

GLEN EIRA ENVIRONMENT GROUP submission to **Local Government Act Review**

Our governments praise Democracy but are not scrupulous in its practice. Presently councils, as well as state government tend to promote development over environmental sustainability. If the Government is serious about improving transparency and accountability then prescriptive changes can be made to the Local Government Act, and more incentives and penalties built into the Local Government Act and Planning Schemes. Enforcement of council's own rules is another issue.

Currently we have population growth foisted upon us in undemocratic style, with no adequate rationale or public consultation. This is a strange outcome given overpopulation is a world-wide problem.

The Local Government Review Discussion Paper gives fiscal sustainability a mention. The Discussion paper has nothing to say about economic sustainability let alone environmental sustainability, biodiversity, and native ecosystems. Without these latter elements, fiscal sustainability is not possible in the long term. Has environmental and economic sustainability been thrown overboard?

Who cares for environment?

Ref. the existing LOCAL GOVERNMENT ACT 1989 – SECT 3C

Objectives of a council

(1) The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

(2)(a) to promote the social, economic and environmental viability and sustainability of the municipal district;

Similar sentiments are expressed in the Victorian Planning Act, but largely ignored in practice there as well, especially in regard to the native living environment. The more specific clauses of the Act need to better reflect these broad objectives.

Tree protection

In Glen Eira there is no municipality-wide tree protection policies, despite repeated surveys showing that residents favour some kind of urban tree protection. The only area with a vegetation overlay is a tiny area in Boyd Park. Blocks subject to development in Glen Eira are almost invariably moon-scaped e.g. the large Frogmore House block where 90 trees were recently removed by the developer without bothering to apply for a council permit. Council threatened to levy a fine but there is no basis for it.

Web of confusion

We have a confused tangle of jurisdictions, planning laws and state authorities. This lends to a fragmented and inconsistent approach to planning and to managing environment. There is an urgent need to remove urban street stormwater and factory effluent from streams as this cocktail ends up the bay, and poisons wildlife and ourselves.

In Glen Eira there is no drainage levy placed on developers, so existing ratepayers bear the cost of increasing the capacity of council drains. Stormwater from Glen Eira goes mainly to Elwood canal where flooding is a big issue, yet Glen Eira council prescribes a low ratio of permeable

area and does not bother to enforce the permeability rules. Responsibility for drains is split between councils and Melbourne Water, with Melbourne Water charging a drainage levy on all ratepayers. Trees, which transpire water, are decreasing as development proceeds.

Another example is the Caulfield Racecourse and Recreation Reserve, where the not-for-profit Melbourne Racing Club uses the land as its own fiefdom with apparent impunity from planning laws and in disregard of its own charter. This Crown reserve was set aside for three purposes – racecourse, recreation and public park, but the reserve is increasingly built over with racing infrastructure and non-racing business infrastructure owned by the Melbourne Racing Club, to the exclusion of the other designated uses and to environmental amenity.

Both council and VCAT decisions tend to be arbitrary, with contradictory reasoning applied in different cases. Well-heeled developers often get their way, as they can easily fund VCAT challenges. It is not uncommon in Glen Eira for development applications to run for a decade or more, with repeated extensions of time, changes in applicant plans and challenges in VCAT. This means that what began as a small development of no offence to neighbours can evolve into a much larger development which is objectionable to neighbours, but which they have not been able to follow or are not able to object to. Large developers making ambit claims usually reduce or eliminate environmental amenity as a first option. The C60 development being built by the Melbourne Racing Club has no permeable area, and extremely little open space. Finally, for developments above a certain size, the Minister can step in and override normal planning rules. Thus planning decisions can be inequitable, and also poor quality.

Corporate structure of Council

- * Councils have a corporate structure but are not there to make a profit
- * Councils now regard citizens as ‘customers’ and describe them as such
- * Councils (like other tiers of government) are engaged in empire building and so decide what is good for the citizens to further that aim.
- * Staff appointments by CEO creates an awkward relationship between CEO and council staff and councillors. Who wants to offend a CEO by putting alternative views when he/she can sack you, make your life difficult, or frustrate your advancement?
- * CEO position should always be advertised when the term of contract expires – if an incumbent CEO is thought to be excellent he or she will have no trouble getting their job back (unless someone even better comes along). Glen Eira has had the same CEO for 15 years, most recently reappointed without the job being advertised. There is a good case to mandate a maximum two terms for a CEO working for one council.

At present, in Glen Eira at least, most decisions are apparently made by the CEO in council assembly meetings. The CEO draws up the agenda, and presents the officers reports, and puts the preferred option to councillors. Which councillor will contradict the expert information provided, or notice what is missing from the reports? After some negotiation councillors agree on who will vote for what result in the ordinary council meeting which follows. The dominant faction has the most say.

Note: Glen Eira Council has some 1400 staff of which 340 work in community relations.

Education of councillors

Education of councillors on planning law and council processes? Many new councillors have no background in law or government and struggle to understand the processes of council and the role of a councillor. Planning laws are complex (unnecessarily so, many would say). An independent training body providing short courses for councillors might be the best way to go.

Notice of motion.

Glen Eira Council is the only council in the State without a Notice of Motion process. Without Notice of Motion councillors have no way of putting an item on the council meeting agenda.

Right of residents to address council.

Many councils allow residents to verbally address council directly at council meetings. This is a means of promoting dialogue and increasing information available to council. This review should mandate that all councils adopt a process whereby residents can personally address council.

Public disclosure of tenders

Public disclosure of tenders could be improved. A suggested formula could be put forward outlining what criteria tenders will be measured against. The published contract costs should state whether the sums listed are with or without the obligatory taxes. For long and complicated developments detailed summaries including the dates contracts were awarded would be useful.

Financial Audits

In Glen Eira while external audits were put to tender, the same audit company was employed for 19 years. One councillor sat on the audit committee from 2005 to 2014. Very little information was provided to other councillors or to the public.

Video recording of council meetings

Video recording of all council meetings is a way of getting better transparency and accountability. General council meetings should be videoed, archived, and publicly accessible. The meeting minutes should show which way each councillor voted. Council committee meetings should also be recorded and archived for public access.

Councils should also publish agendas and full minutes for advisory committee meetings. Many citizens don't have time to sit through council meetings that can run for hours, but would have an interest in viewing council committee debates of particular interest to them. The reports to these committees should also be publicly available.

Lack of consultation and enforcement

In Glen Eira Open Space and Environmental policies and plans have been adopted with community input and then discarded in an arbitrary way with no further community consultation. Why have community consultation if it has no meaning?

For example, the Glen Eira Open Space Strategy of 1988 recommended Marara Road reserve be planted out with native vegetation, but exotic vegetation was planted instead. There was no consultation regarding the change. Glen Eira council has a policy proscribing use of artificial turf on nature strips but does not enforce it.