

26 October 2017

Acting Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Email: <mailto:lacsc@parliament.qld.gov.au>

Dear Sir

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

Thank you for the opportunity to offer comments on the above Bill.

Gecko Environment Council (Gecko) is a not for profit environmental organisation founded in 1989, and is the peak regional body. Our mission statement is "To actively promote, conserve and restore the natural environment and improve the sustainability of the built environment of the Gold Coast region in partnership with our Member Groups and the wider community."

Throughout this period Gecko has taken the opportunity to fully engage with our local council in all matters impacting on our natural environment and on the liveability and sustainability of our City. We have grown increasingly concerned over the past 5 years with the conduct of this Council, including the lack of transparency, failure to consult adequately with the community and failure to comply with the City Plan. In particular we have come to believe that lobbying and electoral funding by developers and their associates has had an undue influence on the approval of development applications. We welcomed the holding of the Belcarra Inquiry and the report which has led to the tabling of this Bill.

We note the following from the Explanatory Notes:

The following recommendations are considered significant to require urgent legislative change:

- *banning donations from property developers for candidates, third parties, political parties and councillors. This is extended to Members of State Parliament.*
- *strengthening the process associated with the declaration of councillor conflicts of interest, the management of conflicts of interest and material personal interests within council meetings and penalties for non-compliance.*

While Gecko was disappointed that the Crime and Corruption Commission decided not to undertake further action with regard to serious failures by candidates under the Electoral Act, the Chairman was nevertheless highly critical of the manner in which the Council conducts its business and stated that greater improvements were needed in accountability, transparency and ethical behaviour. We support the Government's swift action to draft this Bill to address the above two recommendations. We offer the following comments from our perspective of how the Gold Coast City Council operates but we believe the adoption of this Bill will be in the interests of Councils and residents across Queensland.

273 Meaning of prohibited donor

Although the CCC has concluded that "a more encompassing ban is not appropriate", we believe a broader list should be developed for inclusion in this definition. Persons who invest in real estate,

real estate agents and property speculators, town planners and other related parties could all potentially seek to influence a candidate through gifts and donations.

It is Gecko's understanding that the LNP and LGAQ have said they oppose the banning of developer donations, or would support it only if unions are also banned from donating. It is unclear how unions are relevant when they are not primarily involved in gaining wealth through property development and have not been demonstrated as having influence on Councils and Councillors in respect of development applications.

We also note that the CCC never determined where the funds in the Fadden Forum came from, but it is highly likely from developer interests and hence we have a pro-Tate and pro-development councillor elected on the Gold Coast thanks to those developer funds.

Developer and other donations: In regards to developer and other stakeholder donations to political candidates at both local government and state government elections, Gecko believes it is essential that these are banned and that public funding for election candidates be considered. Not only will this reduce corruption in government, but will increase the range of candidates able to run for office. The current system favours those with connections and money so that the public end up with a plutocracy type of representation.

The issue of gifts is itself problematic as personal gifts do not fall under the definition of a political donation and do not have to be declared. Voters might well question a candidate who is suddenly the recipient of multiple personal gifts in the lead-up to an election.

274 Meaning of political donation

(1) For this subdivision, each of the following is a political donation—

(a) a gift made to or for the benefit of—

(i) a political party; or

(ii) an elected member; or

(iii) a candidate in an election;

With regard to (iii), we suggest that a gift could come under the guise of payment of a candidate's non-campaign related personal bills, thus freeing up personal expenditure on a campaign (enabling the candidate). This amendment clarifies the benefit to a candidate, and one which must be declared.

However section 2 (a) and (b) do not capture the potential application of funds.

Gecko suggests in the interests of transparency that a uniform view of gifts is carried across all instruments relevant to this inquiry, that is the Local Government Act 2009 (Section 280 2 (e)-register of gifts), the Electoral Act 1992 Sec 274 and the Local Government Regulations 212.

Local Government Regulations 212 Section 291 (3) states:

Nothing in subsection (1) requires a register of interests to include any of the following—

(a) the number or monetary value of shares;

(b) the monetary value of an investment or interest;

(c) the full street address of land;

(d) the amount of a liability, donation or other income;

(e) the account number of, or amounts held in, accounts held with a financial institution;

(f) the monetary value of accommodation, an asset, a gift or travel.

Gecko suggests a more detailed record of all benefits including gifts and their value should be recorded and available for scrutiny.

175E Councillor's conflict of interest at a meeting

Adherence to the provisions of this section will contribute to issues of accountability. As the declaration of a conflict, however it is resolved, would have to be accompanied by the information listed at (2), there is potential for the matters before a Council meeting or Committee meeting to be unduly delayed. Gecko suggests that greater emphasis is placed on the requirement for all Councillors to have an up to date Register of Interests available at short notice should a conflict arise.


(4) Subject to subsection (6), the other councillors must decide—

- (a) whether the councillor has a real conflict of interest or perceived conflict of interest in the matter; and
- (b) if they decide the councillor has a real conflict of interest or perceived conflict of interest in the matter—whether the councillor—
 - (i) must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on; or
 - (ii) may participate in the meeting in relation to the matter, including by voting on the matter.

This section raises a question about the impartiality of Councillors in making such a determination. Given the existence over many years of blocs of pro-development Councillors voting on development applications, there is potential for conflicts of interest to be swept aside. Where an individual Councillor may oppose this, the potential for bullying exists, regardless of the provisions of sections 1777 G, H and I. This aspect of Councillor conduct is not mentioned further in this Bill and is addressed separately in the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017, to which Gecko will be making a separate submission. At present, a Councillor who is bullied and falsely accused of misconduct has no recourse and runs the risk of being sent out of meetings, not allowed to ask questions pertinent to his role as a Councillor and having complaints listed against his name. There are instances of disrespectful treatment of Councillors at full Council meetings which are broadcast live and repercussions such as having divisional funds cut if questions are raised. Gecko trusts submissions received in relation to the LG Councillor Complaints Bill will be closely considered in the review of the Bill being discussed here.

We look forward to this Bill being passed, with amendments as suggested. We also await further legislative changes with regard to issues we have raised with Ministers Trad and Furner. We append copies of our letters which reference matters pertinent to this inquiry.

Yours sincerely



Rose Adams
Secretary

Appendices

Letter dated 17 June 2017 to Minister Jackie Trad, Deputy Premier and Minister for Transport, & Minister for Infrastructure & Planning

Briefing paper dated 31 July 2017 to Minister Mark Furner, Minister for Local Government, presented at Governing from the Gold Coast 30th July - 4th August.

Letter dated 24 September to Minister Furner.

Hon. Jackie Trad
Deputy Premier
Minister for Transport, & Minister for Infrastructure & Planning
PO Box 15009
CITY EAST QLD 4002
deputy.premier@ministerial.qld.gov.au

Dear Deputy Premier

Re: City of Gold Coast Planning Scheme (City Plan) approvals

In 2016, the City Plan was adopted by Gold Coast City with the intention of accommodating the growing population with infill development within the urban footprint. Gecko Environment Council (Gecko) supports this approach in principle to protect and conserve the biodiversity and rural lifestyle of the hinterland. However, since the City Plan's inception it has become apparent that the interpretation of the planning instruments by city planning staff and some Councillors, in assessing and approving development applications is extremely broad and is leading to what we consider excessive relaxation of conditions. This causes great community distrust of the planning assessment process and fear that they will wake up one morning to find a monolith has been code assessed and approved next door to their premises.

MERIT BASED ASSESSMENT

While some flexibility in planning is considered desirable if it leads to better quality developments and improved social amenity, such flexibility in a merit -based assessment process can be abused to the detriment of the city and its residents. It is our contention that this process is indeed being abused in Gold Coast City.

Most leading community groups are greatly concerned about this trend, considering that it leads to undesirable social outcomes as well as negatively impacting on the physical fabric and sustainability of the city.

Throughout the city developments are being approved with few mitigating conditions to address non-compliance with the Strategic Intent and detail of the City Plan. These include:

- Greatly increased densities e.g. mapped residential densities are being relaxed to the density of Surfers Paradise and density increases of 2 or 3 times that allowed apparently with no community benefit. One example is ONYX on GC Highway at Palm Beach where the density has been increased from 64 units to 150. Another example is a duplex construction where the building is allowed to the boundary. This impacts on both neighbours of the property as they will not be permitted to reduce their set-backs at all.
- Greatly increased heights,
- Greatly decreased setbacks from site boundaries,
- Inadequate parking requirements and
- Greatly reduced communal space in mid and high rise buildings.

While increases (or decreases) in these applications under current assessment criteria can be expected to some extent, we understand that they should not be approved without a corresponding community benefit (See attachment A). To quote from the Community Benefit policy relaxations of the order that we are seeing "*must have met the overall outcomes of the zone and any other relevant code.*

In addition, the community benefits envisaged need to:

- (a) be demonstrably in excess of those that would normally be expected of the development under the relevant provisions of this planning scheme or building regulations; and*
(b) meet both the purpose of the element and the prerequisites identified in the table in SC6.5.4."

This is not happening and indeed the quantitative listing of community benefits in the City Plan are not being applied conscientiously to development assessments. The excessive yields in density and/or height do not tally with the "allowable" development contributions in SC 6.5.4.

An example is the Komune application for Coolangatta south, where the justification for the increase in height by more than double and site coverage of 90% from 50%, is that 'it is good for the area, a 6 star hotel is needed, and that it is not a precedent'. The building relaxations could not have been approved under SC 6.5.4 criteria of ESD/green buildings, there are no community facilities or improvements, no public art or artistic exterior lighting benefits, and the amalgamation bonus is well over the maximum of 6%.

Community concern also surrounds the lack of attention to the cumulative effect on the neighbourhoods and collectively across the city. There is little recognition by Council planners and Councillors that this can lead to a loss of social cohesion as neighbourhoods change rapidly beyond recognition to current residents. Further the broader public interest is not sufficiently considered and the benefits to the individual developer dominate. An example of this is in Palm Beach where a series of relaxations have been approved without community benefits and no recognition of the cumulative strain on existing community facilities.

Applications are not being assessed on their own merit because previous approvals with considerable relaxations are acting as a precedent thus making it difficult, if not impossible, to refuse subsequent applications. These relaxations in turn are not subject to scrutiny by the affected residents/community.

CODE ASSESSMENT

Assessment of code assessable developments, (which nowadays accounts for most applications) are approved by delegation to officers. This practice would suggest that acceptable solutions should be scrutinised more and who determines what is acceptable should be clearly defined as well as well-defined criteria. Officers need to be able to demonstrate that their planning decisions result in better outcomes for the area and its residents, not only for the benefit of the applicant/developer.

At times, the code assessable decisions are made by a committee consisting of [REDACTED], resulting again in a lack of transparency and accountability. This leaves Councillors open to accusations of favourable treatment to certain developers or to a conflict of interest. Gecko has noted that while Councillors may declare a conflict of interest on occasion they invariably decide that it is not an impediment to them discussing and voting on the matter before their Committee or Council. Delegated decisions do not proceed to the Planning committee so there is no oversight of procedure and outcome and often at the exclusion of the Divisional councillor.

INFRASTRUCTURE

Further we are concerned that the approvals are being granted without knowing whether the current infrastructure of water, sewage, power, recreational spaces / facilities and traffic is able cope with the extra population. Arguments such as the open space being provided at the beaches does not consider the fluctuations of the beach as a usable space, or the fact that not everyone wants to use the beach as open space or the obligation of the developer to contribute to open space. This argument also neglects the impact of sea level rise on the availability of the beach as open space.

Arguments of profitability of the development unless relaxations are achieved should suggest that the proposed development is not an appropriate solution and should not proceed. At the very least Council should demand proof that compliance with the City Plan creates a non-viable development.

Retrofitting of community infrastructure to cope is an expensive and difficult option. Gold Coast City still does not have a current Local Government Infrastructure Plan even though the current City Plan is over 12 months old. The result will be an unplanned and overcrowded urban area that is no longer a pleasant place to live and

a reduction in community amenity that the current population enjoys and has a reasonable right to expect to continue into the foreseeable future.

The defining character of suburbs is being changed without the knowledge or consideration of existing residents who reasonably assumed they had their say on the City Plan during the consultation period and now find consistent overriding of the intent of the City Plan.

The character of the streets, enclosure and scale impacts with restriction of streetscape, shade trees and landscape in the public realm along with increased use of street parking due to lack of parking in the buildings is now of critical community concern that we tender this submission to enable your Ministry to investigate and intervene.

We list several instances below to substantiate the community concerns.

Examples – Please refer to table on the following pages.

Yours sincerely

Lois Levy. OAM

Campaign Coordinator

On behalf of the Community Alliance Groups listed below



**SAVE OUR
BROADWATER**
Speak out. It's not for sale.






Wildlife Preservation Society Qld.






The Main Beach Association
Sharing a vision for Main Beach and The Spit



PROJECT	CONFLICTS WITH CITY PLAN 2016 and/or PLANNING SCHEME 2003	SCALE OF CONFLICT	LOCAL GOVERNMENT JUSTIFICATION	STATUS AND NOTES
<p>Café 228 Pacific Pde Bilinga IMPACT</p> 	<p>Not in a designated urban centre Residential area Car parking Waste management</p>	<p>*Dangerous vehicle access *Detached and multi residential area</p>	<p>None</p>	<p>Council Officers recommended approval. Planning Committee voted no on 24th April. Application withdrawn before full council meeting.</p>
<p>Komune Apartments, Hotel Café and Shop at 140 / 144 Marine Pde Coolangatta IMPACT</p> 	<p>Coolangatta LAP Height Density Site cover Scale and bulk Landscaping shortfall Carparking</p>	<p>*Excessive scale and bulk and podium height * impact on scenic amenity/contrary to city form (which called for low rise between CBD core and Greenmount Hill) *27 storeys Vs 10 storeys (85m Vs 47m) * three times density *no boundary clearances *99%site cover Vs 50% *significant carparking shortfall</p>	<p>Good for the area. Not a precedent Area needs a 6-star hotel (although the approval cannot be conditioned to ensure delivery of a 6-star hotel)</p>	<p>Planning Committee 24th April 17 Council officers recommending approval</p>
<p>Escape, 106 Pacific Pde Bilinga IMPACT</p> 	<p>Height Density Communal open space</p>	<p>*Prescribed 5 storeys- approved 8 storeys; *Prescribed 1 bedroom/ 33m21 – approved bedroom/20m2; *Prescribed Site coverage 49% -approved Site coverage 69%; *Prescribed Communal open space 1050m2- approved 191m2</p>	<p>Not known</p>	<p>Applicant appealed a deemed refusal. GCCVC and residents undertook mediation proceedings. GCCC discounted residents' issues and negotiated an approval with minor changes (one floor less) to the</p>


				original submitted design.
PROJECT	CONFLICTS WITH CITY PLAN 2016 and/or PLANNING SCHEME 2003	SCALE OF CONFLICT	LOCAL GOVERNMENT JUSTIFICATION	STATUS AND NOTES
<p>3-5 Lang St, Bilinga MCU201400572 IMPACT</p> 	<p>Height Density Communal open space Building Bulk</p> <p>30 objections; no submissions of support</p>		None	APPROVED (16/12/2016) - DELEGATED AUTHORITY DECISION
<p>1,3,5 Parnoo St, Chevron Island, Surfers Paradise and 258 Stanhill Drive, Surfers Paradise MCU 201501410 (9 Oct 2015) IMPACT Code assessable application MCU 201501410</p> 	<p>Density Building height, Site cover and communal space. Potential negative impact with respect to traffic, amenity, noise, use of community facilities, water, sewerage etc. infrastructure.</p> <p>Over 200 objections; few letters of support</p>	<p>*A plot ratio of 6.57:1 is proposed against allowed plot ratio of 2.057:1 *The site falls well below the required 3,000m2 area for a development over 8 storeys as required under the current Chevron Island LAP *Prescribed RD8 High Density of 1 bedroom per 13m2 , proposed Density of 1 bedroom per 9.27m2 *Prescribed maximum site coverage of 30%; proposed 39% at ground level *Reduced communal space and communal space on level 17 *Subject site lies outside the 800m walking distance to the GCRT Route. *Building is 3 times larger than permitted on the site.</p>	Not known No apparent community benefit	Impact assessable application withdrawn 13 Oct 2016 Code assessable application is still active.
<p>ONYX-1013 Gold Coast Highway Palm Beach MCU201700670 IMPACT</p> 	<p>Density Communal space Set backs Parking Shadow Amenity Height</p> <p>14 objections plus petition with 35 signatures; no</p>	<p>Approved 154 bedroom (additional 90) *Prescribed density-1 bedroom per 33m2 Approved density- 1 bedroom per 13.64m2 *Communal open space Required 2470m2 Proposed 348m2 - shortfall 2084m2</p>	No community benefit	Approved Planning Officer delegated authority 9 August 2016

PROJECT	CONFLICTS WITH CITY PLAN 2016 and/or PLANNING SCHEME 2003	SCALE OF CONFLICT	LOCAL GOVERNMENT JUSTIFICATION	STATUS AND NOTES
<p>58-60 Jefferson Lane Palm Beach MCU 201601429 CODE</p> 	<p>Density Setback reductions Communal open space parking</p>	<p>Prescribed 66 bedroom - Approved 99 bedrooms; *Prescribed density 25m2 -Approved density 16.7m2; *Communal open space Required 1656m2- Proposed 306m2 - shortfall 1350m2</p>	<p>No community benefit</p>	<p>Approved Planning Officer delegated authority</p>
<p>1488-1496 Gold Coast Highway Palm Beach (Nyrang Ave) MCU201601131 CODE</p> 	<p>Density Communal open space Access from Nyrang St</p>	<p>*Prescribed 71 bedrooms - Approved 169 bedroom (additional 98); *Prescribed density 1 bed/ 50m2 - Approved density 1bed/21.13m2; *Communal open space Required 3178m2 - Proposed 341m2 - shortfall 2837m2</p>	<p>No community benefit</p>	<p>Approved Planning Officer delegated authority</p>
<p>140 Ridgeway Avenue Southport MCU201700033 IMPACT</p> 	<p>Density Car parking Property line Road widening requirement</p> <p>57 OBJECTIONS</p>	<p>*Prescribed 21 units with 28 bedrooms – approved 29 units with a total of 49 bedrooms; *Prescribed 34 parking spaces – approved 29 underground car parks plus 6 for visitors.</p>	<p>No community benefit</p>	<p>APPROVED (02/02/2017) - DELEGATED AUTHORITY DECISION</p>
<p>Orient Central Development Corporation Carrara flood plain</p>	<p>Flood plain development flooded during Cyclone Debbie</p>	<p>*Prescribed 970 units – approved 1,500 units</p> <p>Three boats and three days' food</p>	<p>No community benefit</p>	<p>Planning committee approval</p>

				
PROJECT	CONFLICTS WITH CITY PLAN 2016 and/or PLANNING SCHEME 2003	SCALE OF CONFLICT	LOCAL GOVERNMENT JUSTIFICATION	STATUS AND NOTES
<p>Sunland Developments No7 Pty Ltd Mariners Cove, L524 WD6023 64 Seaworld Drive, Main Beach L99 WD 839540 60 Seaworld Drive, Main Beach IMPACT</p> 	<p>Height Density Residential development Glass exterior Infill of Broadwater</p>	<p>*Prescribed (15m) 3 storey height limit – applied for 2 towers Height – 44 storeys *Residential development is not permitted –applied for 370 residential apartments *Site coverage over 100% requiring infill of Broadwater. *Glass permitted 66% - applied 100%</p>	<p>Some road works upgrades Perceived open space Perceived cultural contribution</p>	<p>Rejected by Planning Officers. Withdrew application for 12 months. Waiting on changes to Planning Scheme.</p>
<p>Orion Development 2 towers 103 and 76 storeys CODE ASSESSABLE</p> 	<p>Scale</p>	<p>*22m high podium containing carparking. The highest podium in the city at 7 storeys high. *Building height dwarfs surrounding high rise and shifts the epicentre of the city significantly southwards</p>	<p>Perceived “architectural addition” to the city</p>	<p>Approved by planning Committee 24 May 2017 Approved by full council 30 May 2017</p>

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PROJECT	CONFLICTS WITH CITY PLAN 2016 and/or PLANNING SCHEME 2003	SCALE OF CONFLICT	LOCAL GOVERNMENT JUSTIFICATION	STATUS AND NOTES
<p>Hapsberg Apartments 3547 -3549 Main Beach Parade Main Beach</p> 	<p>Land zoned Medium Density Residential</p>	<p>Zoned: Medium density residential 363 beds on land zoned for 38 bedrooms Rejected by GCCC Planning Dept and Council for 10 reasons.</p>	<p>None</p>	<p>Decision being appealed by developer on the basis that it is erroneous, unreasonable and unlawful</p>
<p>Songcheng Development company, Gold Coast cane lands</p>	<p>Inter-urban break Agricultural land</p>	<p>Entire city on 66,000 ha</p>	<p>Not known</p>	<p>Not yet applied for</p>

Governing from the Gold Coast 30th July - 4th August.

Briefing Paper

Powers of Mayors in Local Government and other matters.

31st July 2017

1. Minister/Agency	Hon. Mark Furner, Minister for Local Government
2. Topic title	Powers of Mayors in Local Government and other matters.
3. Background	<p>Budget: In 2012 the Newman Government amended the Local Government Act to change the powers that mayors held in Council. Section 12 (4) (b) was amended from <i>proposing</i> the budget to Council to (b) <i>preparing a budget to present to Local Government</i>. The purpose of the amendment was apparently to align the role of the mayors of all Local Governments with that of the Brisbane City Council Mayor. The budget is then adopted by Council with or without amendment. In our experience prior to this amendment to the Act, the budget was prepared with a high level of consultation between the mayor and the other councillors, who had access to submissions made by Council officers. The result was that the final document better reflected the needs of all constituents and was more democratic in its outcome.</p> <p>It is Gecko's understanding that the current situation on the Gold Coast is that the mayor prepares the budget in full before presenting it to the councillors only two weeks prior to the adoption vote. It is our opinion that this has led to unwarranted control by the mayor of councillors' ability to fulfil, to a reasonable extent, the needs of their constituents. The Councillors have limited opportunity to scrutinise a detailed and complex document, and have been refused access to Officer bid information so that Councillors can see what the Mayor has not put forward in the proposed budget. This process is far less democratic and can result in the withholding of funds from councillors who may not appear to agree with the mayor on various policies. Such a situation can result in some Divisional constituents benefitting from budget funds more than others, regardless of the level of need or urgency.</p> <p>Directives: Gecko also has concerns about the somewhat ambiguous wording re the powers of a mayor to give directives. The Act states:-s12 (4) states "The mayor has the following extra responsibilities—(d) directing the chief executive officer and senior executive employees, in accordance with the local government's policies", but s170(1) Giving directions to local government staff says "The mayor may give a direction to the chief executive officer or senior executive employees."</p> <p>It is our understanding that there used to be a requirement for a record of all directives from the Mayor to the CEO and Senior staff, but this is no longer the case. As a result Councillors do not know what communication has transpired between the mayor and Council staff. This situation has the capacity to put Councillors in an invidious position and needs to be rectified.</p>

	<p>Conflict of Interest: It has been noticed that on many occasions Councillors declare a conflict of interest in regard to a matter under discussion. Most times the declared conflict of interest can be dealt with and the Councillor remains in the room to participate in the discussion and vote as per the Act or removes him/herself from the room. However it has been noted that where the conflict of interest relates to development applications by donors to previous election campaigns, Councillors generally decide that they can deal with the conflict of interest and remain to discuss the application and vote. Gecko is of the opinion that this is an unsatisfactory situation and is often perceived by the public as the donors receiving “special” treatment” by virtue of their donations to that councillor’s election campaigns. Please see the attached example.</p>
<p>4. Issue Summary</p>	<ul style="list-style-type: none"> • Budget control by mayor’s in preparing the budget instead of proposing it. • Ambiguity in the directions of the mayor to the CEO and senior staff and the need to have such directives recorded and accessible to all councillors. • Conflict of interest in regard to discussion and voting on development applications from donors to a councillor’s campaign funds.
<p>5. Key Points / Issues</p>	<ol style="list-style-type: none"> 1. That the amendment to Section 12 (4) (b) in 2012 by the Newman Government to the Local Government Act and Other Legislation Amendment Act has increased the power and control of the mayor to an unwarranted degree. 2. That the resulting budgets prepared by the mayor of Gold Coast are less democratic and less responsive to the needs of all constituents. 3. That directives from the mayor to the CEO and Senior staff should be recorded and accessible to all Councillors 4. That the conflict of interest in regard to donors should result in the councillor removing themselves from the discussion and vote on a development application.
<p>6. Requests</p>	<ol style="list-style-type: none"> 1. That the changes to the Local Government Act and Other Legislation Amendment Act S 12(4) (b) be rescinded so that the power of the mayor in respect of the budget reverts back to proposing the budget rather than preparing the budget. 2. That the two sections of the Act in regard to the mayor giving directives to the CEO and senior staff are clarified so that they are not ambiguous and that the requirement to keep a record of these directives is reinstated. 3. That councillors be directed to remove themselves from the discussion and vote of development applications when they have received donations to their election campaign funds from the developer in question. 4. That the Government instigate a ban on developer donations to Council and State Government election candidates.
<p>Submitted by</p>	<p>Lois Levy, Acting Secretary, Gecko Environment Council Assoc. Inc. [REDACTED] [REDACTED]</p>



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24th September 2017

Hon Mark Furner.

Minister for Local Government

local.government@ministerial.qld.gov.au

Dear Minister,

Re: Follow up to submission made 31st July and other matters

On 31st July Gecko Environment Council representatives had the pleasure of speaking with you about our concerns of the way some of the Gold Coast City Council Councillors and the Mayor conduct their business. I attach a copy of our submission which outlines our concerns about the powers of the Mayor in controlling the budget process, declarations of conflict of interest by Councillors in making decisions, particularly in reference to development applications and failure by the Mayor to record his directives to the CEO and senior staff.

Having listened to you speak on the Steve Austin ABC 612 radio program (19/9/2017) I was pleased to hear that there is an enquiry continuing under Operation Belcarra with Alan MacSporran QC heading this up. We look forward to the findings and actions by your Government to improve the transparency and accountability of Councillors. We trust that this will not be too long in coming as it is important to maintain the momentum for reform created by programs such as 4 Corners. It would be useful if you could give a time line for the Belcarra Report.

Conflict of Interest: The 4 Corners program aired on ABC television, Monday 18th September, has raised some of the issues we raised in our submission namely that the current legislation allows Councillors to remain in the discussion and vote on matters on which they have a declared a conflict of interest. Gecko members, and judging from the public response to the 4 Corners program, many others find this completely unacceptable. We urge your Government to change the legislation so that Councillors must physically remove themselves from the room in which such conflicted matters are decided. We realise that this is not a complete answer since decisions can be stitched up in advance despite the Councillor removing themselves, but it is a necessary step to improve accountability.

Developer and other donations: In regards to developer and other stakeholder donations to political candidates at both local government and state government elections, Gecko believes it is essential that these are banned and that public funding for election candidates be considered. Not only will this reduce corruption in government, but will increase the range of candidates able to run for office. The current system favours those with connections and money so that the public end up with a plutocracy type of representation.

We further note that a retired Supreme Court Judge and former Assistant Commissioner of ICAC, Anthony Wheely, QC speaking on ABC 612 radio on 19th September, noted that State political parties had tried to get around the ban in New South Wales by promoting donations to the Federal branches, which then in turn sent much of that money to State branches. It is essential that changes

to legislation regarding stakeholder donations incorporate measures to avoid this back door method of directing donations.

Delegated authority: We also have concerns about the number of decisions on major Gold Coast developments that are made by delegated authority of a small group consisting usually of the Mayor, Tom Tate, Chair of Planning, Cameron Caldwell, a Senior Planning Officer and sometimes the Divisional Councillor. The public do not even get to hear of these decisions until they are a fait accompli. This practice needs an urgent review as it can very easily be abused.

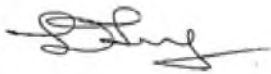
Redacted reports; Gecko also wishes to raise concerns about a recent pattern of behaviour within Gold Coast Council of releasing reports on important and sometimes controversial matters to the community with large sections redacted. Two examples include the Feasibility Study into the Cruise Terminal by Price, Waterhouse, Cooper which had up to 56 pages redacted material dealing with the financial and physical risks to the City of Gold Coast. Gecko has put in a Right to Information request for the full report, but it was noted that the 4 Corners program on Monday 18th had a copy of the full report. This program reported that the Feasibility Study stated this proposed project is not financially viable and poses a serious safety risk to cruise ship. This is information that the residents of the Gold Coast have a right to know since it is their funds that are paying for these reports and potentially the terminal itself since it is highly unlikely any private enterprise would be interested. The other report that has appeared on City of Gold Coast website related to a review of the City Plan in regard to high rise developments. Many pages are redacted from this report also even though residents in a number of suburbs would be directly affected by Councillors intentions to increase the spread of high rise throughout the city in direct contravention of the City Plan 2016.

The residents of the Gold Coast are suffering from development decisions being made by the current Council which provide what we consider excessive relaxations of City Plan requirements, such that we will lose a great deal of social and environmental amenity. It is our opinion that the reforms we are requesting will assist in addressing this issue as well.

There are so many unacceptable and undemocratic practices happening with the Council that residents are extremely disturbed and angry about. We urge your Department to investigate this situation.

We look forward to your response to our original submission and the matters raised in this letter.

Yours sincerely



Lois Levy

Campaign Coordinator

