Cruise Ship Terminal should be built on The Spit.

Yours sincerely,

David Hutley

President

The Main Beach Association

cc: Operation Belcarra Inquiry, Crimes and Corruption Commission
Select Committee on a National Integrity Commission