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**STUNNING ICAC CLAIMS**

# Planner reveals how Oxley meddled



Former Wollongong City CEO Rod Oxley.  
Picture: HANK van STUIVENBERG



## BETH'S STORY

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**INSIDE** WEEKENDER ... DOMAIN ... DRIVE ... DRAGONS MATCH GUIDE

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SECOND 001

# Oxley interfered:

By BRETT COX

THE then Wollongong City Council general manager Rod Oxley met developers when their projects found opposition from council officers and meddled in the work of experienced planners, the Independent Commission Against Corruption heard yesterday.

David Broyd, the city's former environment and planning director, told ICAC that Mr Oxley had a close relationship with some developers and was "too open for representations" from them.

He said Mr Oxley had approved changes to Wollongong planning laws that helped developer Frank Vellar obtain approval for a building that would have been previously classed as "oversized".

ICAC was also told that at least three senior planners, including two former planning directors, had expressed concern about Mr Oxley's interference.

Mr Broyd, who became the department's director in November 2003, told ICAC he resigned on July 1, 2005, after a "clash of values" with Mr Oxley.

Mr Broyd said when he started staff in the planning department told him there was "significant dissatisfaction and low morale" due to what they described as the "level 10 factor", a reference to the location of Mr Oxley's office.

Staff referred to this because of a "domination of the general manager in planning issues and the high level interference in carrying out their professional duties, directions to change their positions on planning matters and really quite strong intervention and direction being placed upon them frequently by the general manager at that time, Mr Oxley".

### Oxley's DA directives under fire

**ALARMING** A report claiming the city's former general manager Rod Oxley meddled in the work of experienced planners, the Independent Commission Against Corruption heard yesterday.

### Oxley in new uproar at DAs

**Fresh interference claim**

**Controversy:** The Mercury's reports from November 19 and November 29, 2004.

The resignation of a number of staff members before Mr Broyd's arrival - including previous director Michael Mouritz, who warned him about Mr Oxley's interfering ways - had left the department in "turmoil".

The counsel assisting ICAC, Noel Hemmings, QC, tendered a 2002 letter to department heads from Nadine Luckman, the council's then development project officer, claiming developers sought meetings with Mr Oxley when planning officials expressed reservations to them about their developments.

"In all three instances the general manager has verbally directed that the development applications be approved, usually as a matter of urgency and without comprehensively dealing with all of the identified issues," she wrote.

In a return letter, Mr Oxley rejected the claims, saying he was just helping to streamline the DA process when he felt it "appropriate" to become involved.

Mr Hemmings asked Mr Broyd what he thought of Mr Oxley's dealing with developers and their applications.

Mr Broyd replied: "That it was excessive and too open for representations to be made by developers to him when they were aggrieved

by positions taken by the planners or in terms of advocating their development before lodgement or in the early stages of its assessment".

Talking about developments approved during his time at the council, Mr Broyd said a conflict arose with Mr Oxley "because of the extent of the variation and some of the outcomes were very questionable in terms of their legality".

Mr Broyd, a planner with 30 years' experience, doubted the ability of Mr Oxley, a former council treasurer, to deal with development issues.

Mr Broyd cited the controversial eight-level Platinum development on Crown St as one example of Mr Oxley's interference.

The planning director had advised the applicant the project would not be approved because it was out of character for the area.

But Mr Oxley had pulled rank and written a favourable report himself which led to Platinum being approved by councillors.

Mr Broyd said Mr Oxley had also been a supporter of developer Frank Vellar's proposal for the \$100 million Quattro project.

Mr Broyd said he, the NSW Department of Planning and the council's inde-

pendent review panel had all indicated the development was too big to be approved and "unacceptable".

It was more than four times the height, and had a floor space ratio at least double the limits set out in council planning policies, ICAC heard.

But this problem was overcome, Mr Broyd testified, after a new development plan for the city centre had inserted a specific mention of the Quattro site so it could be built at 14 storeys.

Mr Broyd said he requested this be removed from the plan but Mr Oxley overruled him.

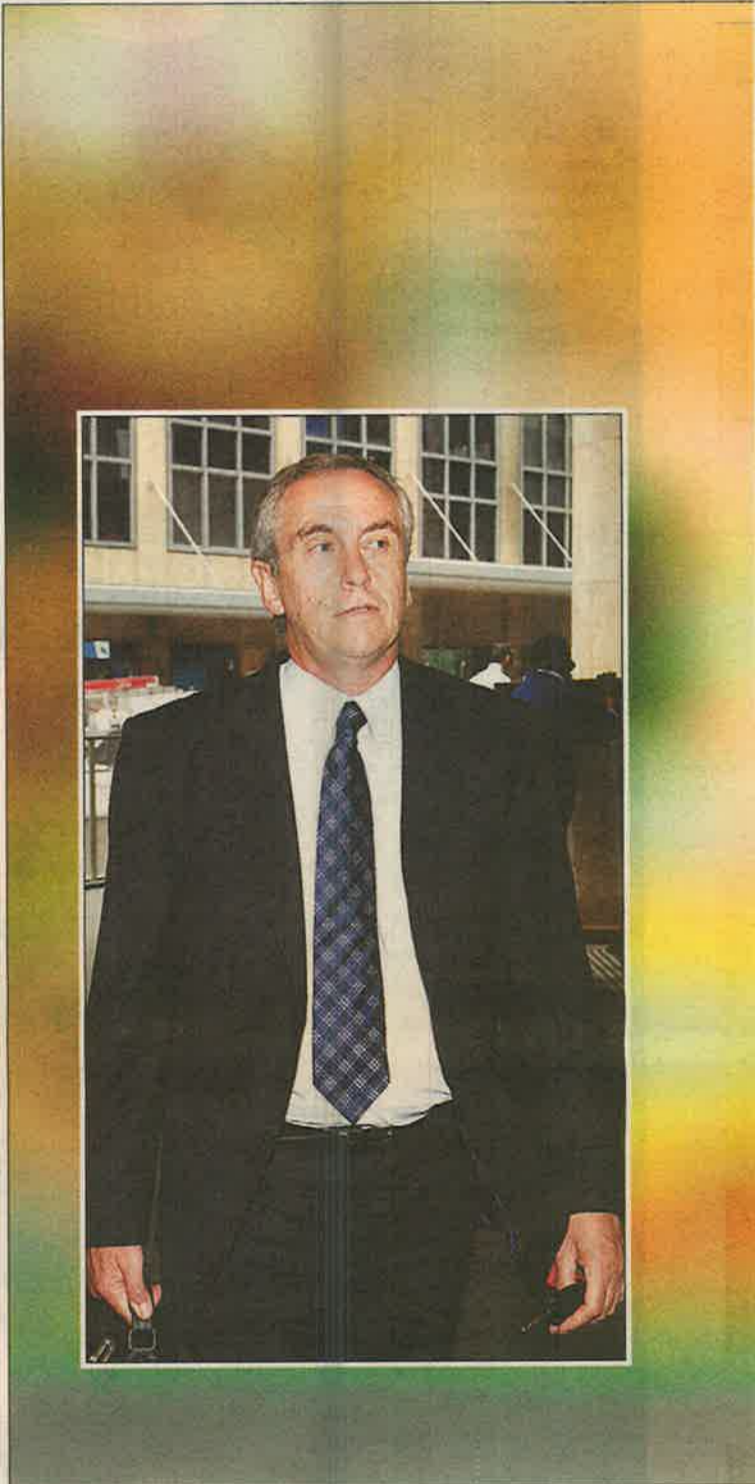
He said less than two months after he quit the council, Quattro was approved by town planner Beth Morgan with "significant inadequacies" in the report outlining her reasoning for the decision. It did not go before councillors. Quattro is yet to be built.

The Victoria Square development was also approved by Ms Morgan, despite outstanding concerns over its size and traffic problems.

On the North Beach Bath-ers' Pavilion, Mr Broyd had asked an independent planner be appointed to assess proposals, but this did not happen.

Mr Broyd also testified he was so concerned about the relationship Ms Morgan was forming with Mr Vellar that he had raised the issue with John Gilbert, the manager of development, suggesting she be removed from assessing Quattro.

After Mr Broyd's resignation in mid 2005, engineering department manager and Labor personality Joe Scimone was appointed as a planning manager and Mr Oxley himself acted as director. Mr Broyd doubted whether either man had the qualifications for the jobs.



Different plans: Former Wollongong City council CEO Rod Oxley,

quote

That it was excessive and too open for representations to be made by developers to him ...

- FORMER PLANNER DAVID BROYD ON ROD OXLEY'S INTERVENTION ON APPLICATIONS

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DAILY TELEGRAPH

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# planner

## Strong boss who took city reins for 19 years

By BRETT COX

### ROD OXLEY

Born September 26, 1947

Lives in Mt Pleasant

Director of Australian Health Management Wollongong, Southern Phone Company, Soothcat, Carelink Australia, Dencare, Global Green Consulting, International Health Benefits, Mercantile Mutual Health

Wollongong City Council general manager 1988 to 2007

AS the high-profile head of Wollongong City Council, Rod Oxley was sometimes controversial and often outspoken.

He had a rocky relationship with staff at times but maintained his main interest was taking Wollongong forward.

This week he has been called before the ICAC as it investigates his implementation of council planning policies and procedures.

The commission is also examining his links with developer Frank Vellar and knowledge of Mr Vellar's relationship with former town planner Beth Morgan.

Mr Oxley was often vocal about attracting development to Wollongong and stimulating economic development.

But staff under him were not always happy.

A steady stream of planners left during his tenure, including eight between 2003 and 2005.

Planning director David Broyd walked out in July 2005, later saying there had been too much interference.

On November 29, 2004, Mr Oxley criticised council planners in the *Mercury* for not negotiating with the developers of the Platinum project.

"It's about time these professional planners acted professionally ... they are not operating as effectively and efficiently as they should be," he said.

His relationship with mayors was also, at times, prickly.

"Since David Campbell left in 1999 we have had one lord mayor - George Harrison - who knew nothing about

between a developer and a council officer.

But he had not willfully disregard his duties, the ICAC found.

Mr Oxley last year addressed rumours about his conduct as general manager.

"I'm not aware of the specifics, but I'm aware that some people say, 'he must be on the take', or 'he has a lot of power and influence'.

"I can absolutely deny most, if not every one of them. If anybody wants to come forward with evidence, I'd like to see it because it doesn't exist," Mr Oxley said.

After his decision to leave the council after 19 years at the helm in May last year, Mr Oxley was praised by councillors.

Deputy Mayor Kiril Jonovski described him as approachable.

"If I have an issue and raise the issue with him then he will tell you whether it can be achieved and if it can't he will tell you the reasons why it can't be done," Cr Jonovski said.

Even independent councillor Anne Wood, who was facing a code of conduct complaint brought by Mr Oxley, offered her thanks.

"A city of this size requires a strong leader and you have certainly showed extraordinary strength," she said.

"I fully appreciate the difficult balancing act you have to do balancing the political side with the administrative side."

Mr Oxley said briefly he had always strived to make a difference and support the community.

"I went to a political rally once and I saw a slogan and it said 'It's time', and it's time for me, thanks everyone," he said, sitting down.

local government," Mr Oxley said last year.

"Alex Darling came in and I don't think he's provided the kind of leadership that this city needs either.

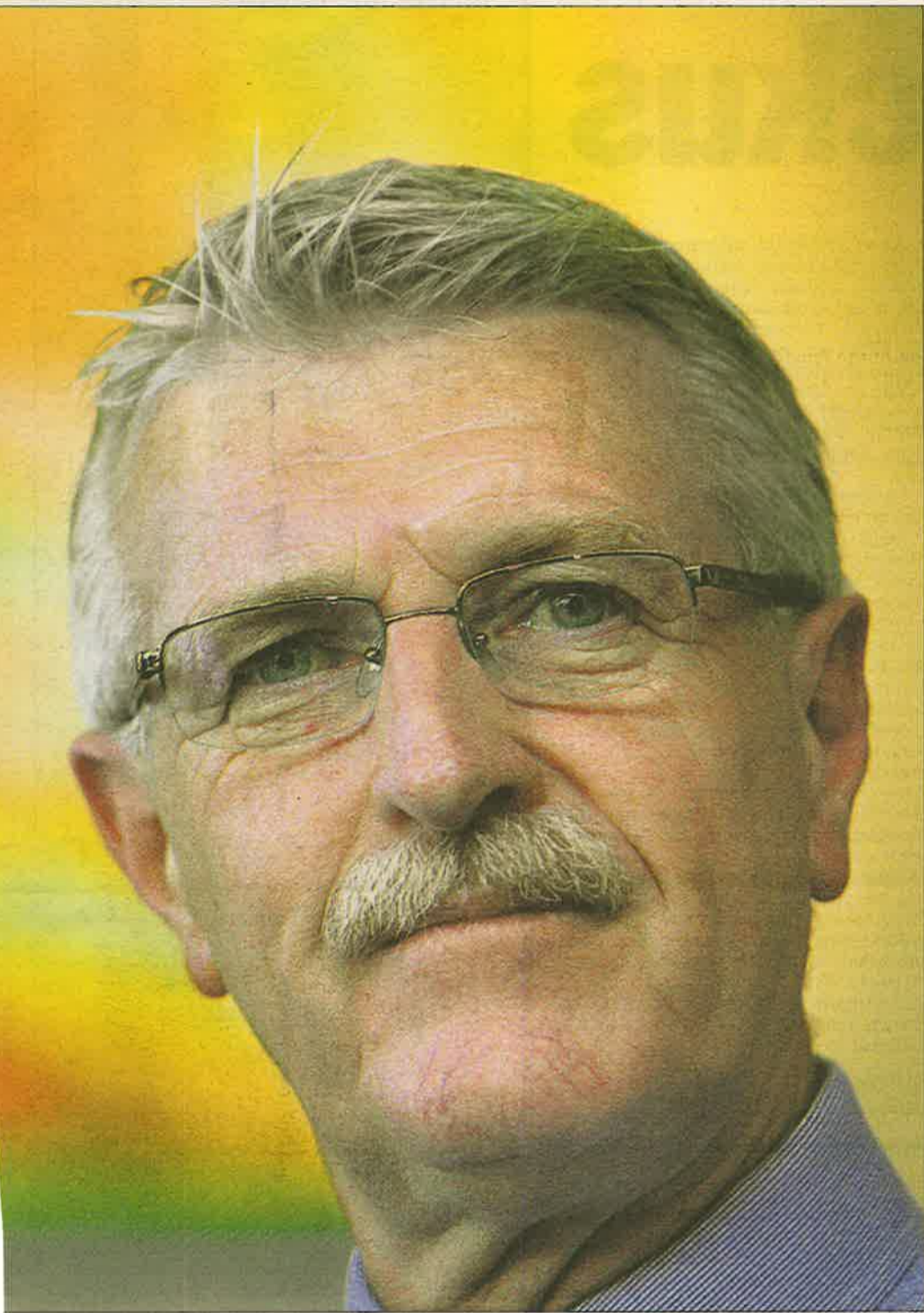
"It's often been suggested to me ... that I have had to assume some of the role of the mayor as well as being general manager."

Mr Oxley's decision to recommend the Platinum on Crown proposal in 2005 raised eyebrows, as did his decision to appoint himself as chief planner later that year.

Developer John Comelli said at the time: "He would do a better job than most planners ... he adds commonsense and not just what the rule book says."

At the time, Mr Oxley said he had done a town planning "course".

In December 2007, a separate ICAC inquiry found Mr Oxley's conduct fell below the "standard expected of a principal officer of a public authority" after he took four weeks to report a bribery claim



and (inset) David Broyd, the city's former environment and planning director, at ICAC yesterday.

### quote

It's about time these professional planners acted professionally ...

- ROD OXLEY IN AN INTERVIEW WITH THE MERCURY IN 2004

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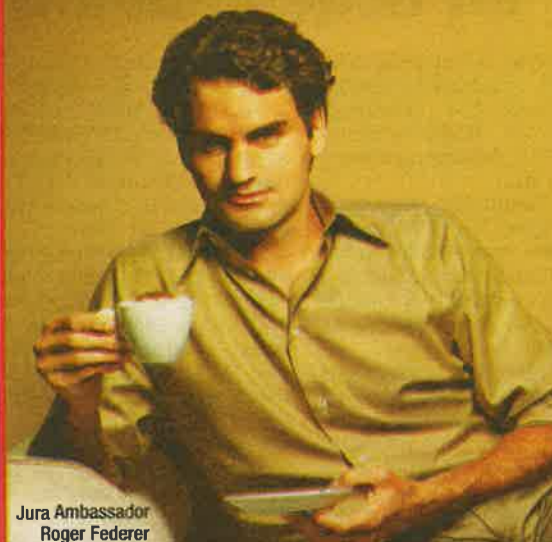
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