

**Submission To :-** **INDEPENDENT PRICING AND REGULATORY TRIBUNAL**

**Re :-** **REVIEW OF REGULATORY FRAMEWORK OF LOCAL GOVERNMENT**



Thank you for providing me with the opportunity to comment on the abovementioned review.

I am mainly concerned about the issue of Accountability in Local Government. I notice that it receives reasonably wide coverage in the Report. In particular, I note the comment in Part 5.1 that *“There is scope to increase the likelihood of success (of the accountability framework), by providing more explicit requirements in relation to community engagement, along with additional guidelines and support tools”*. My experiences with my local Council support this comment because of Council’s continued lack of accountability in the addressing of the public’s concerns and in shortcomings in its Management Plan.

For the past seven years I have had wide ranging dissatisfactions with Parramatta City Council’s handling of development applications. They cover six development projects in my area. I do not intend to go into full details, but I have a large amount of correspondence and documentation to support my claims and would be happy to supply it.

The biggest problem has been Council’s refusal to provide further information, and especially substantiation of its claims that all of our concerns have been addressed. It has declared issues closed even though we have supplied clear proof that matters have not been addressed and in some cases completely ignored. Issues range from excessive building height and floor space ratio, Council officer using unapproved plans to justify tree removal, failure to supply asbestos disposal receipts and also to explain why they had been altered, unacceptable and unjust explanations on why public forum questions were declared out of order, no response to the Court’s declaration that Council’s contentions were limited, which supports our claim that Council did very little to support the community. Many other issues will be found in my enclosed letters of 5 May 2009 and 2 February 2008.

In relation to the provision of resources to ensure accountability, Council has suggested that I limit my letters to single issues so that there will be more efficiency in addressing my concerns. The number of issues I need to raise means that this would not be feasible. On one occasion I followed Council’s suggestion, but I have still not received a response after 10 weeks.

On another occasion I waited for a promised response, again after 10 weeks. I had to raise the issue at public forum. My question was ruled out of order, as I have explained. I was simply asking for a date. When the response finally came, not one of my concerns was specifically mentioned by Council.

In addition, after lack of response after 3 months on other issues, I had to obtain the assistance of the Ombudsman.

Reasons given for failure to respond have been :- officers on leave, my letter being confused with another, computer upgrades, lack of resources.

It is completely unacceptable that development projects remain unsupervised until such time as the public draws Council’s attention to the fact that breaches have occurred. These have included dangerous excavation, threats to the safety of adjoining properties and the public, including neighbouring school children, absence of sediment controls, damage to trees, asbestos disposal breach. Work has commenced without Construction Certificates or the appointment of a Certifier. Council has issued Construction Certificates without first obtaining essential and prescribed documents.

At two of the sites Council had to impose emergency stop works. They would not have occurred unless the public had initiated them. This resulted in Court action against the developer/builder. Council's key witness did not turn up at the Hearing. I offered to fill in for him. Until then, the builder had pleaded not guilty on all counts. After I offered to give evidence he changed the plea to guilty and was convicted. Council's key witness was later found guilty by ICAC of corruption on other matters. I was prevented from asking any more questions or obtaining answers to other unanswered matters because Council refused to discuss further matters. I would particularly like to know why it is that Council, after protecting a very healthy street tree with two conditions of consent, found approx 10 reasons to remove it, then scheduling it for replacement and also claiming that a work order had been issued to replace it. It has still not been replaced after approx 4 years. Whenever I walk by the area I am reminded of Council's neglect.

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In order to substantiate claims I have made about Council's failures to be accountable, in preparation for this submission to IPART, I asked, at the Council meeting on 14 September 2009, for Council to provide explanations as to why I should not regard a number of matters as examples of this failure to be accountable.

I have enclosed a copy of my questions and also Council's response. It can be seen that :-

- a. Rather than addressing specific issues I have raised, Council has simply noted them.
- b. After failing to meet two commitments to me in relation to DA issues at \_\_\_\_\_ and \_\_\_\_\_ Council has made another commitment to me to respond by the end of this week. It has downgraded its previous intention of carrying out a "detailed investigation" into an "investigation". I am expecting very little in the response, if received. I am sure that if I had not spoken at the Council meeting, Council would have avoided the matter.
- c. On the 9 St Andrews Pl issues, Council continues to avoid the fact that it declared me out of order when I was simply asking when (i) I would receive a report it had promised to me and which was overdue by 10 weeks.
  - (ii) I was not asking for confidential information, as proven by the fact that it was later provided to me by Council.

Instead of addressing my concerns individually, as would be expected, Council has combined my questions on alleged code of conduct breaches and confidentiality (issue 4) with non confidential matters referred to in issues 2 and 3. This is clear avoidance of the fact that in finding that it had correctly handled the assessment of the DA for 9 St Andrews Pl, and also the associated Court proceedings, Council made no reference to any of the issues I had raised by way of contradiction of its claim that all matters had been thoroughly considered.

Council's letter of 14 April 2009, which it refers to, contains no specific details on these matters. I also have no record of the other letter referred to (6 May 2009). I will be asking for a copy of it.

- d. No comment of any kind has been supplied on any of the issues I raised in items 6 and 7.

Rather than taking the opportunity to defend its actions and decisions, Council appears to have treated my inquiries with contempt.

My enclosed letters show the extent of Council's lack of accountability and transparency on these and other matters.

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The 'Daily Telegraph' has researched the over indulgence of Councils in catering for Council meetings. I refer to its article and editorial in its 14 September 09 edition. From the period between January 2008 to June 2009, Parramatta City Council spent \$106,075 on food catering for meetings. None of the other Councils surveyed has spent as much. I attend most Council meetings together with a few friends. We do not join in the indulgence and stay outside. The food and drink is available before, during and after all Council meetings.

We believe that more extravagant food is available in the Councillors' offices downstairs, prior to meetings.

The 'Telegraph' makes the point that its latest revelations come just a month after it had revealed that greedy Councils were cheating a rates cap by increasing levies for essential services such as rubbish collection and park upkeep.

The 'Telegraph' obtained its information through Freedom of Information. It is impossible to obtain such information from the Management Plan and I believe it should not be necessary to apply under FOI for it. Such matters should be open to full public scrutiny and without expense.

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It has been necessary for me to raise matters on several occasions during the public forum session at Council meetings. Mostly it has been because of failure to obtain adequate response, or any response, through other channels.

In 2007 attempts were made to prevent the public from speaking about development applications at public forum. The proposal was narrowly rejected by the Councillors, as was the effort to rescind the resolution.

This year the Lord Mayor introduced a Minute without prior knowledge of the public. It was a further attempt to restrict the public and we believe that it was proposed simply because Council has difficulty in answering so many of our questions. The Councillors decided that a Workshop would be set up on the matter.

Since then I have asked questions based on Council's Workshop Policy, involving whether or not the Councillors would be appointed at Council meeting, which is what occurred last time, and whether reports to and from the Workshop would be available to the public. I am still waiting for proper explanations. Indications are that we will not be told which Councillors were appointed or what was discussed. No fewer than 8 Councillors must be appointed.

Any attempt by Council to prevent the public from making inquiries, particularly on development applications, would indicate that it cares little about the principles it lists in the Management Plan :- Community (*"Our community is the reason we exist"*). Integrity Accountability Transparency Leadership (*"We will promote and support these values through leadership and by example"*).

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I see nothing in the Management Plan that makes me confident that satisfactory levels of accountability from Council will be ensured.

The emphasis in the Regulatory Program is to speed up the processing of development applications and not the enforcement of development controls. Claims are made that 75% of DA's will be determined within 40 days, yet up to 90% of service requests could take 3 months to resolve. Service requests from the public or from Councillors could have a big impact on processing times for DA's and not all complaints and requests for information would be classed as service requests.

Reports will be made on the number of infringements issued for improper use of the Mobility Parking Scheme, but not, apparently, on the more important issue of infringements issued as a result of inspections carried out in response to complaints by the public. Council has had to admit that the reporting on inspections needs to be reviewed, following its failure to prove that it had followed up on complaints lodged about another development project in our area.

Under the heading "Where do the Dollars Go", the following areas are listed :- Employees      Materials  
and Contracts      Other Expenses      Interest Expenses      Depreciation      Operating  
Projects.

It seems that costs involved in addressing the public's concerns are hidden under "Other Expenses", along with the excessive catering costs.

Council's current "Debt Outstanding" for 2009-10 is \$89 million, which is projected to rise to \$99 million in 2012-13. The bulk of the debt is for the Civic Place development, rising to \$68 million in 2012-13. These costs seem to be very high considering that the project is apparently in the early planning stage. These costs surely impact on all of Council's services and responsibilities.

I find it very difficult to understand the Management Plan and agree with IPART that these Plans should be made more simple.

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I hope that my comments are relevant to IPART's inquiry. Thank you again for giving me the opportunity to express my concerns. I will be very interested in the outcomes of the inquiry.

Bruce Berry

