

TOLOSAPUB00231
28/04/2022

TOLOSA
pp 00231-00281

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION TOLOSA

Reference: Operation E17/1221

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 28 APRIL, 2022

AT 2.00PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Yes. I'm going to call Mr Furlong in a short moment. I just want to deal with one administrative matter. I seek to tender volume 2, which will become Exhibit 3, which is some council disclosures and codes of conduct and the like, so if I could do that?

10 **#EXH-004 – VOLUME 2 - COUNCIL CODES OF CONDUCT AND DISCLOSURES**

THE COMMISSIONER: Do I have a hard copy of that volume? It's presently volume 2?

MR DARAMS: Volume 2. That's correct. If the Chief - - -

THE COMMISSIONER: I may not have it here.

20 MR DARAMS: Yes.

THE COMMISSIONER: You said it includes the code of conduct?

MR DARAMS: It does.

THE COMMISSIONER: This is a hard copy of that code?

MR DARAMS: We can make some - - -

30 THE COMMISSIONER: Could somebody make it available during the course of the afternoon?

MR DARAMS: We can. Just to assist you, Chief Commissioner, I won't be going to any of the material in that volume with this witness this afternoon but we will make sure that the Commissioner has a hard copy of that material.

THE COMMISSIONER: Nonetheless, I would like to have a hard copy provided.

40

MR DARAMS: Yes. Well, with that, I call Mr David Furlong.

THE COMMISSIONER: Thank you. Is Mr Furlong represented?

MR DARAMS: He isn't, Chief Commissioner.

THE COMMISSIONER: Yes. Come forward, Mr Furlong. Mr Furlong, to give evidence, you need to take an oath or an affirmation. What do you choose?

10 MR FURLONG: Take the oath, Commissioner. That's fine.

THE COMMISSIONER: Very well. I'll have that oath administered if you wouldn't mind. There's a Bible there and I'll have my associate administer it. If you wouldn't mind standing?

THE COMMISSIONER: Yes. Thank you. Would you just state your full name?---David Aloysius Furlong.

Thank you. Mr Furlong, Counsel Assisting will ask you some questions. Before we get to that point, you're not legally represented here today, I understand?---No, Commissioner.

10

And you may or may not be aware of any of the provisions of the Independent Commission Against Corruption Act but there are provisions that deal with evidence being given by witnesses under objection or not. Are you broadly aware of those provisions?---Yes, Commissioner, I am.

20

Just stating briefly, the effect is that you may, it's a right provided to a witness, object to answering a question or object to producing any item such as a document. The effect of the objection is that although you must still answer the question or produce the item, your answer cannot then be used against you in any civil proceedings or criminal proceedings or any proceedings of any kind, but that is subject to one exception and that is that the protection does not prevent your evidence from being used against you in a prosecution for an offence under the Independent Commission Against Corruption Act, and of course that would include an offence of giving false or misleading evidence, which the penalty can be a term of imprisonment for up to five years. It's important that I make you aware of that exception. I can make a declaration that all answers or any item you produce are covered by the objection. That saves you objecting to each and every other question or producing documents. You understand what I'm talking about?

30

---Yes, Commissioner.

And so do you wish to take that objection?---Yes, Commissioner.

40

You do. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr David Furlong, and all documents and things that may be produced by him in the course of this public inquiry are to be regarded as having been given or produced on objection. There is accordingly no need for the witness, Mr Furlong, to make objection in respect of any particular answer given or document or thing produced.

DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS, MR DAVID FURLONG, AND ALL DOCUMENTS AND THINGS THAT MAY BE PRODUCED BY HIM IN THE COURSE OF THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. THERE IS ACCORDINGLY NO NEED FOR THE
10 **WITNESS, MR FURLONG, TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Very good. Yes, Mr Darams.

MR DARAMS: Mr Furlong, can you please tell us your full name?---David Aloysius Furlong.

20 Do you have any professional qualifications?---Yeah. I have a Bachelor of Town Planning from the University of New South Wales.

When were you awarded that bachelor?---I was awarded in 1985.

Did you then commence employment using those qualifications?---I recommenced employment. I had previously been employed as - - -

THE COMMISSIONER: Mr Furlong, sorry to interrupt you. I have to say this to every witness, I'm afraid. The microphone is there. If you would
30 tend to sit closer to one or other of those microphones and speak to it - - -?
---Yeah.

- - - otherwise often the voice does not carry to the end of the room and I also need to hear everything you say. So if you just be mindful if you wouldn't mind?---Certainly, Commissioner.

Firstly, to keep your voice raised rather than softened and, secondly, direct it closer to the microphone. I should say also that it is important that you listen to the questions put and answer directly the point of each question,
40 rather than making statements and so on. You understand the question-and-answer format?---I do, Commissioner, yes.

Yes. Thank you.

MR DARAMS: So you were saying you recommenced employment after you received your Bachelor of Town Planning, is that right?---Correct, Mr Darams, yes.

Who did you recommence employment with?---Ashfield Council.

10 Did you commence as a town planner?---As a trainee town planner part of the way through my university degree.

How long did you remain at Ashfield Council for?---Three, three years, I believe, after I graduated.

So about 1988?---Approximately 1988, yeah.

Did you continue in employment somewhere else after that?---Yes, I did. I went to work for Blacktown City Council.

20

Were you employed as a town planner there?---Yes, I was, Mr Darams.

How long did you remain employed with Blacktown City Council?---Six years, approximately.

So 1988 until about 1994?---That's correct.

Did you continue in employment after that?---Yes, I did. I went to Drummoyne Council as the Development Assessments Manager.

30

How long did you remain at Drummoyne Council for?---Drummoyne became Canada Bay in 2001 and I remained at Canada Bay until 2004.

You said Drummoyne Council became Canada Bay Council in 2001, is that right?---Yes.

Whatever date that was, the amalgamation, you continued in employment from Drummoyne Council to Canada Bay Council?---Correct.

40 Can you recall the role that you were employed in at Canada Bay Council? ---Yes, Mr Darams. I, at Drummoyne I was the Director of Planning and at

Canada Bay I was appointed as the Director of Planning and a whole bunch of other stuff, very early in the life of the council.

Do you recall who you reported to when you commenced employment with Canada Bay Council?---I reported to the general manager of which there were two.

Who were they at that stage?---The former Drummoyne General Manager, Russell Lloyd and the former Concord General Manager, Les Hullick.

10

Sorry, Les Hullick?---Hullick, H-u-l-l-i-c-k.

How long did you remain employed with Canada Bay Council?---I left in either last day in January or the first day in February in 2004.

Did you continue in employment after that?---I did, not in local government though.

Where did you continue your employment?---I went to work for Meriton.

20

What role did have with Meriton?---A town planning role where I would work with the buyers, the land purchasers, the development assessment planners looking at potential sites for redevelopment.

How long did you remain in that role for?---About four months.

What did you do then?---I didn't do anything for a while and then I began my current company, Plan Urban Services.

30 So you remained in employment with Meriton until about, what, the mid or the latter part of 2004?---No, April, May, thereabouts. Might have been June.

Then you took some time off, was it?---I, I definitely did, yes.

And then you said you started your own business, is that right?---Correct.

Was that Planned Urban Services?---Initially it was just David Furlong Pty Ltd but it became Plan Urban Services.

40

Do we understand that to mean that you continued providing services through a corporate entity, your personal services?---As a sole trader.

THE COMMISSIONER: When did you commence business?---2004, Commissioner.

Same year.---June/July, yep. Whatever it was.

10 MR DARAMS: You said David Furlong Pty Ltd, which then became Planned Urban Services Pty Ltd?---Yep.

That was a corporate entity, a company?---A company, a sole trading company, yes.

Sole trading company. My question was, did you provide your services through that corporate entity?---Oh, yes, Mr Darams. Yes, yes.

20 Yes. Were there any other employees of those companies?---No. My, my wife is a fellow director and she does some administrative work when I can get her to, but apart from that, no.

Sorry, I was going to ask you that question. You're a director of Plan Urban Services?---I am.

Your wife's a director?---My wife is a director of, it gets complicated, but the family trust that manages the, the, arranges all that stuff for the company, as are our two sons.

30 But in terms of providing the services for or on behalf of Planned Urban Services - - -?---It's me.

It's you?---Yep.

40 Now, can you tell us what services Plan Urban Services does provide, that is you through that entity?---Town planning advice, be it strategic town planning or statutory town planning, so planning proposal applications, development applications, general advice, property zonings, strategic work in terms of going through a DA. Over the years I've provided private advice to the State Government and to local governments. I've sat on peak planning panels of the State Government and I currently still sit as an expert on two local government planning panels.

When I refer to you as you or your service, I mean Plan Urban as well in this examination.---Yeah. Sure.

Now, one of your clients at least in the period 2016 to 2019 was I-Prosperity if I can use that description.---Yes, yes.

I think you understand it was possibly I-Prosperity Waterside Rhodes Pty Ltd but I'll refer to them as I-Prosperity.---I understand.

10

I'll also refer to the Rhodes development. When I'm doing that I'm referring to the proposal of I-Prosperity to develop the land at 1-9 Marquet Street and - - -?---Yes.

- - - Mary Street in Rhodes.---Yep.

If you understand that.---I do.

20 Now, can you tell us how you came to be engaged to provide your services for the Rhodes development?---Yeah. To the best of my knowledge, Mr Darams, I received a phone call from the original project architect, Stephen Bowers. Stephen unfortunately passed away in 2019.

THE COMMISSIONER: From, his name?---Stephen Bowers, Commissioner, B-o-w-e-r-s. He, he rang me one day and asked, you know, told me a little bit about the project and who was also involved in it in terms of urban designers, and I receive a lot of those sort of referral calls so I asked him to send me the details which he did and I started to look at it and it went from there.

30

Did you understand that he had been working for, in his field under contract with I-Prosperity?---Yes, Commissioner.

MR DARAMS: Do you recall when that call came from Mr Bowers?---It would probably have been early in, either late in February or early in March in 2018.

You said 2018. Do you mean 2016?---Oh, '16, sorry. Sorry.

40 Yes. Had you - - -

THE COMMISSIONER: Sorry, is it March two thousand and?---16.

'16.---Sorry, Commissioner, I got the dates mixed up from my fee proposal.

Yes. Okay.

MR DARAMS: Had you worked, I can use that as a loose description, with or for Mr Bowers before this occasion?---No. Mr Bowers I hadn't.

10 Did you, notwithstanding that did you know of Mr Bowers? Had you met him before?---No.

So is it the case that this call came I guess out of the blue?---Yeah. Cold call.

Cold call. Now, before Mr Bowers' call to you, well, first I'll ask you this. Do you know Mr Joseph Chidiac?---I do know Mr Chidiac, yes.

20 Before Mr Bowers called you had you worked with or for Mr Chidiac before this occasion, before that time?---Mr Chidiac, one that springs to mind, like a lot of people from Canada Bay refer roles to me and around that time there was a role with a company called PIA, Property Investor Alliance. Jason Wang I think his name is. It's a, it's a real estate property management business.

Sorry, Jason Wang?---Wang I think it is, yeah.

Could it be Justin Wang?---Oh, Justin Wang, yes. Correct.

30 So Mr Chidiac, before the call from Mr Bowers, Mr Chidiac had referred - - -?---Around the same time. Around that early part of 2016, yes.

THE COMMISSIONER: Let me just be clear about this. I think you said you, at the time you got the call from Mr Stephen Bowers, you knew who Mr Chidiac was. Is that right?---I knew Mr Chidiac, Commissioner, from when I was at the City of Canada Bay. He was a property owner in the Concord commercial shopping centre and I had dealt with him while I was at council.

40 And when you were at Canada Bay Council and you dealt with him, what sort of context or what sort of matters had you been involved in concerning

Mr Chidiac or his interests?---The council at the time, both before the City of Canada Bay was formed, and for 12 months or so after that, Commissioner, was revitalising the Concord shopping centre, and Mr Chidiac owned at least one, maybe two, sites along that, along that road.

This is the town centre development, is it?---The town centre redevelopment, if you like, in terms of widening footpaths and putting in outside dining and the like. And there was a, a committee, local businessmen's committee, who we used to interact with through the council.
10 And I think, I think he was on it or he would come to a meeting and that's how I first met him.

So is that, is that the context in which you first came to know him?---That's the first time I met Mr Chidiac, yes.

And that in relation to, as I think you've made clear, was in relation to matters associated with the proposed town centre redevelopment program?
---Correct, Commissioner, yep.

20 That's a program that the council had been undertaking in terms of scoping and developing.---Yes, Commissioner.

Eventually for public exhibition, is that - - -?---I think it had, it had gone through a fair exhibition and, and scoping process during the life of the former Concord Council, so we, we kind of inherited it. The council, the new council was still keen to progress it and revitalise the centre, which was pretty daggy and dormant at the time. We were also doing Five Dock and Drummoyne.

30 So at any event, you came to know Mr Chidiac in relation to matters associated in some way with the proposed town centre redevelopment project, is that right?---I met him. I didn't become particularly friendly or anything. He was just another one of - - -

No, but that's the context in which you came to meet or talk to the man at some stage.---Yes. Correct. Yep.

All right, thank you.

MR DARAMS: Sorry, Mr Furlong, can I just understand this. That was when you were still employed with the Canada Bay Council, is that right?
---Correct, yeah.

So before 2004?---Before 2004, yeah, probably 2001-ish.

Did you have any – you’ve given us the example of, sorry, the, you explained to us Mr Wang and PIA, but between 2004 and the I-Prosperty engagement and the Mr Wang engagement, had you had any other dealings
10 with Mr Chidiac in that period?---I don’t believe so, Mr Darams. I don’t recall doing any business with Joseph.

All right. Now, just back to the PIA/Mr Wang, let’s call it, matter. Can you tell us what that was about?---Yeah. PIA’s head office is on a property at 2 Australia Street, Sydney Olympic Park. And the Olympic Park Authority at that time was producing an LEP, they called it the Olympic Park Plan but it was effectively an LEP for the Olympic Park Authority land. Jason wanted to see what he could do on his property under the height and floorspace increases and things in that plan. So along with Michael Harrison from
20 Architectus, Mr Chidiac introduced us. I’d actually met him before at an Urban Taskforce, this is Mr Wang, at an Urban Taskforce function. And we looked at and provided him advice, although I don’t think we ever progressed to doing a plan for that site. I think in the end, he accepted that what was being offered through the Authority was probably as good as you’re going to get.

So did you ever have any commercial agreement or arrangement with Mr Wang?---No.

30 So there was an introduction by Mr Chidiac - - -?---Couple of meetings and - - -

Couple of meetings, but nothing sort of eventuated out of that?---No. No.

To the best of your recollection, this was around this time in 2016, as well?
---Approximately the same time, Mr Darams, yeah. I can probably check for you.

40 Did Mr Chidiac reach out to you and say, “Can you come and speak with Mr Wang?” or was it Mr Wang reaching out to you?---No, I think Mr

Chidiac rang me and said would I come and, and meet Mr Wang and talk to him about the potential for his site.

Was Mr Tsirekas involved in those conversations?---No.

Now, in relation to your engagement with I-Prosperity in respect of the Rhodes development, did you have a written agreement with I-Prosperity?
---I provided I-Prosperity a, a fee proposal dated 18 March, 2016 which - - -

10 Did the fee proposal have an area where the terms could be accepted?---It did, it did - - -

Did they accept those terms and provide it back to you?---They did - - -

Do you know who signed it on behalf of I-Prosperity?---Yeah, Ms Li signed it.

Ms Belinda Li?---Yes.

20 THE COMMISSIONER: Sorry? Mr who?---Ms Belinda Li.

Yes.---I have a copy of it here somewhere, Commissioner.

MR DARAMS: For want of a better description, does the fee proposal, is that your terms of agreement by which you provide your services, is it?---It is, Mr Darams, yes.

THE COMMISSIONER: You say you have a copy of it there?---Yeah. I'm just trying to find it, Commissioner. I don't think I left it on my desk. I
30 hope I didn't leave it on my desk.

That's all right. We might have a copy?

MR DARAMS: We might. Just bear with me one moment, Mr – perhaps if the witness could be shown volume 1E?

THE COMMISSIONER: Sorry?

MR DARAMS: 1E.

40

THE COMMISSIONER: E.

THE WITNESS: No, I don't have it with me.

THE COMMISSIONER: It may come up on the screen - - -

MR DARAMS: Page 28.

THE WITNESS: That's it.

10 MR DARAMS: If the witness could be shown the next page, as well? So that's the fee proposal that you were referring to?---Yes, Mr Darams.

Now, would this written document be the extent of any written agreement, for want of a better description, between you and I-Prosperty in relation to the Rhodes development?---Yes, Mr Darams, it is.

Other than that, any other document might be in relation to the services you provide?---Apart from reports and things, yes, but - - -

20 Yes. I was going to say reports - - -?---Yeah.

- - - the invoices, things like that?---Correct.

But these are your contractual terms?---Correct.

THE COMMISSIONER: As at the date of the fee proposal, 18 March '16 - - -?---Yes, Commissioner.

30 - - - in relation to the land that I-Prosperty were considering developing, what was the zoning of the land at that earlier stage, do you recall?---It was general business zoning, Commissioner, I think, B4. That has never changed.

I see. And in terms of matters of density, FSR and heights and so on, what was the relevant operative provisions at that time for this land, do you recall?---I, I do approximately, Commissioner, yeah.

40 Just in general terms. I don't need the specifics at this point.---I think from memory, the floor space ratio was 1.23:1 and the height was 23 metres.

Twenty- - -?---Three.

- - - three metres?---Yes.

What would that be in terms of levels?---Probably about six floors, maybe seven, depending how you laid it out.

Six to seven. Six to seven.---Yeah. It had been, Commissioner, it had been the subject of a much wider planning proposal by the council in about 2015, which substantially lifted both of those numbers, but in making its final
10 decision, the council excluded that land from the rest of what is known as the Station Precinct at Rhodes.

It excluded the land, what, where this Mary Street and Marquet properties were?---Yep.

What was the reasoning behind, do you know?---According to the council report, because it, not all six pieces of land were in the same ownership.

I see. All right, thank you.

20

MR DARAMS: Just back to one of the Chief Commissioner's questions. He asked you about the height at that stage, or the permitted height, and you said 23 metres and he asked you what that might correlate to in terms of storeys and you said six or seven. In relation to that area or that period of time, is there some sort of rule of thumb as between height and how many storeys?---There's a general rule, Mr Darams, that if you've got a mixed-use building, of which this site was capable of under the zoning, you would have three to four-storey commercial podium and then residential above it. So, you'd use, let's just use the 23 metres, you would probably use up 12 to
30 14 metres in the four-storey commercial podium, depending on a whole lot of technicalities about the lie of the land and that sort of stuff, and then the remaining floors would generally be residential and would be approximately three metres floor to floor. So you would, you would get another three to four storeys, depending where you started your land from. Because this, this particular site has a number of falls and swales.

Yeah. That's what I was going to ask you, is could you look at it and say if someone was planning to build an apartment block 117 metres tall, you could rule of thumb say, well, that would be about 30-something storeys
40 based upon that height?---Thereabouts. You'd get a rough idea but obviously you need a full survey and an architect, which is what Mr Bowers

had done. Although the initial proposal before my time was a much larger building.

Now, can we just go back to your agreement, so volume 1D, page 28. You put a proposal that was broken up into two stages in this fee proposal, that's right?---Correct.

Do we take it that only stage one, as described in this proposal, proceeded?
---At the moment, yes.

10

At the moment. When you say "at the moment", do you say that to suggest that, firstly, you're still, as far as you understand, engaged in relation to this development?---Well, I've never been disengaged, I guess is the better way to put it, but there's not a lot happened to it, to the site, since the problems with I-Prosperity in a commercial sense.

Yeah. When was the last time – well, I'll go back one. In terms of conversations with people on behalf of I-Prosperity in relation to the Rhodes development, were they conversations presumably you had with Ms Li?

20

---Correct.

Were there any other persons from I-Prosperity that you had conversations with? In particular did you have conversations about the development with Mr Harry Huang?---I met Mr Huang maybe three times. Once in the I-Prosperity office and twice, from memory, at various stages at, at dinner.

Now, what about Mr Gu?---I met Mr Gu once, I think, in the I-Prosperity office and it was only a, a passing meeting.

30

So in terms of the actual conversations or discussions you were having on behalf of I-Prosperity, in relation to the stage one, the planning proposal stage, they were predominantly or almost invariably with Ms Li?

---Predominantly, yes. And people from, a whole lot of other people but - -
-

Sorry, I was limiting it to the I-Prosperity side of your engagement, not the council side of the engagement. Just back to your proposal. I just want to draw your attention to that first paragraph under "potential rezoning". Do you see that?---Yes.

40

You say, "I refer to our recent conversations and your emails regarding the above property." Sometimes that type of thing is I might say a boilerplate paragraph that's just included.---Yep.

10 What I'm asking you is, is that actually a reference to conversations and emails that you had with Ms Li prior to sending the fee proposal?---If I can break it up. Certainly there were conversations after I had initially spoken with Mr Bowers and also Mr Harrison but my records don't actually show any emails from Ms Li, so it could be that it was just left in there from a previous version of the letter.

Right. But in terms of conversations, did you have conversations with Ms Li?---I'm pretty sure I did very early on, introductory type. Stephen Bowers had sent me the, the plans. Either Stephen or Michael Harrison had sent me a, a report that they had presented to council, an urban design report. Just early stuff to get the understanding of what it was.

Prior to this - - ?---Prior to this letter so in a previous week or, probably.

20 So when you say Mr Bowers had sent you information, do you say that based upon the fact that you've got a record of that information being provided?---It's still on my files. I saw it this morning.

Right. Okay. Now, in relation to Mr Tsirekas, are you a friend of Mr Tsirekas's?---We have been friends for quite some time, yes.

When you say quite some time, how long?---We first met in 1997.

30 Can you tell us the circumstances of how you and Mr Tsirekas met?---Yeah. He was elected to Drummoyne Council in the local government elections of 1997. I think that's correct.

In terms of your employment at Drummoyne Council, did you have many dealings with Mr Tsirekas?---Oh, yes, Mr Darams, like any councillor. I was the director of planning so, and there was no one in between except the general manager.

40 Yeah. So you first met him in the Drummoyne Council. He was obviously the mayor at Canada Bay Council when you were employed there.---He became the mayor later in 2004. I don't believe he was the mayor when I left but he was on the council.

Right. Now, in relation to your dealings with him at the Canada Bay Council, were they of the same nature as you had at the Drummoyne Council?---Yes, Mr Darams, they were.

Now, we've spoken about work dealings with Mr Tsirekas but what about out-of-work dealings with Mr Tsirekas, did you have any of those?---Oh - -
-

10 Let's firstly start that period you were at Drummoyne Council. When I say out-of-work dealings, did you socialise with Mr Tsirekas outside work?
---Not a great deal at the time. We might have a couple of beers after going to a function or that sort of interaction. In those years quite a number of the councillors on both Drummoyne and Canada Bay had youngish families as we did, so you had similar interests. But we weren't, you know, go to one another's places and have barbecues but there were things where the children, sometimes the children would come with you even though it was a semi-official function, and wives, partners, those sorts of things.

20 What types of things would your children and your wife go to?---One that springs to mind. We, we used to do town planning inspections on Saturday mornings and sometimes you've got the kids. You can't do anything about it, so the kids would come with us. It was a, it was a family kind of circumstance. The kids wouldn't come in the properties and things while we were doing the actual inspections but they might be in the car and those sorts of things.

So this is in the period at Drummoyne Council so prior to 2000. What about any other socialisation with Mr Tsirekas in that period of time?---Yeah.

30 Even though he was not the mayor we had a lot of mayoral functions and the like, and as a director, my wife and I would host a table of local people, and the other councillors and their partners would be there. So we'd all get to know one another.

Right. So what are these functions, just - -?---Oh, celebrations of community members' interaction with the council or lifetimes of service, staff award ceremonies, those sorts of things.

40 Turning now to the time that the Canada Bay Council had been formed to the time that you had left, did you have the same level of social interaction

with Mr Tsirekas or did it increase?---No, about the same level. I know he came, I remember he came to my, to my farewell, so - - -

The farewell being, what, at a pub or something like that?---At a, at a local club, a dinner. Yep.

10 What about after you left Canada Bay Council and, well, you were only at Meriton for a short period of time, but during the period that you commenced operating your own business, what about interactions with Mr Tsirekas in that time?---Oh, in, in lots of industry functions and the, and the like. Social functions, I think we've been to the football a couple of times with other people. Those sort of interactions.

Just focus on – I'll come back to the industry functions. Let's focus on the football. You mean rugby league, do you?---Rugby league, yeah.

Any particular game?---Well, he - - -

20 Sorry, any particular teams?---He's a West Tigers supporter, I'm a Roosters supporter, so - - -

Did you – so can you, was this a yearly thing that you would go to the football?---Oh, no.

No.---No, just casual.

So, what, once every couple of years or something like that?---Yeah, yeah.

30 Would it be Wests versus Roosters?---It, it could be or it might be the Roosters verse somebody else and he's just coming to the football.

Did you go to the football with Mr Colacicco?---I did.

Yeah. 'Cause he's a Roosters fan, isn't he?---He is a Roosters man.

How long have you known Mr Colacicco?---Approximately the same time.

40 Sorry, just - - -?---Maybe a little bit more, a little bit earlier than '97. Might be 1996. In that order, anyway.

Did you meet Mr Colacicco through Mr Tsirekas?---No, no, I met Mr Colacicco through a development application at Drummoyne Council.

Was it Mr Colacicco's application?---He and some other people owned the development, yes.

Right. So this is about 1996?---Thereabouts, yep.

10 So how do you end up going to the football with Mr Colacicco?---Well, he is, he is a, a Roosters man as I am. Mr Colacicco introduced me to the chairman of the Roosters, Nick – name will come back to me.

20 THE COMMISSIONER: You were asked after you left Canada Bay Council, in terms of your interaction with Mr Tsirekas, you mentioned that there was interaction in industry functions, as you put it, social functions, and I think you instanced football. In terms of a personal relationship, that is to say other than industry functions and social functions where there's lots of football supporters and families and so on, did you have any form of what might be described as a personal relationship, social or otherwise?---Not, not particularly, Commissioner, no.

No, okay. And how often over those years after you left Canada Bay Council would you have come in contact with him on average, either on a weekly basis, monthly basis or a yearly basis, for example?---It's hard. It's certainly not weekly or monthly, but there would be quite a lot of times during the course of the year that a client would make a meeting with the mayor and we would go and see him, but that was a business relationship. Apart from that, sporadic.

30 Sorry, apart from that - - -?---Apart from that, sporadic contacts in terms of going to the football or that sort of relationship.

Okay. Thank you.

MR DARAMS: Have you ever provided any of your professional services to Mr Tsirekas?---No.

40 Have you, other than that one occasion with Mr Colacicco, have you provided your professional services to Mr Colacicco?---I believe we done a DA or an, an actual application but he will often ask me for advice in

relation to a site and might then refer me to the owner of that site who wishes to do some form of development.

So I take it you're friends with Mr Colacicco as well now?---Oh, yes.

Yeah. Are you a member of any sort of racing syndicates or anything like that?---No, I'm, I'm not in any racing syndicates with Mr Colacicco.

10 You know that he is though, do you?---Yeah, well, so am I but we're in different, different firms, if you like.

I see. Now, have you done any work, provided your professional services to any person who you know to be associated with Mr Tsirekas?---Yes. I assisted his partner, Heather Crichton, in around 2014 in terms of an extension to her, her home.

How did that come about?---I think, from memory, through the architect Peter Lufi, but it may also have come from Frank Colacicco.

20 THE COMMISSIONER: What was the project?---It was an extension to a, to a semidetached house, Commissioner, in Henley Marine Drive/Thompson Street at Drummoyne.

MR DARAMS: Now you said it either came through the, I think, architect or Mr Colacicco.---Ah hmm.

30 Can you tell us why it might have come through Mr Colacicco and not Mr Tsirekas, if it was Mr Tsirekas' partner?---Oh. There, there, there are two scenarios, firstly that the DA had been in with the council for quite some time, and it was a very fractious process for a whole bunch of reasons. Mr Lufi I think probably sent me some draft plans and I may have spoken to Frank about it and said, "What's this? I don't understand. It's been in for ages." And it went from there, really.

Sorry, what I'm trying to understand is why you would have spoken to Mr Colacicco about it.---Because he would normally know what is happening in Drummoyne, so I asked him.

40 So at this stage Mr Colacicco was a real estate agent in Drummoyne?---Yep. Had been for some years.

But you're asking him questions about a development application of Ms Crichton that was before the Canada Bay Council.---Correct. Drummoyne at, oh no, Canada Bay, you're right.

Well, if you're saying 2014 it must be Canada Bay.---Yeah. Canada Bay, yeah, yeah.

That's what I want to try and understand, why you could be speaking with Mr Colacicco about Ms Crichton's application before Canada Bay
10 Council?---Not so much particularly that it was Ms Crichton's, but more particularly because it, it had a very strange history in terms of the processing of an application and I was interested to see why, why someone would come to me with amended sets of plans and council resolutions and all sorts of nooks and crannies that were showing it up to be a very strange application in what should have been a very straightforward one.

Yeah. My question though is why is Mr Colacicco bringing that to you - - -
?---He didn't bring it to me. I would have probably rung him and said, "Do
20 you know anything about this?" and he would have told me who it was and the fact that Heather was close with Mr Tsirekas.

Yeah. So, apologies for this but I'm just trying to understand why you – you're a town planner at this stage?---Correct.

You had worked at Canada Bay Council.---Correct.

Your skills lie in town planning. Presumably you can read these reports, you can read, you're familiar with all of these things, why are you ringing Frank Colacicco, real estate agent from Drummoyne?---Well, I was ringing
30 Frank as a friend not as a real estate agent, but having done all the things that you suggested and read all there reports, none of it made sense and then, so I asked him what else were the issues and I found out that the issues were not so much town planning based, but were because Ms Crichton was the mayor's partner and there was whole lot of unhealthy ramifications that had been locked down onto the DA. It was horrible.

Well, let me just understand that. So what you're saying is that you had a conversation or conversations with Mr Colacicco. He was effectively saying to you that the problems with her development application was
40 because she was the partner of Mr Tsirekas?---Correct.

Did you understand that to be some, that is, her relationship with Mr Tsirekas was some hindrance to her development application?---That's the way it became obvious, yes.

This is what Mr Colacicco was telling you?---That's what I then found out.

Well, how did you find that out?---I rang the council and asked what was happening, why it was going through the process. And I spoke to Mr Lufi, the architect, in much more detail and it, I, I'll put it to you this way. I
10 provided one report, if you like, to debunk the reports that had previously been provided in terms of this very simple extension to a house.

Did that report, in your words, debunk the issues?---Yes, it did.

So after that, did the application proceed?---The, the DA was approved a month or so, maybe two months after my report was submitted.

Could the witness be shown volume 1D, page 1? Is this the, if you need to, we can keep looking forward, but just from this first page, is this the
20 development application we have been referring to?---Yes. Yes.

Did you know Ms Butler at the time that you sent this?---Yes, I did.

Had you worked with Ms Butler before?---Yeah, I'm fairly sure that she was initially employed at the council when I was the director.

The report you prepared, can we just go to the next page, please?---Yes.

That's the report, that and the following pages. If we can just skim through those briefly?---Yes, that's it.
30

Yeah. Just if we can go to the next page, page 4, sorry, page 4. That's your report?---It is, yeah.

Did you charge Ms Crichton for those services?---No, I didn't.

Is there a reason why you didn't charge Ms Crichton?---I didn't think that the application was being dealt with fairly, in fact, I'll put it the other way. I thought Ms Crichton, as the applicant, was being treated unfairly because of
40 her relationship with the mayor and it should never have come to this. And through my, through my practice, I've often assisted people. People have

often been referred to me in circumstances like this. And I don't think it's fair, mostly mum and dads, I don't think it's fair to charge.

THE COMMISSIONER: Well, that was a personal consideration concerning Ms Crichton. You thought she had been unfairly dealt with?
---Yes, Commissioner, I did.

Well, was the relationship with Mr Tsirekas a factor also which weighed in the balance as to whether you would or would not, in fact, charge his partner?---No. No, Commissioner.

Not at all?---No.

Irrelevant?---Irrelevant.

MR DARAMS: What about your relationship - - -

THE COMMISSIONER: Well, even if she had been charged unfairly, it still wouldn't in any way warrant you not charging anything?
20 ---Commissioner, we, we touched on this conversation the last time and - - -

No, no, no. Don't you worry about the last time.---I - - -

You just answer my questions.---Yeah. I, I went back and, and I've done that many times because I believe it's the right thing to do and, and because it's just me in my company, I don't have cost structures that others do, so I can make the decision not to charge someone and the money is made up through other much larger commercial applications and clients. That's just a decision that, that I took a long time ago.

30 MR DARAMS: Was your relationship, I should say relationship or friendship with Mr Colacicco at this stage in 2014 a factor in your decision not to charge Ms Crichton?---No, Mr Darams, not at all.

Did you know Ms Crichton at this stage?---I met her at her house with the architect the first time we had a look at the site.

Now, did you meet with Mr Tsirekas and Mr Chidiac to discuss the Rhodes development on any occasion?---I spoke with, during the course of the application I spoke and met with the mayor, I don't know, 10/15 times both over the phone and he attended some meetings at council with council staff.

Yeah. My question was – sorry, my question was slightly different. Did you meet with Mr Chidiac and Mr Tsirekas to discuss the Rhodes development on any occasion?---Not, not as far as I recall as a particular meeting for that purpose, no.

Well, just let's go back to Mr Chidiac.---Ah hmm.

10 What understanding do you have of Mr Chidiac's involvement in the Rhodes development?---Until I was given access to the Commission's restricted area, I understood, as I've said here before, that Mr Chidiac's discussions with me were more of a general interest as I thought.

THE COMMISSIONER: Well, when did the light shine on the true situation and you became aware of what his involvement and role was?---I think the last time I was here, Commissioner, Mr Darams might have suggested that he was engaged as a consultant. Subsequently in the, in Commission's restricted files there is a copy of his contract.

20 No, no. Just simply asking when did you become aware of the fact that he was under contract with I-Prosperty - - -?---The last time I - - -
- - - regarding – just a moment – regarding the Rhodes proposed project?
---The last time I was here, approximately six, six weeks ago.

So are you saying that at no stage during your involvement with whatever work you were asked to do and did perform were you aware of what Mr Chidiac's role was vis-à-vis the company I-Prosperty or its project?
---That's correct, Commissioner. I didn't know he was a consultant.

30 I see. Well, in relation to the period in which you did do work for I-Prosperty were there any discussions that involved Mr Chidiac?
---Mr Chidiac - - -

No, just answer my question.---Yes.

Sorry, is the answer yes?---Yes.

40 Yes. Thank you. And in relation to what matters?---Mr Chidiac would, I would see Mr Chidiac four or five, six times a year. As I said before, he might refer people to me and - - -

I'm not talking about the general - - -?---No, no, no.

No, no, no, no, no, no. You listen to me. We ask the questions.---Sure.

And the witness gives the answers, does not make statements. Did I not point that out to you at the very outset?---Yes, Commissioner.

This is not ordinary discourse. This is - - -?---Sure.

10

- - - forensic discourse. Do you understand the difference?---Yes, I do, Commissioner.

So when I ask a question, I want an answer to that question. And when Counsel Assisting asks you a question, you are to answer that question, not go into some pre-statement about what usually happens or anything of that kind. I'm not reprimanding you but I am concerned that the rules of this Commission, as in the court, are complied with. Questions have answers. In this case answers on oath.---Yes, Commissioner.

20

Which must directly and truthfully answer the question. You follow what I'm saying?---Yes, I do, Commissioner.

So just bear that in mind if you wouldn't mind because I know it's perhaps strange and difficult sometimes for what I might refer to as lay people who are not daily in proceedings like this to understand that they're not at liberty just to wax lyrical or to go off on tangents or make statements and that kind. So I hope I've made myself clear.---Sorry, Commissioner, I was just trying to put a context.

30

All right. Now, coming back to Mr Chidiac. I think we started with the question as to whether you spoke to Mr Chidiac during the course of the work you were undertaking for I-Prosperty and the answer to that question was yes.---Yes, Commissioner.

Now, the next question was in relation to what matters did you have discussions from time to time with Mr Chidiac about the proposal for the Rhodes development?---The progress of the planning proposal.

40

And more specifically, what particular matters?---Excuse me. What status – well, not status. What stage it was at, how the discussions were going, how

the council – how can I put it? How the submissions we were making to council were being considered, if you like. Were, were we doing more reports on one thing or less reports on another, that sort of functional type discussion.

So there was occasions when you spoke to him – whether it might have been by phone, it might have been face-to-face – involved those sort of matters, progress of the work, going into the preparing of the work you were doing?---Not so much the work.

10

Or progress whilst the matter was in council?---Yeah, the progress of - - -

Progress of the matter in council?---Yeah, and the work that we were doing as part of that process.

Right. And when you discussed as to how matters were going, more or less to paraphrase you, did that relate to matters both in council or out of council or how it was to be dealt with by council?---A bit of all of that, Commissioner. Sorry, it's very hard to explain without explaining it.

20

That's all right. We're just dealing with it at a higher level at the moment. ---No, I accept, I accept that.

We'll come to the detail later.---How it was going and, and a general type discussion in that regard. As, as I said, as an interested person from the area.

30

And he discussed the submissions that were being made or had been made to council from time to time concerning the project?---He would ask, he would ask what reports, what, what reports we were preparing, what expert reports and the like.

Well, you didn't know, you say, that he was actually under contract. But by virtue of the interest he was displaying ongoing, it was evident, was it not, that he was, using the neutral word, "involved" in some way, perhaps not known to you, concerning the I-Prosperty project at Rhodes?---Oh, yes, Commissioner. He was, as I said, interested from a general perspective that I thought, but obviously it was different.

40

All right, thank you.

MR DARAMS: When you say “interested from a general perspective”, can you help me out with what you mean by that?---Oh, Mr Darams, it’s just – got to be careful how I answer, but a general interest as to how that application was going. It was a pretty well-known proposition in Canada Bay at the time. The Rhodes area was under substantial redevelopment pressure. A lot of people would ask me how it was going.

Did you feel like you could respond to his questions?---Yes, Mr Darams. And what I do as a town planner is, is not secret. It’s on the public record. I
10 submit reports, I stand up in council meetings, and the applications are on the public realm, in the public realm.

THE COMMISSIONER: But why would he need to be asking questions of you, then? He’d be familiar with what you’ve said about public available information.---He would be, Commissioner, but he just had other questions, I guess.

Okay.

20 MR DARAMS: Did you ever go back to Ms Li and say, “Hey, look, this Joseph Chidiac fellow is ringing me about your application,” or I-Prosperity’s proposal I should say, “are you okay with me talking to him and giving him, answering his questions?”---No, I, I, wouldn’t have, Mr Darams, because none of the information exchange, for want of a better term, was private or confidential or commercial. It’s simply a planning application that’s public.

Well, did you, is a reason you didn’t do that is because you understood from the beginning of your engagement by I-Prosperity that Mr Chidiac was also
30 engaged by I-Prosperity?---Mr Darams, I had no idea Mr Chidiac was engaged by I-Prosperity.

Did Mr Chidiac arrange or did you attend any meeting with Mr Tsirekas and Mr Chidiac and Ms Li outside council offices?---I’m not aware if he arranged anything. Certainly I recall a dinner after the council had resolved to pursue the rezoning in - - -

When was that?---May 2018.

40 May 2018?---Yep.

So this is a dinner where you were there, Mr Chidiac was there?---Correct.

Mr Tsirekas?---Yes, he was.

Ms Li?---She was.

Anyone else?---Mr Huang and another gentleman who I, I, I didn't know, I presume from I-Prosperity, but I didn't know him.

10 Where was this dinner?---It was in a Chinese, a private room, I think, from memory above the Golden Century in Dixon Street.

So in the Sydney CBD?---Correct.

THE COMMISSIONER: So who was the organiser?---I presume I-Prosperity, Commissioner. It was a celebratory type thing.

MR DARAMS: So this is one occasion you remember.---Yep.

20 Do we take it that most of your – do we understand your evidence that most of your interactions with Mr Chidiac, excuse me, were on the phone, he would ring you up?---Mostly. Yeah. Or I would see him at a mayoral Christmas function or something like that.

All right. Well, putting aside the mayoral Christmas function, is it the case that it was Mr Chidiac ringing you saying, “Hey, David, what’s going on with this, where’s it at?” and things like that?---More likely to have been in relation to Mr and Mrs Bloggs and is there any chance you can help them out, they’ve got a problem with their DA.

30

No, no. Don't worry about Mr and Mrs Bloggs. I'm talking about, sorry, if I wasn't clear, I'm talking about the Rhodes development.---Sure.

I don't want to worry about the other matters.

THE COMMISSIONER: Can I just get clarification in a couple of things? The rezoning had been resolved by, I think, May 2018, is that what you're saying?---In terms of the council's determination.

40 Yes.---Yes, Commissioner.

And what had been the council's determination in short form?---The council resolved to agree to the rezoning, put it through for what's called Gateway, subject to us finalising some issues.

So rezone to what?---It, it wasn't so much a rezoning it terms of changing the zoning, it was increasing the, it was providing development uplift in terms of height and FSR.

10 Do you recall the detail around that so far as it affected the I-Prosperity property?---The FSR proposal was around 13.75, I think, Commissioner. And the height, I think, was in the order of 130-odd metres.

And what's that in levels approximately?---Oh, 35/36, because that's a mixed, it was a mixed-use development.

How long did it take to get to that stage from the time you were engaged anyway, approximately?---Approximately two years, Commissioner.

20 Around that time, do I take it that it was Belinda Li who was attending meetings that you attended?---Yes, Commissioner.

She was actively involved in - - -?---Yes, yes.

And she signed off indeed on your retainer?---She did.

And did you speak to her from time to time as necessary?---Oh, regularly.

And met with her?---And met with her at her office, yes, and others.

30 Her office being where, in the city here or in - - -?---No, no. She has, Forte company has a, an office in Rider Boulevard at Rhodes.

And meetings that took place up to that time, that is up to May 2018, were attended by other I-Prosperity people other than Belinda Li?---No. They were often, often attended by some of Belinda's staff.

40 Sorry?---Belinda's Forte staff. There were meetings with our neighbouring developer, Billbergia. Obviously we went and had meetings at the council with a whole lot of different staff because there are a lot of complainants to this proposal.

Was Mr Tsirekas involved in any of the discussions or meetings leading up to take it through to the period of May 2018?---Yeah. He, he - - -

What sort of issues and topics were involved there that he contributed to?
---He would facilitate meetings with senior staff and the planning staff in terms of the uplift outcomes and the design of the building. We had meetings about the proposed voluntary planning agreement, the community benefit scheme.

10 Did it become, I suppose everyone has their opinion of these matters, but did it become clear what his general view was on those issues – VPA, design, uplift – that you’ve just mentioned?---Him, he often would not offer a view. He would facilitate the meeting.

But insofar as he did attend meetings, which I think you said he did - - -?
---Yes, he did.

- - - from time to time, at which you were present, is that right?---Correct, yes.

20

There were discussions on such matters, I think you’ve identified three, VPA, design, uplift. Might have been others.---Oh, probably would have been a lot of others, Commissioner. We met about a heliostat, we met about transfer of land at the lower level of the building. All sorts of things came into this particular planning proposal.

Well, in relation to those matters you mentioned, in particular – that’s the VPA, design, uplift – were there meetings on those issues at which both Belinda Li, other representatives of her, from her office, Mr Tsirekas attend
30 from time to time as well as yourself?---From time to time the mayor would attend with the senior officers of council, yes.

Was it always with senior officers of council?---We never met in council with anybody else.

Well, who were they?---The two general managers. Mr Sawyer, who retired, and Mr Gainsford became the general manager. The director of planning, Tony McNamara.

40 How many meetings did Mr McNamara attend?---Oh, I, I don’t know the number, Commissioner. Could be 10, 20. He and I would often talk on the

project. He followed me, so we knew one another well enough to talk about those things.

Where did these meetings take place?---Oh, always in the council or on a, at a council site, depending where we could get a meeting room. But with the general manager it would normally occur in the general manager's meeting room at Drummoyne.

10 Apart from meetings at which council officers attended, were there other meetings dealing with those matters – VPA, design, uplift – not at council premises but in Belinda Li's office or elsewhere, at which you attended?
---Oh, there were lots of meetings in Belinda's office at Rhodes, but not with the mayor or senior council staff, no.

Did the mayor ever attend any of the meetings that you attended in the office of Belinda Li?---Not that I recall, Commissioner, at all.

20 Did you have any direct discussions with Mr Tsirekas about the proposed redevelopment?---Yes, I did.

Rhodes development.---Yes, I did. And other councillors.

How often would you have spoken to him?---Oh - - -

I'm talking in the period up to May 2018.---Might have been monthly, might have been a couple of weeks in a row, might have been two-monthly. Sporadic I think you'd say.

30 When you say communicate, would these be telephone calls or SMSs or emails?---Probably all three, Commissioner.

Yeah, okay. Thank you.

MR DARAMS: Just following on some of the Chief Commissioner's questions, did you meet with Mr Tsirekas and Mr Chidiac and Ms Li outside council offices and talk about matters in relation to the Rhodes development?---Not that I remember. We may well have met, had a cup of coffee somewhere, but not a particular discussion about the proposal itself.

40 Well, when you say you may well have had a cup of coffee together, do you mean you might have had a cup of coffee with Mr Chidiac and Mr Tsirekas

and Ms Li? You're nodding, is that right? Do you remember doing that, do you?---I, I, I remember an occasion apart from the dinner. I remember having a cup of coffee at a, I can't think of what it's called. It's in one of the parks at Drummoyne.

Nield Park?---It could be Nield Park. It's down near the water. I don't think Mr Chidiac was there, but Belinda and I were there preceding a meeting at council, and Angelo was also there, and we had a coffee with him and he asked how things were going.

10

THE COMMISSIONER: In the period up to May 2018, and again using that as a time marker for the moment, were you aware as to whether or not Mr Tsirekas had any personal or what might be called a social relationship with officers of I-Prosperity, including Ms Belinda Li?---No, Commissioner. But - - -

You were not aware of any - - ?---I was not aware.

20 All right.---I became aware that, and I, I can't place the date, but I became aware that, in Ms Li's words, they had casually caught up on a trip in China, but exactly when that was, I don't know. But I had no reason to question it, so I didn't.

No. So just to better understand your position, throughout the period of your engagement, again taking it through to May 2018, you were unaware of any personal or social relationship that Mr Tsirekas might have enjoyed with people associated with I-Prosperity. Is that the position?---Not until we had the dinner in 2018, Commissioner, no.

30 But, for example, Mr Tsirekas never made you aware of any friendships he held with I-Prosperity? Is that what you're saying?---Not that I recall, Commissioner, no.

And what did you become aware of at the dinner in terms of relationships that he had?---Well, at, at the dinner they were all quite friendly and then I recalled Ms Li's comment to me that on one of the trips she took to China, which were at least annually, if not a bit more often, they had come across one another, I think in Shanghai. But - - -

40 Who said that?---Ms Li.

But you've never discussed such matters with Mr Tsirekas, trips to Shanghai and matters of that kind?---There was a chance meeting years ago on one of the sister-city trips with the council that I could have gone but I didn't.

Tell me more about that. I'm not sure if I'm following what you're saying. ---Well, only that, that the mayor mentioned to me that he was hosting a city, sister-city tour to somewhere in China, was I interested in going as a former director of planning and unfortunately, or fortunately or
10 unfortunately, I said no.

And did he indicate who he was going with or meeting in China?---Who he was going with I think were the council's general manager and some local well-known people, I think including Mr Colacicco, but however many of them went, I didn't know.

Your reference to the general manager, who are you referring to there?
---Oh, Mr Sawyer.

20 Mr Sawyer.---Back in Mr Sawyer's time, yes.

But no mention made by Mr Tsirekas that you recall that he was going up to China to meet with any representatives of I-Prosperity?---I, I, the one I'm thinking of, Commissioner, I think was in, sometime between 2012 and 2014 and, and I'd never heard of I-Prosperity.

Thank you.

MR DARAMS: Just in relation to why you said no, can you remember the
30 reasons why?---Oh, I was busy, Mr Darams.

Work commitments?---Work commitments and government panels and all that.

Just in relation to the chronology and timeline, perhaps if I could ask the witness to be shown volume 1.4, page 1. Now, have you seen this document before?---I have, Mr Darams, yes.

I want to ask you to have a look at what's described as a planning proposal
40 history. So if we can go to page 7, please. Scroll up the page. Now, oh, if we just go back to the previous page. Now, I just want to show you – are

we able to scroll up the page slightly? You were engaged by this stage, that is 26 May, 2016. Is that correct?---Yes.

Perhaps if we could ask you to be shown the next page. I just want you to read this page. Are we able to scroll up the page? Page 8, sorry. Are we able to scroll up the page? There seems to be parts of the text missing. Yeah. Well, just look at that, Mr Furlong. I'm going to ask you whether the chronology broadly corresponds with your recollection of what occurred in relation to this planning proposal, given your involvement in it, Mr
10 Furlong?---Yeah, it's broadly, I'm not sure about the specific dates, Mr Darams, but it's broadly correct, yes.

But when you say "specific dates" for example, you're not too sure whether the planning proposal on, it was 2 May, but it's around about that time? ---I'm not sure of 2 May. The first date on the previous page, 26 May, was correct. That's the day we lodged it. But the other dates are generally a correct time line.

If we go to the next page. Again, just scroll up. Keep going. Keep
20 scrolling, please. Sorry. Go back. What about the dates, 17 December and the event on 17 December, 2018, broadly - - -?---Could be. It, it's probably broadly correct. It took a long time to finalise the planning proposal from the council's decision earlier in May 2018, so that's possibly correct.

If we go to, there's another entry on that page. If we could just bring that up? Scroll up. Yeah. I might come back to that, Mr Furlong. But, generally, from what you've been able to see at this stage, it generally corresponds with your recollection of events. I just want to go back for the moment to Mr Chidiac and your engagement with Mr Chidiac.---Mmm.
30

Is it the case that if he would call you, this sort of check-in, how's things going type of thing, as I've understood it - - -?---Yeah.

- - - this is someone who's just interested in how this proposal's going. It's the case that he would be ringing you about these matters. Is that right? ---Or we may have been talking about something else, but he would raise it, yes.

So when you say you might have been talking about something else, are you
40 saying that you might have been calling him during this period of time and this proposal came up in conversation?---No. I'm talking about he may

have been ringing me in terms of assisting other people and we would get round to talking about this or, or if it was face-to-face, it would be, "How are you going? What's happening?" That sort of - - -

But in terms of the interaction, it's Mr Chidiac reaching out to you as opposed to you calling him and asking him or getting him or reporting in to him?---My, my recollection is that way, Mr Darams. I, my recollection is also I did ring Mr Chidiac on one occasion late in 2018 in relation to getting Ms, Ms Li to finalise, to sign the VPA document.

10

Sorry? Say that again? You rang Mr Chidiac in late 2018 to get her to sign?---The VPA document 'cause otherwise I thought the whole thing was going to fall over.

Well, why would you be ringing Mr Chidiac if you thought his involvement was only as an interested - - -?---Well, as I said, after the dinner in Chinatown, it became apparent that there was a fairly close association, so I tried to use it.

20 Was there any other occasion where you called Mr Chidiac to ask him to assist in relation to this planning proposal?---Not that I recall, Mr Darams. And I, I mean, my, my request of Mr Chidiac was to talk with Ms Li, not to do anything else.

You just called him and said, "Look, I need to speak with Belinda. Can you get her to call me?"---No, no. I said that I'd become very frustrated with Ms Li and could he assist to get her to sign, well, I can't use all the language, but the damn paperwork.

30 Right. So if I understand your evidence, the interactions between you and Mr Chidiac were relatively, during this planning proposal, 2016, I'd say, mid-2019, were relatively limited?---Yes, yes.

Consisted mostly of him calling you, from time to time, maybe about this planning proposal but maybe about others where you did discuss this.
---Correct.

You attended a dinner where Mr Chidiac was present in about May 2018.
---Yes.

40

Mr Tsirekas was present.---Yes.

Ms Li was present.---Yes.

You said Mr Huang and Mr Gu, they were present.---No, Mr Gu wasn't there. It was, Mr Huang was.

Mr Huang.---There was another Chinese gentleman who I didn't know.

10 Could I ask the witness be shown volume 6.8, page 266. I want to draw your – these are messages between, an extract of messages between Mr Chidiac and Ms Li from December 2015, Mr Furlong. I want to draw to your attention a message that Mr Chidiac sends Ms Li on the 3rd of December, 2015. And it's the second one from the bottom of the page.
---Yes, Mr Darams.

See, Mr Chidiac says to Ms Li, "Okay, I'm with David Furlong and the mayor. I thought if you were around Burwood drop in." See that?
---Yes, Mr Darams.

20 Now, this is December 2015. Mr Chidiac appears to be saying to Ms Li that he is in the company of you and Mr Tsirekas. Now, do you remember this occasion?---I do. I remember it very, very well.

Okay. Can you tell me about this occasion?---It was a Friday evening. It was the same evening as the Christmas party for the Mayor of Burwood. I had been at that Christmas party, as had a lot of people. I'd caught the train from town. I'd had a few beers. And after the Christmas party, around about 7.30, 8 o'clock, we went down to a restaurant in Burwood called Sahara. I don't remember whether I ate 'cause, as I said, I'd had a few
30 beers. And during the course of my time there, which wasn't terribly long, a woman came in and I shook hands with her very casually. And I can't remember who I asked, but I asked somebody who was that young lady, and I was told she's a potential developer in the City of Canada Bay. And I never thought any more about that, and the reason I'm so aware of it now is because it came up yesterday. And I listened yesterday and I listened to what was said yesterday. And I had no idea who Ms Li was and I had no idea Mr Chidiac had texted her.

40 THE COMMISSIONER: Sorry, the last – you had no idea - - -?---I had no idea of the text, Commissioner, or who Ms Li was.

And were you aware that, at the time, that Mr Tsirekas and this lady, Ms Li, had a, what might be called a business relationship of some kind? Or perhaps I put it the wrong way. Had a relationship. Not suggesting a personal relationship, but a working relationship of some kind.---None whatsoever, Commissioner.

Okay, thank you.

10 MR DARAMS: So you said someone introduced you to the lady that turned up. Now, you understand or do you remember, do you recall now that that was Ms Li?---As of yesterday, I do recall it was Ms Li.

All right. You put – well, I’ll put it in the vernacular, you put two and two together. You remember now this meeting.---I, I listened yesterday.

Yes.---And I heard the question.

20 Sure.---And I had no recollection of it. I had never spoken with Ms Li about it. I went back to my calendar and I looked up the day and realised it was the Mayor of Burwood’s Christmas party and then I recalled we all walked down the street to the restaurant.

Was Mr Tsirekas there that evening?---Yes, he was. There were 10 or 12 people there from the, from the party.

Sorry, you just said that you looked up your diary and it was the Mayor of Burwood - - -?---Correct.

30 So Mr Tsirekas went to the Mayor of Burwood’s Christmas party?--- Yes.

Yep. After that who else was at the Sahara restaurant?---I think Mr Chidiac was there but I don’t recall whether he was actually at the mayoral party. And then there were 10 or 12 other people, some of whom I knew, some of whom I didn’t but - - -

40 Do you recall who introduced you to the, which you now know to be, Ms Li? Was it Mr Chidiac?---It could well have been. I don’t, I, I actually don’t recall those details, Mr Darams. As I said, it had been a long week and I’d had a few beers at the mayor’s Christmas party.

I see. Now, I want to show you a document. Could the witness be shown volume 1.2, page 9? Now, this an email that Mr Tsirekas forwarded onto you on 31 May, 2016. That's right?---Yes, Mr Darams.

You had been engaged and accepted, well, the engagement with I-Prosperity at this stage?---Yes.

By this stage, I-Prosperity had submitted its first planning proposal?---On or about 26 May, yes.

10

Now, did you have a conversation with Mr Tsirekas before he forwards this email onto you?---Yes, Mr Darams, I did.

Where did you have that conversation?---Oh, it was probably in my office and he was on his phone. I have no idea where.

So did you call him or did he call you?---I don't remember. I could well have called him, yes, but I'm not sure.

20

Why would you be calling him?---Because there was, we had just lodged our planning proposal and in some initial conversations with council staff, there was a question or questions raised about how they would deal with it and this item related to a planning proposal that Billbergia had submitted for the site adjoining our site in Rhodes.

So I want to understand the timeline of how this document comes to you. ---Sure.

30

You say it's possible that you called Mr Tsirekas after having some conversation with others on council?---Yeah. And, and Billbergia in terms of the progress of their planning proposal.

So just let's break this up. Who from council would you have had those conversations with? Put aside Billbergia.---Oh, possibly Tony McNamara.

Right.---Or Paul Dewar, the strategic planning manager.

40

Right. And what was the reason for you calling them?---Oh, just to follow up on the lodgement of the application and, where it was at, what it was doing, what was happening.

The application lodged by?---I-Prosperity.

Which was lodged on 26 May?---24th, 26th, something of that order.

So you lodged the, I-Prosperity lodges the application, what four days before 30 May?---Thereabouts. The 31st was a Tuesday.

10 Sure. And you were on the phone saying where's the application at?
---Yeah, definitely. Making sure they had received it and it had been
allocated to someone. Definitely.

Was there a pressing urgency at this time, was there, as far as you can recollect?---No, more than any planning application. You want to make sure it's out and they've got everything they need and so that if they haven't, we can get on and provide it as soon as possible.

20 So you ring them, is this what happens, you ring them and what do you say happens then? They tell you some, there's some other application or some other thing coming up before council?---That component I knew from Billbergia. I knew that they had previously lodged a planning proposal which the council was, sorry, was not happy with. There'd been some toing and froing between that company and council, and I knew the matter was coming up at the 31st.

In terms of the issue with Billbergia, how'd you find out about that?---I can't remember if they rang me or I spoke to them as to how their planning proposal was going. We interacted quite a lot with them as the neighbouring owner.

30 So when you say "we", who - - -?---I-Prosperity.

Yes.---Belinda and I.

Belinda and you.---Yep.

Did you interact with them with Mr Chidiac?---No.

Right. Now - - -?---Not that I recall.

In terms of your meetings with Billbergia, who were the people you met with?---John Kinsella. I have to check. I'll tell you in a second. Rick, Rick Graf I think his name is. And McGarry, Bill McGarry primarily.

Now, just going back to this thing, the circumstance of you getting this email. So what do you do? You ring Mr Tsirekas, do you?---Yeah, I, I probably would have rung the mayor and said, "I've got a proposition to go with the item with Billbergia. We're next door. Can we be considered in the same manner in terms of progressing our planning proposal? I'm happy
10 to speak to it."

All right. So you ring him up. What, did you ring anyone else from council, any of the council staff, to have that conversation with them?---I may have spoken with Mr McNamara about whether that was a possibility in terms of process. Certainly after receipt I spoke to Councillor Kenzler.

Sorry, just stop there. When did you say you spoke with Councillor Kenzler?---After I'd spoken with the mayor.

20 Why did you speak with Councillor Kenzler after speaking with the mayor?
---Well, because I had a copy of Councillor Kenzler's draft notice of motion, so I thought it was courteous to, both courteous to talk to him but also to ask him whether he would be willing to include a paragraph that said on the basis of the criteria upon which the Billbergia project was to be considered, would that same criteria be applied to the I-Prosperity site.

And what did Mr Kenzler say?---He wasn't, he wasn't in agreement. I spoke to him twice that day, once before my aunt's funeral and once after it.

30 THE COMMISSIONER: But why were you proposing this? How does this fit within the scope of your retainer?---Because we had lodged the planning proposal for the I-Prosperity site, Commissioner, and the council was looking at a planning proposal on a neighbouring property. So it would make good sense to me, both from a planning merit basis but also the technical consideration, to deal with both sites in the same manner. Not necessarily in the exact same timeline, because Billbergia was somewhat in front of us, but in the same manner.

40 So what was the Billbergia position in relation to the neighbouring block of land? What stage had they reached?---The neighbouring, the, the – how can I put this? Billbergia owned a large part of what was called the station

precinct. The immediately neighbouring block of land was under construction, very early in its construction. But, so the - - -

Sorry to interrupt you. When you say neighbouring block of land, you mean the one adjacent to the - - -?---Yes.

- - - land of I-Prosperty?---The, the immediately - - -

So in other words they were sort of - - -?---Yes.

10

- - - sitting alongside each other.---The immediately adjacent land.

But on the Billbergia land at that point, development had proceeded to what stage?---Um - - -

Approximately.---I'm pretty sure they were out of the ground, Commissioner, but not a long way out of the ground. The hole was dug, I think. They certainly had development approval.

20

Well, I was going to say, going back from the beginning, they had gone through the development application process - - -?---Yes, yeah.

- - - and no doubt that took time and eventually it went through to Gateway. ---It did.

Got through that. And that brings us to the events now we're talking about on the screen?---And they, they had another planning proposal for a large part of the remainder of that precinct and - - -

30

Just as a matter of interest, do you know approximately how long it took Billbergia to get to that stage, with the adjacent land, to get the approvals? ---I'm not sure whether they had to go through a rezoning process. They may have, to get some further uplift. But I think it was probably two to three years, at least, for a whole lot of technical reasons, as well as others, Commissioner.

And Billbergia at this point in time, it's May 2018, they were seeking what at that point in time?---They were seeking development uplift on other lands apart from the one immediately next door, other lands within - - -

40

But including the adjacent land?---Sorry?

Sorry. They're seeking uplift. Firstly, in relation to the adjacent land?
---No, the immediate land had its development consent and they were building to that.

Do you know what the height of that was as approved?---As approved, it's around 35 to 40 storeys. I can't remember the exact number.

10 Okay. Yeah, no, I interrupted you. You were going on to say - - -?---Well, they - - -

- - - that the Billbergia position in relation to this aspect, I asked you what stage had they got to and you said in addition to the adjacent land and then you went on to refer to other land, I think?---Yeah. They, they had other lands within the immediate precinct, what was called the Station Precinct. And they were seeking a similar style of planning proposal to the one we had lodged for uplift. They had been in negotiation with the council for quite some time on those lands. And in April/May of that year, there was an administrative-type dispute with the council and the council suggested that
20 they withdraw their planning proposal and they said they didn't want to withdraw it and this is what they were going to do. And they were in the process of, it was very messy, kind of re-lodging the same sort of application for that land.

This is by Billbergia?---By Billbergia, yes.

Yes. All right. Thank you.

30 MR DARAMS: So just, I want to come back to the time line of events. So before you ring Mr Kenzler, you obviously have a copy of - - -?---Yes.

Yes. The only way you got a copy of this was from Mr Tsirekas?---Correct.

40 So the calls with Mr Kenzler must have happened after about 9.30 on 31 May?---Approximately. The first discussion I had with him, as I said, I was on my way to a family funeral, it was at North Sydney. I remember it well. The first conversation would have been sometime between 11.00 and 12.00. And the second conversation would have been sometime after about 1.30, I would imagine?

So what do you say to, you've got this, you read - - -?---Yeah.

You've got the email, you read Mr Kenzler's proposed resolution. What do you say to Mr Kenzler?---I, I told him I had it. I, I told him the mayor had provided it to me. I told him why and I told him that, well, I didn't tell him. I asked him would he be willing to include a paragraph that basically said that the I-Prosperity site and its planning proposal be treated in the same procedural manner, if you like, the same rigour be applied to it that was being applied to the Billbergia land, so that there was consistency in the precinct. What you were - - -

10

THE COMMISSIONER: Sorry to, I don't want to throw you off your path. Just one point. As to that request that you put to Mr Kenzler, had you discussed making that request with I-Prosperity or Mr Chidiac or Mr Tsirekas?---I'd certainly spoken to the mayor, Commissioner, 'cause he provided it to me. I probably would have spoken to Ms Li.

20

And what discussion did you have with each of them about the request you were proposing to put to Kenzler?---Simply, simply that, Commissioner, that we be treated in the same manner as what he was, how, how his resolution was proposing to treat a neighbouring site.

How did Mr Tsirekas respond to that proposition?---He thought it was a reasonable way to go.

Any other discussion with him about it on that occasion?---Um - - -

30

Did you have a further discussion with him later in the day after you had again put the request a second time?---Yeah, I'm, I'm not sure whether I spoke to him again, Commissioner. I, I may well have. I certainly sent the amended proposition back to the mayor, yes. And I told Councillor Kenzler that we would, that I would be doing that.

That did you send it to any other of the councillors?---No, Commissioner.

Just to Mr Tsirekas?---Yes.

And did you discuss with Belinda Li this request going forward?---Yes. I would have, yes.

40

And she was all for it, I imagine?---Oh, she was quite keen. I think I also spoke to the guys at Billbergia who initially were a bit concerned but when I

made it clear that we weren't trying to hold them up or jump the queue, we were just happy to go through the same steps, they, they were happy with it?

This request you were making was an unusual one, was it not? And we can get to the reasons why that was so, but just do you agree with me?---No, Commissioner. I know we've spoken about it before but from my perspective it was not unusual. It was a case of me, the town planner, talking to the mayor regarding a planning proposal, which is not unusual.

- 10 I'm not disputing for a moment that speaking to the mayor about what might be the outcome of the Billbergia project, I'm rather talking about the add-on to the, that is the paragraph dealing with benefits that would flow not to Billbergia but to I-Prosperity? That aspect was rather unusual in the context in which it was playing itself out on 31 May, 2016, was it not? ---I didn't think so, Commissioner, no, and there are a number of reasons why.

- 20 But reflecting back now, it was an unusual situation and it's a sort of a one-off situation, isn't it?---Oh, yeah. It's not something that would happen regularly.

Because in a sense, what's happening is, with the matter with council concerning the Billbergia land, which you've identified, in the sense, when I said it's an add-on or a one-off, this is a paragraph or a, a request or a draft resolution that was going to operate to the benefit, if it was accepted, not to Billbergia but to the neighbour next door, in this case I-Prosperity.---No, I don't know that I can agree with that, Commissioner, in terms of the benefit. It was certainly a, a request to be treated the same way.

- 30 Yes. Perhaps "benefit" might be putting it too high but obviously a very good prospective benefit would come about for I-Prosperity if this came to pass, as the request you were making. Would you not agree?---Not really, Commissioner.

Belinda Li was, well, I'll put it mildly, pleased. Isn't that right?---She was pleased because there were parameters set for how our proposal would be dealt with but it meant a lot more work for us to satisfy the council.

- 40 Anyway, we can talk about this a bit further going down the track but firstly, I think we agreed that, the situation which would, if it came to pass, that is the request was adopted, would have potential benefit from a

development point of view for I-Prosperity if it came to pass. I think we've agreed to that, have we not?---I don't know that I can agree with the word "benefit", Commissioner.

What word would you use? Potential what?---It, it set the framework in which our planning proposal would be considered, certainly.

Would you agree with me if I said it set a potential advantage?---No, not an advantage at all.

10

Okay. Would you say it was going to inflict some detriment to I-Prosperity? I assume you would say no to that.---All I can, I guess what I'm saying, Commissioner, is it gave us, it would give us certainty around the framework that we were being treated the same way.

All right. Well, we'll leave it at that. And I think the other point we agreed on in this situation which was playing itself out was that it was somewhat of a one-off position, as we - - -?---Yes, yes, Commissioner. Definitely.

20 Thank you. Yes. I'm sorry. Now I've probably thrown you off your train of thought.

MR DARAMS: No, not at all, Chief Commissioner. But just relating to the Chief Commissioner's questions and going back to your chronology. ---Yeah.

You had a conversation, you say, with Mr Kenzler. You spoke with Mr Kenzler and you asked him to add something to the motion. Correct?---Yes.

30 Sorry, the proposed resolution?---Yes.

What you were proposing to Mr Kenzler to add to the motion certainly wasn't to any detriment of your client, was it?---No.

It's certainly something when you had the conversation with Mr Kenzler that you thought would be, at least in your client's interests?---Yes.

'Cause at this stage, you're being paid by I-Prosperity. You're not going to propose something that's against their interest?---No.

40

You must have saw some utility or benefit in this amendment to the resolution because when Mr Kenzler says, "No, I'm not going to do it," you then go back to Mr Tsirekas. Correct?---Well, I spoke to Mr Kenzler again and had another go at him.

Yeah. And he says, "No." Then you go back to Mr Tsirekas?---And then I changed it and went back to, sent it back to the mayor.

10 Well, when you say you changed it, you added some - - -?---I added the paragraph.

That you wanted included in the resolution?---Yes.

You send that back to Mr Tsirekas?---Yes.

You didn't send it to Mr Kenzler?---I, I can't remember, Mr Darams. I may well have, have given Neil a copy, as well. I don't know.

20 How would you have given him a copy? Would you - - -?---I could only have emailed it to him.

You've looked at your, you've given - - -?---Yeah, I - - -

Let me finish. You've given in your answers a few times today that you've looked back at your records. I take it you've looked back at your records to see whether you've got any email going to Mr Kenzler?---Nothing.

30 You haven't found anything? So we can assume that you didn't do that to Mr Kenzler?---No, unless, I did have a fax at the time but I, it would be unusual to fax it.

THE COMMISSIONER: Sorry? You did have a what?---A fax, Commissioner.

40 MR DARAMS: Why when you speak to Mr Kenzler, the author of the proposed resolution, he says to you, "Look, I'm not prepared to do that, David," why didn't you just leave it at that?---Because I thought it was a reasonable proposition that my client get the certainty of being treated the same way by the council. Simple as that.

So in those circumstances, that's the reason why you pushed it through - - -
?---Yes.

- - - for want of a better description, with Mr Tsirekas?---Yes. And I spoke
that night at the council.

Yeah. In support of the amendments that you - - -?---Yes.

10 - - - had proposed? You understand the proposed, sorry, the resolution with
the amendments you proposed was then passed at the meeting?---By a
majority of councillors, yes.

Mr Kenzler voted against it, I take it?---He did.

Yeah.

20 THE COMMISSIONER: And although you said you wanted to see the two
property owners, Billbergia and I-Prosperty, treated the same way,
Billbergia was in a much more advanced position at this stage, wasn't it,
than I-Prosperty in that it had got the approvals required at law from the
council, they had the Gateway Determination in their favour, the
development was coming up out of the ground, whereas the position of I-
Prosperty was that really, if I can call it colloquially, the game had not even
started in terms of approvals as we earlier discussed?---No, Commissioner.
The, Billbergia had two applications, two positions. The immediate, the
immediately adjoining property, fronting Walker Street, was coming out of
the ground

- - -

30 That's, I'm sorry.---Yes. But the - - -

I understand what you're saying, yes. And perhaps what I put to you is
qualified by making it plain that when I said Billbergia had its approvals and
gateway approval, I was referring to the land next door.---Yeah. The
immediate land, yes.

And what I was putting to you was so far as that particular lot is concerned
or that area of land is concerned adjacent to the I-Prosperty land, they were
certainly well advanced - - -?---Definitely, Commissioner, yes.

40

- - - on the position that I-Prosperty had achieved at that stage?---Yes.

All right. Thank you.

MR DARAMS: Just briefly before we run out of time, just to finish this issue off. In the period of time that you've been in, can I call it private practice, so since about 2004, how many times has a mayor of a council provided you a draft resolution of council for you to amend the resolution? ---Only, only one that I can think of from the mayor, Mr Darams, but other councillors have asked me to write things for them over the years.

10

Sorry? Just so when you "only one" that's this occasion here?---Yeah.

And then you say "other councillors over the years".---Yes. From various councillors.

Yes. Since you've been in private practice, have any of those councillors provided you with a draft resolution for council for you to amend and add additions to?---A draft motion, yes.

20 Resolution?---No. It's never a resolution until it's voted upon.

THE COMMISSIONER: No, I think you may be across purposes. Just listen to the question again if you wouldn't mind just so we can make sure we get it right.

MR DARAMS: Yeah. How many times has a councillor provided you a draft resolution that is going to be put to council to be voted upon for you to amend?---Never because, same in this case, it was not a resolution.

30 A draft resolution.---It was a draft motion to be put to the council. In order to be a resolution it must be voted on and passed by the council.

So do you say you've previously had draft motions where you have amended the proposed motion at the request of a councillor?---Yes. Much more so in my earlier, closer to director of planning days, councillors would say to me "I want to deal with something." Nothing to do with me necessarily.

40 When you were employed by council, you're talking about?---No, before, but that happened often when I was employed by council, but in the recent past from working with council.

THE COMMISSIONER: Are you talking about situations where a councillor may need assistance in trying to put together in words a resolution or an amendment to a resolution and was turning to you for some guidance, "How do I do this"?---Yes, councillor, yes.

MR DARAMS: But in terms of the situation that you were faced with here, that is adding paragraphs to a motion, has that ever occurred in those circumstances?---Not on a, not on a project that I've been involved with, no.

10

THE COMMISSIONER: All right. I see the time, we'll adjourn. Are you able to give any idea of how long approximately you might be tomorrow? I know it's always difficult to make these estimates, but just as a guide.

MR DARAMS: It will certainly be the morning, and it's likely that we will go probably into the early afternoon.

THE COMMISSIONER: All right, okay. Well, you heard that, Mr Furlong.---Commissioner, I cleared my diary.

20

Yes. I just at least try allow the witnesses in on the secret as to how long we might be because we've all got our other lives to lead.---Commissioner, am I able to ask a question just before we depart?

Yes, certainly.---I, I don't have legal representation because I don't think I need to, but I watched on the web yesterday and there were a bunch of questions asked that made both my wife and I cringe in the answers, and there are documents within the council's, the Commission's restricted area that I would like to raise, [REDACTED]

30

[REDACTED] ---
Well, I'll stop you there at the moment. Firstly I suggest any concerns you have, you should raise those with Counsel Assisting, who is here to ensure fairness to everyone, as I am, and it may be that that's a matter that can dealt with in an appropriate way. I think at this stage it might be, the appropriate course might be for you to convey to Mr Darams what it is that you're concerned and you want to talk about and we'll then evaluate as to how best to deal with it.---Happy to, Commissioner. Thank you.

40

And I do appreciate the fact that you're not legally represented and that's not an unreasonable request.---Thank you, Commissioner.

Thank you. I'll adjourn.

THE WITNESS STOOD DOWN

[4.04pm]

AT 4.04PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.04pm]

10