



19 NOV, 2021

## Council candidates fail to declare close ties to property developers

Sydney Morning Herald, Sydney



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### LOCAL GOVERNMENT ELECTIONS

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#### EXCLUSIVE

**Angus Thompson**

Urban affairs reporter

A former deputy Liberal mayor whose wife's development bid arose from an unusual zoning decision is one of multiple council candidates to deny a close association to developers.

The NSW government is facing a fresh push from Labor to ban property developers from local government as the December council elections loom closer.

Sutherland Shire candidate and childcare centre operator Hassan Awada, who was involved in his wife Souad's plan to have 52-apartments built on her land and an adjoining property, has sworn to the electoral watchdog he is neither a developer nor closely linked to one. He told the *Herald* neither he nor his wife, who also goes by Sue, considered themselves to be property developers.

"NSW has a clear, legal definition of a property developer, which establishes who is and who isn't a property developer, and we are not," Mr Awada said.

Mrs Awada's company, Driftwood Aust, bought two adjoining properties on Old Princes Highway, Sutherland, in 2017, two years after they were rezoned to high density as a result of a July 2013 motion by former Liberal mayor Kent Johns that was later criticised by an independent review.

Mr Awada at the time had properties that came under the rezoning proposal, so declared a pecuniary interest and left the room when the draft planning instrument came before the council.

He told the *Herald* he didn't even

know who owned the Old Princes Highway properties during the mayoral minute, and there was no relationship between the council's decision and the later purchase.

The Old Princes Highway land was rezoned from medium to high density, with the council voting to increase building heights to 30 metres, sparking a community backlash that helped trigger a NSW government-appointed review. Building heights were eventually set at 20 metres.

A development application for an apartment block to be built on Mrs Awada's land, together with a separately owned perpendicular lot, was lodged in 2018, with various consultants' reports prepared for Mr Awada or companies belonging to the couple, including their childcare chain, Kinderoos. The application was approved.

"I assisted my wife by recommending many of the consultants that I've previously used and for many years, when dealing with councils for my childcare business," Mr Awada said.

Mrs Awada lodged an additional application for an apartment on top of one of the buildings, which was approved this year. She sold her stake in the land to a company called Bowden this year.

Meanwhile, Hawkesbury Council Liberal candidate Sarah Richards has told the NSW Electoral Commission she is not a close associate of a property developer despite her partner, and former federal election campaign manager, Matthew Bennett, being the co-owner of a company called BCM Property Real Estate and Develop-



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ment. Ms Richards, a sitting councillor, has not responded to requests for comment.

Electoral funding legislation includes spouses and those involved in partnerships or joint ventures with property developers as being under the definition of “close associates”. Property developers are not banned from running for local government, however, there have been repeated pushes to disqualify the occupation due to the potential for conflicts of interest to arise when making planning decisions.

Labor’s local government spokesman Greg Warren, who has previously tried to have the occupation removed from local councils, said there was potential for developers to have access to information not available to the public “and are able to influence decisions on zonings and development applications.”

“It’s essentially putting the fox in charge of the hens’ house,” Mr Warren said.

Lake Macquarie councillor and mayoral candidate Luke Cubis, who is also running for MidCoast Council, has come under scrutiny for declaring he is not a property developer while applying to subdivide 24 residential lots near Newcastle.

Cr Cubis told the *Herald* he did not meet the legislative test, as he did not engage in a business mainly concerned with the development of land. The threshold also requires individuals to have a pending development application or to have had three determined in the past seven years. He said the intent of the law was “to find someone who’s doing it for a living”.

“I certainly can see no plan to have three DAs in seven years. I work for a software company,” Cr Cubis said.

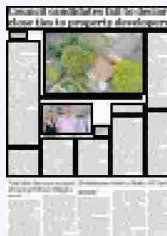
A spokesman for the NSW Electoral Commission said: “Not all persons involved in property development meet the legislative definition of a property developer, and not all family members are

close associates.”

Local Government Minister Shelley Hancock recently said the government remained opposed to banning developers on councils, however she said she would refer it to a parliamentary committee next year. It would be inappropriate to take action before the upcoming elections, she said.

However, the government must now reconsider a developer ban after the NSW upper house voted on Wednesday to disqualify the occupation from running for local government.

Speaking in support of the bill, Labor MLC Mark Buttigieg, said: “What grounds does the government have to knock back such a simple reform that would make transparency the order of the day so that when the average person in NSW goes to the polling booth they can feel confident that they are electing people who have their best interests at heart”.



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One of the Sutherland properties purchased by the wife of former Sutherland Shire councillor, Hassan Awada, who is again running for council. The property is earmarked for development. Photo: Janie Barrett



Souad (left) and Hassan Awada (right) with PM Scott Morrison. Photo: Facebook