

DALEY QUESTIONS ON BUILDING BOOM

Daily Telegraph
2 March 2019

IT'S BEEN A SHOCKING WEEK FOR THE STATE OPPOSITION LEADER OVER HIS TIES TO DEVELOPERS, WRITES **CLARISSA BYE**

IT'S a common question in Sydney's suburbs — how did that building get approved? Monstrous oversize apartment blocks have sprung up out of nowhere, rapidly built after being waved through by councils despite local resident objections and breaches of planning rules.

Some can be found in the oddest of locations, overshadowing modest neighbouring homes, flouting height limits, with little landscaping or greenery. Even more are flush up against footpaths, lacking setbacks written into codes and sparking fights over lack of parking.

Across Sydney, in just about every suburb, you can now find an action group of local residents joined together on Facebook dedicated to attending council meetings and fighting what they consider "overdevelopment" in their streets.

Another bugbear of the concerned residents is the loss of community assets built up over decades such as bowling clubs and tennis courts — being opaquely rezoned as "residential" and generating windfall profits for savvy developers.

BUILDING TOO BIG?

With the State election just weeks away, Opposition Leader Michael Daley has seized on general angst about Sydney "overdevelopment" as a potent issue to attack the Berejiklian Government.

In a speech to a Committee for Sydney planning taskforce recently he said "the feeling of frustration is real" and the "system isn't fair".

"Residents in our suburbs ... are sick of gridlock, of crowded trains, and inappropriate development," he said.

"They see that a council's LEP applies to them in an immutable fashion when they want to build a house, but not to the developer wanting to develop a unit block, who easily skirts around the local council with a "Gateway" or "Planning Proposal" straight to the Department of Planning."

But this week the tables were turned with Mr Daley forced to

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Opposition leader
Michael Daley

Below: The Maroubra Mall development



answer questions of his own about his stint from 1995 to 2008 at Randwick Council, where he assessed and was part of a planning committee that approved multiple million dollar developments without disclosing donations from developers or absenting himself.

BREACHING RULES

In a number of cases the developments were in breach of council regulations but still managed to get the green light over the complaints of residents.

They included over-height apartment blocks, pub renovations, a transport terminal at Port Botany, the Maroubra Mall development and a student lodge.

All up, the Telegraph has uncovered at least 32 cases where property developers contributed to Mr Daley's Maroubra 2005 by-election campaign or the ALP Randwick council team tickets in 2000 and 2004 and had their DAs or DA amendments approved.

Their legal donations to the ALP, including the NSW ALP branch, total \$1.19 million.

Mr Daley said this week the DAs were not necessarily in the name of the companies who had made donations, and he didn't know who the donors were.

"All of these donations were handled at arm's length from councillors, the same way that they're handled at arms length from MPs now," he said.

Electoral disclosure records show fundraising dinners held at State Parliament during 2004 had as little as 16 and 25 guests, with some property developers buying five tickets.

One of the cases highlighted by the revelations was the already infamous "Mons

Avenue" apartment block at Maroubra, built by colourful developers Brian and Garry Boyd, business partners of the Obeid family, who first hit the headlines with the Age Tapes scandal almost four decades ago.

The apartments take up a chapter in investigative journalist Kate McClymont's book about jailed ALP powerbroker Eddie Obeid, and hit headlines when it was revealed ALP MPs Mark Arbib and Eric Roozendaal had bought into them.

Until now, Mr Daley's connection to the approval of the block was unknown.

In 1999 a Boyd company bought the land, then occupied by tennis courts and surrounded by parkland near the beach.

In June that year the council planning committee, with Mr Daley in attendance, recommended a "spot" rezoning from 6B private Open Space to 2B residential, which added \$1 million to the land value, according to estimates recently made by the NSW Valuer General.

WISHES IGNORED

The rezoning went against the wishes of many residents, including then Premier Bob Carr who forwarded a submission signed by 44 locals, upset at the loss of public land.

"The proposed rezoning would be against the public interest by permanently destroying an opportunity to have developed sporting facilities available," one of the residents said.

Between the 1999 and 2006 financial



years Boyd companies donated at least \$366,140 to the ALP NSW branch.

On 29 May 2000, the Boyds, through another company, donated \$5000 to the ALP Randwick council team.

In November 2000 Mr Daley chaired a planning meeting and signed the council minutes where the \$4.1 million DA was approved to demolish the tennis courts and build 20 townhouses.

Liberal councillor and now Coogee MP Bruce Notley Smith declared an interest by saying his party had received donations from the firm in question, but Mr Daley didn't disclose them.

Mr Daley, who thanked jailed ALP powerbroker Eddie Obeid in his maiden speech, said he did not know Obeid was in any way involved at time and did not know him

until 2005.

He also fought against three attempts to require councillors to put their political donors on the record. A year later he even tried to overturn it.

Asked about this last week, he says that by rejecting that motion, he was actually trying to push another stronger motion which would have taken DAs away from councillors and given to an independent panel.

"That's now law in NSW," he says. "The Liberals to their credit brought that in last year. I supported it, I moved that in 2006 — 13 years before it became law in NSW — and the other councillors all voted against it."

As to not declaring his pecuniary interest during the council meetings, which was required under a 1995 Randwick Code of Conduct brought in after an ICAC report into corruption at the time, as well as a stronger Model Code of Conduct from 2005, Mr Daley says these are "nebulous claims that go back 20 years".