

# Councils must admit their mistakes



**DANIEL GANNON**

LOCAL government hasn't exactly showered itself in glory in recent weeks. The ongoing fiasco involving a house at Marino again highlights underlying problems for this sector.

The broader issue is not just the decisions that councils are making in the first instance, but the way they spend incredible energy, time and money defending those decisions.

And, as always, the biggest loser is ratepayers.

Last month the Onkaparinga Council was in the spotlight for paying \$6800 to fund the joining fee at Kooyonga Golf Club for its chief executive officer.

The council then shelled

out \$22,000 in legal fees to keep the original fee secret, only for the CEO to later pay back the membership fee.

A central plank in the debacle was the expensive legal bill borne by ratepayers to keep the golf club fee under nine holes of secrecy.

Now, only weeks after Golfgate, we have the Marion Council – located next door to Onkaparinga – continuing to spend ratepayer funds on defending its decision to approve a new house in Marino.

For those who haven't come across this latest shemuzzle, a couple are facing almost certain demolition of their \$680,000 house after the Environment, Resources and Development Court ruled the dwelling was too big for the site and should never have been approved by council in the first instance.

Judge Jack Costello has

given Chris and Deborah Fleetwood until today to respond to an order why their house on The Cove Rd should not be bulldozed.

The saga has involved four cases in the ERD Court and one in the Supreme Court, all over the way the council assessed applications for the property. The council has been represented by teams of solicitors and barristers all the way.

For the last two rounds it even engaged a silk to defend its position.

As highlighted by one of the early ERD Court judgments, the council was faced with a building rules consent which did not meet its own development plan, yet it still issued full approval.

The court also highlighted the importance of maintaining the integrity of the planning system and the integrity of local government itself. This

was direct criticism of the role played by Marion Council.

In my opinion, the fault lies squarely at the feet of the council – no ifs, no buts. If the development application had been correctly processed back in 2012, then Mr and Mrs Fleetwood would never have been given the green light for an inappropriate development.

Moreover, their neighbours would never have been forced into repeatedly taking the matter to court to challenge the council's decisions.

So where is the mea culpa from Marion Council, you might ask. Has it thrown its hands in the air and apologised, admitted its mistake and taken action to rectify the situation for all parties?

Put simply, no. Instead, the council is still paying a QC to defend its decisions.

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