

**Submission  
No 189**

## **INQUIRY INTO ELECTORAL AND POLITICAL PARTY FUNDING**

**Name:** Cr Michael Cantali

**Date received:** 5/06/2008

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## **Councillor MICHAEL CANTALI.**

4 June 2008

The Director  
Select Committee on Electoral and Political Funding  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear sir/Madam,

I apologise for my delay in my submission to the Inquiry, which has in part been due to my absence from Australia. In the circumstance I will be succinct and hopefully not repeat what may have already been put to the inquiry by many others.

I have been an independent councillor, since 1987, initially with Concord Council and since amalgamation with Drummoyne (in December 2000) with the Canada Bay City Council. The first four of those years, I also served concurrently as a councillor on the then Sydney County Council.

During these years I have noted many instances of developers both large and small being given favourable treatment by my councillors. This has been more prominent in those councils which have been dominated by one political party. In that situation a developer only has to "negotiate" with one councillor, usually the Mayor.

Because of the autonomy of Local Government and the vague, merit based assessments in planning issues, councillors have wide discretion in their consideration of Development Applications. This discretion can be abused with virtually no imputation.

Even with changes to the Local Government Act, it will be difficult to do away with all discretionary powers of councillors when dealing with development applications. The current changes being proposed by the Minister of Planning to have certain development applications dealt by independent panels will simply transfer the discretion to the panel. This begs the question: who appoints the panel?

I do not believe doing away with political donations, or trying to make them more transparent will not make a great difference where corruption is likely. It will simply mean the corruption process will be less overt. In my current council it is not unusual for councillors to declare they have an unspecified, "non pecuniary interest" in a development application during a meeting of council, then proceed to debate and vote on development applications. See attached copy of council's meeting of 15 March 2005.

Also councillors do not always disclose their pecuniary interests. I refer to the attached copies of council meeting of 3 June 2003, (in relation to 13 Lyons Rd, Drummoyne), when two councillors declared a pecuniary interest. However, for the same development, just a few months later on 7 October 2003 no declaration was made.

I have also noted instances of councillors in my one-party dominated council abuse their numbers, discretion and autonomy to manipulate council meetings to refuse applications as being an over-development, then proceed to use their numbers to re-zone that site to allow for even greater development, often after it has been on-sold to a more "favourable" developer.

I doubt whether any changes to the Local Government, or Planning and Assessment Acts in relation to political donations will help in reducing the potential for corruption in local government. Also I doubt if any tighter regulations to political donations, per se will greatly alter the potential for corruption at the local level and by association the State level.


**If the Parliament is serious about effectively reducing the level of corruption in local government it should consider banning endorsed candidates in local elections.**

This would make it much more difficult for developers to "negotiate" any potentially corrupt dealings with the larger number of individual councillors. It would also undo the nexus between donations to state political parties and donations to local party branches.

I have all but completed a submission to the Department of Local Government, as part of its performance review of Canada Bay City Council. Amongst other issues my submission gives more examples of councillor's manipulation of council meetings, and issues of bias and community perceived corruption in assessing development applications.

If it is not too late I am happy to provide a copy of my submission, and any other information which you feel may be useful to the Inquiry.

Yours faithfully,



Michael Cantali  
Cr Canada Bay City Council

**APOLOGIES**

Nil.

**DECLARATIONS OF PECUNIARY INTEREST**

Cr Megna

Item 14 -- parents own property nearby.

Crs. Fasanella, Kenzler, O'Connell and Tsirekas declared a non-pecuniary interest in Item 17.

**CONFIRMATION OF MINUTES**

Council Meeting – 15 February 2005

**M- 781           RESOLVED**  
(Crs O'Hara/Fasanella)

THAT the minutes of the Council Meeting of 15 February 2005 be confirmed.

Committee of the Whole Meeting of Council – 1 March 2005

**M- 782           RESOLVED**  
(Crs Megna/Fasnella)

THAT the minutes of the Committee of the Whole Meeting of Council of 1 March 2005 be confirmed.

**PUBLIC FORUM**

Mr Tony Tribe on behalf of Rosecorp addressed the Council in relation to Item 2.

Mr Spiro Stavis of SPD Town Planners addressed the Council in relation to Item 17.

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**ITEM-1           DRAFT DRUMMOYNE VILLAGE MASTER PLAN**

**M- 783           RESOLVED**  
(Crs Kenzler/O'Connell)

1.     THAT the draft Drummoyne Village Master Plan prepared by Civitas Partnership dated March 2005 be adopted.

**ITEM-17            50A LYONS ROAD DRUMMOYNE (DA824/04)  
PROPOSED 4-6 STOREY MIXED USE BUILDING**

**M- 804            RESOLVED**  
(Crs Kenzler/O'Connell)

- A. This is a 'Deferred Commencement Consent' under Section 80(3) of the Environmental Planning and Assessment Act, 1979, (as amended). This consent does not become operative until the applicant has satisfied the requirements listed in Schedule 'A' of this consent. All issues shall be satisfactorily resolved within a period of twenty-four (24) months from the 'Determination Date', that is shown on this consent. Upon compliance with the issues under Schedule 'A', and written confirmation from Council to that effect, then the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'B' and any additional conditions arising from the requirement of Schedule 'A'.

**Schedule 'A'**

**1. Remediation Action Plan**

The applicant shall submit to Council a final Remediation Action Plan (RAP) addressing the treatment and removal of contaminated fill material and ground water on the site. The RAP shall be reviewed by a Site Auditor, accredited by the NSW Environment Protection Authority under the Contaminated Land Management Act 1997, and written confirmation provided by the Site Auditor to Council that the RAP, if followed, is adequate when implemented to render the site suitable for its proposed use.

**2. Site Management Plan**

The applicant shall submit to Council for approval a Site Management Plan (SMP) for the remediation works. The SMP shall address the following:

- (a) Hours of operation;
- (b) Soil and water management including stockpiles, site access, excavation pump-out, landscaping/rehabilitation, and bunding;
- (c) Noise
- (d) Vibration;
- (e) Air quality including dust and odour control;
- (f) Groundwater;
- (g) Transport;

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**ITEM-3            13 LYONS ROAD, DRUMMOYNE - OXFORD HOTEL  
PROPOSAL FOR EXTENSION OF TRADING HOURS  
(DA 54/03)**

At 7.43p.m. Councillors Kenzler and Tsirekas declared a pecuniary interest in this matter and left the Meeting.

**MOTION (Crs Woods/Wroblewski)**

THAT the recommendation be adopted with the following amendments:

(a) THAT Condition 7 be amended to read:

**Gambling facilities**

No additional poker/gambling machines shall be permitted on the premises.

There be full implementation of the regulations and laws governing the use of gaming machines including the duration of their use as prescribed under the Gaming Machines Act.

*(Reason: Public Interest),*

(b) The inclusion of the following.

Condition 21:

THAT the Hotel Licensee arrange for the delivery of a quarterly newsletter to surrounding properties, as per Council's notification policy, informing them of the Licensee's obligations and providing, as a minimum, telephone contact details for the Hotel and the nearest Licensing Police to enable the timely reporting of incidents, if any.

THAT a copy of the newsletter be provided to Council.

**AMENDMENT (Crs Tyrrell/Marshall)**

THAT the recommendation, as proposed in the Motion, be adopted together with the following amendment:

Condition 1:

THAT the trading hours be limited to the following:

**ITEM-12            13 LYONS ROAD, DRUMMOYNE - OXFORD HOTEL  
PROPOSAL FOR EXTENSION OF TRADING HOURS  
(DA 480/03)**

Mrs. P. Blennerhassett of 81 Formosa Street addressed the Committee.

Mr. G. Burgess of 91 Renwick Street, Drummoyne addressed the Committee.

**CW- 963            RESOLVED**

(Crs Woods/Wroblewski)

Pursuant to Sections 80/91 of the Environmental Planning and Assessment Act 1979 (as amended), it is recommended that Council resolve to grant consent to Development Application DA 480/03 for extension of trading hours at the Oxford Hotel, 13 Lyons Road, Drummoyne, subject to the following conditions:

1.     **Trading Hours:**

Trading hours shall be limited to the following:

- Monday Saturday 10am 3am of the following day
- Sunday 10am – 12pm

*(Reason: Local Amenity)*

2.     **Trial and Review Periods:**

This approval is subject to a twelve (12) month trial period from the date of endorsement, where Council may review the approval and make changes, to it, or revoke it. Upon expiration of the twelve month trial period, if no such review is undertaken by Council or a review allows for the continuance of the business (whether or not the approval has been amended), the approval would automatically become subject to annual review intervals, where necessary.

*(Reason: Review of development)*

3.     **Security:**

At least 3 uniformed security personnel licensed under the Securities Industries Act, 1975 (NSW) shall be employed from 11.00p.m. each night, with one security guard on patrol outside the hotel until 45 minutes after close each night/morning to ensure that patrons do not loiter in the area nor cause nuisance or annoyance to the quiet and good order of the neighbourhood.

*(Reason: Safety & Noise Attenuation)*

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**APOLOGIES**

Cr. Del Duca.

**MOTION** (Crs Cantali/Marshall)

**THAT** the apology be accepted.

**THE MOTION WAS PUT AND LOST.**

Councillors Cantali and Marshall called for a Division.

(FOR: Crs Cantali, Lavender, Marshall)  
(AGAINST: Crs Kenzler, Tsirekas, Tyrrell, Wroblewski)

**DECLARATIONS OF PECUNIARY INTEREST**

Nil.

**ITEM-1 FIVE DOCK COMMUNITY PODIATRY CLINIC**

**MOTION** (Crs Kenzler/Tsirekas)

1. **THAT** the General Manager report back to Council on:
  - (a) Whether the licence has been breached;
  - (b) Council's rights and obligations as Trustee given what has occurred;
  - (c) What action Council can take to protect its rights and interests.
2. **THAT** Council work with the Area Health Service to reinstate a Podiatry Service - temporary or permanent - in the Five Dock area as a matter of priority.
3. **THAT** the State Member be informed of the above.

At 7.40p.m., Councillor Marshall left the Meeting.

At 7.42p.m., Councillor Marshall returned to the Meeting.