

GALLEYPUB00060
14/06/2022

GALLEY
pp 00060-00097

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

Reference: Operation E19/0569

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 14 JUNE, 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: Take a seat. Just before we recommence, there are just a couple of things I'd like to raise, really for the lawyers. One is that I'm hoping to finish this inquiry within four weeks. If it looks as though we're going to go significantly over time then we might have to increase the sitting hours, that's the first thing. The second thing is, before any lawyer applies for leave to cross-examine, and I assume there would be some, can I just invite you to look at the Standard Directions for Public
10 Inquiries and in particular paragraphs 12 through 15, and they're on our website apparently. Yes, thank you.

MS HEGER: Mr Badalati, you're aware that a development application for 1-5 Treacy Street was lodged in October 2014, correct?---Yes.

And I'll just go to that document. It's at volume 1.3, page 4. That's Exhibit 126. And you'll see, this is a development application said to be in respect of 1-5 Treacy Street and the applicant is listed as GR Capital Group. Did
20 you find out around this time, October 2014, that this DA had been lodged?
---Yes, I would have.

And how did you find out about that?---Oh, I, I don't recall how but I would have been told about it.

All right. And your evidence earlier was that you'd been discussing 1-5 Treacy Street with Wensheng Liu and Philip Uy before this time, correct?
---Yes.

30 And so they might have told you about the lodgement of the development application, is that right?---It's either they did or the council officers did.

All right. But you were certainly aware around this time that it was Wensheng Liu's company that was the applicant for the development?
---Yes.

And you knew that company was GR Capital Group?---Yes.

40 And you also knew that Philip Uy was involved in this development?---I wasn't sure of his role in it, but definitely Wensheng Liu was involved.

You were aware that Philip Uy was involved in some way because you would have discussions with him that you mentioned earlier?---Yes.

Prior to this date?---But I, I didn't know if he was an investor or what he was in it.

All right. You now know that his company Gencorp was the builder for the Treacy Street development, correct?---Yes, correct. But when I asked Philip Uy, he told me it was a guy called Kurt.

10

Is that Kurt Vegners, V-e-g-n-e-r-s?---I assume that's his surname but - - -

All right. Mr Uy told you that Kurt Vegners was the builder on the development?---Builder, yes.

And you're aware that Kurt Vegners is employed by, or was employed by, Philip Uy's company Gencorp around this time?---I believe so, yes.

All right.

20

THE COMMISSIONER: It has him listed there as project manager.

MS HEGER: Yes, it does. Do you see that? It says in the box, "Applicant name, Kurt Vegners." Do you see that, Mr Badalati?---Sorry, where is that?

In the second box down. First it says, "Company/Surname, GR Capital Group".---Oh, yes, yes.

30 ---Right, okay. Yes.

You're also aware that around this time Wensheng Liu's company made an offer to enter into a voluntary planning agreement with the council, correct?---Yes.

And you were aware of that offer around this time, October?---When, it was when it either came up at council that I was aware of the offer they were making.

Yeah. Well, you obviously voted on the offer in November 2014 as a member of the council, so you were aware of it by that time certainly.
---Correct, yes.

All right. And at the time you understood a VPA is intended to be a binding agreement between a developer and a council for the developer to provide, for example, monetary contributions, yes?---Correct.

Or dedicate land or provide other public benefits, correct?---Yes.

10

And so it's obviously very important when you as a councillor vote on a VPA that you closely consider whether it provides sufficient public benefit. Correct?---Yes.

All right. In advance of voting on this VPA in November 2014, you were provided with an assessment report prepared by council staff. Is that correct?---Yes.

And you obviously read that report prior to voting on this VPA?---Yes.

20

I'll just go to that document, volume 1.3, Exhibit 126, page 70. So you'll see this is a document entitled 1-5 Treacy Street, Hurstville, Offer to Enter Into a Voluntary Planning Agreement?---Yes.

And you'll see an interested party listed there is GR Capital Group and you've already accepted you understood at the time that was Wensheng Liu's company. Correct?---Correct.

30 And if you go over to the next page, you'll see at the bottom of the page, it summarises what the offer involved. You see that?---Yes.

It says "in summary, the offer includes the following". You see that?---Yes.

So you obviously understood what the offer involved at the time you voted on it. Correct?---Correct.

40 And then if you go to the next page, it says at the top, "Council staff have reviewed and considered the documentation associated with the offer. The following comments are provided on the proposed offer. However, this information has not been conveyed to the applicant's lawyer and the offer has not been reviewed by council's lawyers." You see that?---Yes.

And it says, "In summary, the proposed works and dedications are not considered to provide sufficient public benefit for the following reasons."
You see that?---Yes.

So you obviously understood when you voted on this VPA offer in November 2014 that the council staff were recommending against its acceptance?---Yes.

10 Then you attended a council meeting on 19 November, 2014, where council considered this VPA offer. Correct?---Yes.

I'll just show you the minutes of that meeting.---Yeah.

It's at volume 4.5, page 1, Exhibit 138. So it records there that you were present at that meeting. You see that?---Yes. Yes.

And also Mr Hindi was present and Mr Sansom was present. You see that?
---Yes.

20

And you'll see from page 4 of this document, if we scroll through a few pages, you see first there's a reference there about halfway down the page "offer to enter into a voluntary planning agreement"?---Yes.

And you'll see it's decided there that it should be considered in a closed meeting. You see that?---Yes.

And then if you go to the next page, you'll see at the bottom, it refers again to 1-5 Treacy Street. You see that?---Yes.

30

And it's resolved that council accepts the offer from Gadens Lawyers acting on behalf of GR Capital Group Pty Ltd to enter into voluntary planning agreement. You see that?---Yes.

That was moved by Philip Sansom and by yourself?---Seconded, yeah.

And seconded by yourself. You see that?---Yes. Yes.

40 Right. So you obviously voted in favour of accepting this VPA offer?
---Yes.

And you did that knowing council staff had recommended against its acceptance?---Yes.

Can you explain to the Commission why you thought it appropriate to accept that offer despite the staff's recommendation?---Well, I, I knew the site and I believed it could have handled extra height. Buildings all around it were quite high, around the, between 12 and 18 storeys. So I, I believed that, you know, the extra height was okay.

10 Well, that relates to the merits of the development application itself. Why did you consider it - -?---Sorry. You're talking about the value of the VPA?

THE COMMISSIONER: The VPA, yeah.---Sorry.

MS HEGER: I'm talking about the VPA in circumstances where council staff had said it doesn't provide sufficient public benefit and that it hadn't yet been reviewed by council's lawyers, why did you consider it appropriate to vote in favour of that offer?---I don't recall why but my thinking at the
20 time was there was sufficient payment to council so I believed that the extra height was warranted.

THE COMMISSIONER: No, this is the VPA. It's not about height as I understand it. Let me ask you this. Did Mr Uy know which way you were going to vote before you voted?---I don't think so. He may have. He knew that I thought that that site could handle the extra height.

Ah hmm.---Which I know is not this one but it works into this VPA.

30 MS HEGER: Can I ask you this question, has Mr Philip Uy or anyone else ever paid you money or given you any other benefit in relation to 1-5 Treacy Street?---Yes.

Can you tell the Commission what that is?---It was cash, \$70,000.

All right. Before I ask you the detail about that, can I ask you whether Philip Uy or anyone else ever paid you any money or other benefit in relation to the Landmark Square development?---Yes.

40 How much were you paid?---100,000.

Was that in cash again?---Yes.

Do you know whether Mr Uy paid Mr Hindi or Mr Sansom any money or other benefit in relation to the Treacy Street development?---I believe that he paid Mr Hindi for Treacy Street and I know that he paid Mr Hindi for Landmark.

All right. How much do you believe Mr Hindi was paid in respect of Treacy Street?---I believe it was a similar amount to me.

10

About \$70,000?---Yes.

THE COMMISSIONER: What's your belief based on?---Sorry? A discussion that I had with Mr Hindi.

All right. Doing the best you can, tell us what you said to him and what he said to you.---I told him that I had been paid an amount. At first he said that he hadn't been paid but then he admitted that he did get paid.

20 Did you tell him the amount that you had been paid?---Yes.

And did he tell you the amount that he had been paid?---Yeah, a similar amount.

He said a similar amount?---Yep.

Right. Thank you.

30 MS HEGER: And I'll come back to the detail of that in a moment, but in respect of Landmark Square how did you know that he had been paid \$100,000?---He was with me when I received mine and he received the same.

Okay. Let's start with the circumstances of the payment for Treacy Street. You say Philip Uy handed you cash in the amount of \$70,000.---Yes.

When did this occur?---I believe it was during 2015.

40 So you think it was after the council vote on the VPA offer in November 2014?---Yes.

Are you aware that the JRPP voted on the Treacy Street development on 1 April, 2015?---Yeah, it would have been after that.

It would have been after 1 April, 2015?---Yes.

And certainly sometime in 2015. That's your evidence.---From my recollection, yes.

10 Okay. Where did Mr Uy hand you this money?---It was at Kingsgrove in Paterson Avenue.

And had you had a meeting arranged prior to him handing you this cash? ---Yes. We had a coffee at the development in – oh I forget the name of the street. It's a little street at - - -

It was a coffee shop in Kingsgrove?---Yes. Macchia or - - -

Macchina?--- Macchina.

20 Macchina. Who arranged this meeting? Did Philip Uy call you or did you call him?---From memory, he called me to meet me for coffee.

And what did he say the purpose of the meeting was?---Oh, he didn't. We used to just have coffee occasionally.

All right. So he said, "Come and meet me for coffee in Kingsgrove"? ---Yes.

30 You had coffee at the Macchina coffee shop in Kingsgrove?---Yes.

Was anybody else there at the coffee shop with you?---Other people?

Well, I mean at your table with the two of you?---No, no.

No.---No.

All right. So you had coffee there and you left the coffee shop?---Yes.

40 And where did you go next?---Well, we were both parked in Paterson Ave, which is only about 40/50 metres away from the coffee shop.

Okay. You both travelled in your own cars to the venue?---Yes.

And you were both parked in Paterson Avenue?---Yes.

So you walked to your cars in Paterson Avenue?---Yes.

What happened next?---From his boot he got a bag out and gave it to me.

10 All right. And what did he say at that point?---He said, "This is for your help on Treacy Street."

And what did you say?---I said, you know, I was surprised.

Did you say anything?---I don't recall but, yeah, I said "Why?" And he said "Just take it. It's a" - - -

Okay. Was the bag sealed up at this point?---It was in a, like a shopping bag.

20 Could you see inside the bag at this point?---Yes. But there was wrapping around the money and I saw the money when I got home.

Okay. So he gives you this bag that you believed was money at the time that you received it?---Yes.

Then what happened?---I went home and I'm too sure where he went.

Okay. Do you know where Philip Uy went?---No, no.

30 All right. So you got home. Presumably you opened up the bag at that point?---Yes.

And what did you see?---Money.

Okay. And what denomination were the notes, can you recall?---Hundreds.

They were all \$100 notes?---Yes, I think so.

40 Okay. And presumably they were sort of in bundles of notes?---Yes.

Rather than completely loose?---In bundles.

Okay. And what did you do with the money then?---I put it in my safe.

Okay. Did you tell anybody else about receiving this money?---No.

But at some point you had a conversation with Mr Hindi?---Oh I, yeah, I told him.

10 Okay. So doing the best you can to recall that conversation, who called who?---I may have called him.

Okay.---I, I think it was me who called him.

And you brought up the subject of having received this amount of money?---Yes.

What did you say to him?---I said, "Oh, Philip gave me money in regards to Treacy Street."

20 And your evidence earlier was that you told Mr Hindi that was it was about \$70,000?---Yes.

How did you know it was about \$70,000?---Oh, this was about two days after.

All right. So by that point you'd counted the money?---I had counted the money.

30 Okay. And what did Mr Hindi say? Your evidence earlier was that he said, "I received a similar amount"?---Eventually, yeah.

You said initially he denied receiving any money?---Yes.

But then said he'd receive a similar amount?---Yes.

Did he say anything else?---No. He didn't say where he received it or anything.

40 Did he say approximately when he received it?---No.

Did you get a sense whether it was before or after you had received your payment?---No, I didn't. He - - -

Okay. Did you talk to Mr – sorry, go ahead.---Sorry, he didn't say too much about it.

But he indicated to you that the payment had been made to him in relation to Treacy Street, is that right?---Yes.

10 Did he tell you that Philip Uy was the one who gave him the money?---Yes.

But he didn't say where?---No.

Did you have any further conversations with Mr Hindi about the payment that you'd received for the Treacy Street development?---On another occasion?

On another occasion.---No.

20 All right. Now, you say that Philip Uy handed you this cash. Did you think it was likely at that point that Philip Uy personally was providing you with that money or did you think it was likely he was providing it to you on behalf of someone else?---At the time I didn't think about it, but later I thought, yeah, 'cause I wasn't aware of Philip Uy's involvement in Treacy Street, and I thought to myself "Why would he give the money?"

Well, pausing there, you said you weren't aware of his involvement. You understood by this point he was involved in some way with Treacy Street, you just didn't quite understand exactly.---I knew he was working on it.

30

Right.---But whether he had an interest in it or not – 'cause he was fairly private when it came to his own business dealings. So I wasn't sure what his involvement was.

All right. And so because you weren't sure what his involvement was, did you think it likely it was his money or someone else's money?---Initially, as I said, I didn't think about it. But then later I thought it would be unlikely to be his money.

40 And did you think about whose money it was likely to be?---It'd be, the only two other people I could think of would be the two Lius.

You mean Wensheng Liu and Yuqing Liu?---Yes.

And why did you think Wensheng Liu might have provided the money?
---'Cause he was the developer.

All right. And you gave some evidence earlier that around November 2013
you were aware that Wensheng Liu had quite a bit of money, is that right?
---Well, he had a line of credit with a bank.

10

Right, okay, okay. So you knew at this point that Wensheng Liu was the
developer and that's why possibly he was the one who provided the money,
is that right?---Yes.

Okay. And why did you think it could alternatively have been Yuqing Liu's
money?---That's China Liu, isn't it?

That's - - -?---Yeah, sorry.

20

- - - who you know as China Liu, yes.---Yeah, no, sorry. I thought it was
only Wensheng Liu's, not the other Liu. Sorry, I - - -

All right.---I know I said it but I misled you on that. I think it was, my
belief at the time was it was Wensheng Liu's money.

All right. And about when did you have that thought? You said you didn't
have it immediately but at some later time.---Oh, it'd be a few days later.

30

Okay. And did you receive any particular information that prompted that
thought or did it just occur to you?---No, just, I was thinking about it, where
would this money have come from.

All right. And you said you put the cash into your safe at home.---Yes.

Did it stay there?---For quite a while, yes.

And then what happened to it?---Oh, bit by bit it got spent.

40

Okay. Did you deposit it into a bank account at some point?---Some of it
from memory, yes.

Okay. And you said it stayed there for quite a while. Can you estimate how long?---Oh, about a year.

Okay. Can I then ask you about the \$100,000 you received in respect of Landmark Square.---Yes.

THE COMMISSIONER: Just before we move on to that, can I just ask you one thing. The amount that Philip Uy paid you was substantial in any view.---Yes.

10

And do you accept that he must have believed that you had done something or would do something in return for that money?---When he handed it over he said, "That was for your help on Treacy Street." I believe you're correct in what you're saying, Commissioner.

What was it you did for him or would do for him in return for that money?
---Talk to the officers if required and when it came to a council vote - - -

Vote, yeah.---Yes.

20

Voting to support what he and perhaps Wensheng Liu wanted.---Yes.

Thank you. Sorry, Counsel.

MS HEGER: And indeed a further modification, a modification application was lodged by GR Capital in respect of Treacy Street in late 2015, in fact December 2015. Are you aware of that?---Yes.

30 And a further VPA offer was made in respect of that modification application by GR Capital.---Yes.

You're aware of that.---Yes.

And that VPA offer came before council on 20 April, 2016, didn't it?---Yes, I believe so.

And you voted in favour of that VPA offer on that occasion.---Yes.

40 And that was again contrary to the recommendation of council staff, wasn't it?---Yes.

Do you accept that when you voted on that VPA offer you felt a sense of obligation to vote in its favour because of the money that Philip Uy had paid you?---Yes.

And you certainly accept that a member of the public would have perceived that payment as being intended to influence you to vote in favour of that VPA office. Correct?---Yes.

10 Do you know if Philip Sansom ever received any money or other benefits in respect of Treacy Street?---I never spoke to him about it and I don't know. I never saw him receive any money and he never mentioned it to me.

Okay. Let's move to the \$100,000 for Landmark Square then. Tell me who paid you that money.---Philip Uy.

All right. And when did that occur?---I believe it was during 2016.

20 All right. Well, you'll recall that as a member of council you voted in favour of the Landmark Square planning proposal on 20 April, 2016. Correct?---Yes.

Was it before or after that council meeting?---I don't recall exactly when it was. Could have been before, could have been after.

All right. And where did you receive this payment?---It was in a park just at, at Rhodes.

And was there anyone else there other than you and Mr Uy?---Mr Hindi.

30 And how was this meeting organised? Did Philip Uy call you?---I believe it was him who called me and Mr Hindi.

You think Philip Uy called yourself and he also called Mr Hindi to arrange the meeting?---I believe so, to just go and have a coffee at Rhodes with him.

All right. Where in Rhodes did you have – did you have coffee before the meeting?---Yes.

40 Where did you have coffee?---In the shopping centre there.

At Rhodes shopping centre?---Yep.

Okay. And Mr Hindi attended the coffee shop as well?---Yes.

Did Mr Uy explain to you on the phone what the purpose of the meeting was?---No.

Did you talk to Mr Hindi about the meeting before you turned up in Rhodes?---I may have. I, I don't recall.

10 Okay. All right. So yourself, Philip Uy and Con Hindi have coffee at the shopping centre in Rhodes and it was only the three of you there, is that right?---Yes.

And then what happened?---And then we just walked to the park, which is right next door to the shopping centre and Con Hindi and I moved our cars to be close to Philip Uy's car there and he gave us the money.

You'd each travelled in your separate cars, each three of you?---Yes.
20 Because I came from my home, Mr Hindi came from his work, which was at Homebush.

All right. So you moved to the park, you moved your cars to be closer to Philip Uy's and then what happened?---He opened his boot and gave us two bags each.

So Philip Uy handed yourself two bags?---Yes.

And he handed Mr Hindi two bags?---Correct.

30 And what did Mr Uy say?---"Thank you for your assistance on Landmark."

And did you understand that was for assistance you'd already provided or that you were going to provide in the future?---Well, my understanding was for what we had done.

All right. So does that suggest it's likely it was after he'd voted in favour of the planning proposal on 20 April?---It, it could and I believe it was after but I'm not 100 per cent sure.

40 Okay. And what did you say?---"Thank you."

And what did Mr Hindi say?---I think he said something, words similar.

He also thanked Philip Uy?---(NO AUDIBLE REPLY)

Okay. When you received these two bags, did you believe there was money inside them?---Yes.

Did you open the bags in the park?---Just the handles but they were kind of covered.

10

What do you mean? You could see inside the bag but what was inside the bag was covered up in some way?---Yes.

Okay. And what about the two bags Mr Hindi was handed, could you see inside those?---No. It was similar, he, there was something on top so you couldn't see.

As in the bag was open bit you could see something covering the contents?
---Yes.

20

Okay. So after you and Mr Hindi thanked Philip Uy, what happened next?
---I drove home.

Okay. And Mr Hindi drove away?---Yeah. I believe he went home as well.

And why do you believe that?---Well, I couldn't imagine where else he would go.

Okay. He didn't say where he was going?---No, no.

30

Okay, and you arrived home with the two bags. What did you do then?---I counted the money.

All right. And - - -?---They were bundled up, so - - -

All right. So you removed the, whatever was covering the money?---Yep.
Yep.

And you took the money out of the bag, correct?---Yes.

40

And what denomination were the notes?---Fifties.

They were all fifties, as far as you recall?---Yes.

And you counted the money?---Yes.

And you counted to \$100,000 presumably?---Yes.

Then what did you do with the money then?---Put it in the safe.

10 Okay. And at some point did you deposit that into a bank account as well?
---Over a period of time I deposited some of it, yes.

Okay. And some of it you just spent?---Yes.

Did you have any discussions with Mr Hindi after that meeting in the park about the payment for Landmark Square? Did the topic come up again?---I don't think so. I, I really don't recall.

THE COMMISSIONER: Let me ask you this then.---Yep.

20

We can cover both Treacy Street and Landmark Square I think in relation to this. You were comfortable telling Mr Hindi that you'd been paid \$70,000 in respect of Treacy Street. And what you were telling him was significant. Then he indicated at some point later that he received the same or a similar amount.---Yes.

Why were you comfortable in telling him that? Was it because you knew he was involved in some way?---Yes. He, he was involved like I was.

30 All right. Had he told you, sorry, had you got together at various points in time to discuss how and when you would vote in favour of certain things?
---Yes.

All right. And does the same apply to Landmark Square, that is that he understood – sorry, you understood that, like you, he would do or had done something in return for \$100,000?---That was my understanding, Commissioner.

40 Right. And those discussions, whatever they were, I take it you believe resulted in Mr Hindi voting the same way you did?---Yes, he may have had other reasons which I don't know about.

Sure.---But yes.

Yep. Thank you.

MS HEGER: Do you know why Philip Uy chose Rhodes as the location of this meeting?---He lives there.

10 Okay. Does he have an apartment in Rhodes, is that right?---I believe so, yes.

Have you ever been to that apartment?---No.

Okay. And do you go to Rhodes very often?---No.

Can you name any other occasion, other than this one, that you've been Rhodes?---Yes. Went about three or four other times just to have coffee with Philip Uy.

20 Okay. And were those occasions around 2016 or were they in a broader time period?---I think it was in a broader time period. Could have been 2015 and '16.

Okay. Can you say how many visits you paid to Rhodes in 2016?---Not exactly.

Okay.---Sorry.

30 THE COMMISSIONER: Was Mr Hindi with you when you went to Rhodes on those occasions?---Not every occasion, but on one or two he was there.

Thank you. Thank you.

MS HEGER: Can I ask when was the last time you spoke to Mr Hindi? ---Last Saturday.

40 Okay. And what did you talk about?---Oh, about general life, general things.

Did you talk about this inquiry?---No. About the one starting today you're saying?

Yes. Well, this inquiry or the investigation being conducted by this Commission more generally which, as you know, has been on foot for some time.---Yeah. We spoke about the one starting today.

And what were the substance of those discussions?---Oh, what would be said here.

10

What, by you or by him or someone else?---By both of us.

Do you mean to say you discussed with Mr Hindi the evidence that you intended to give in this inquiry?---No, no. I said to him we shouldn't be talking about it.

Was he asking you what evidence you were going to give?---He was but I said, "It's not appropriate," yeah, "It's only three days away."

20 THE COMMISSIONER: Did he indicate to you what he was going to say? ---Not really, Commissioner. He kind of danced around a little bit and then another friend came and joined us and that was the end of it.

Who was the other friend?---Oh, he works, he's got a shop in Hurstville.

I'll just stop you there. I don't want his name but he otherwise has nothing to do with this?---No.

No. Thank you.---No.

30

MS HEGER: You're aware that the planning proposal for Landmark Square was lodged in June 2015, correct?---Yes.

And you were made aware around that time that it had been lodged, correct?---Yes.

In fact, you had been briefed by council staff on the planning proposal in the lead-up to it being lodged, correct?---Yes, yes.

40 And you'd also had meetings with One Capital's representatives, namely the architect at the time, Nigel Dickson, is that right?---With Mr Dickson, he

came to the council, I was mayor at the time, to do a presentation on the hotel.

Right. That was before the planning proposal was lodged?---Yeah.

Yep. All right. I might ask you in some more detail about those meetings later but when the planning proposal was lodged, you understand of course that it might take some time for the proposal to ultimately be gazetted, correct?---Yes.

10

And you understood that first the planning proposal had to be assessed by council staff, correct?---Correct.

You understood that council would then need to vote on whether to support it or not, correct?---Yes.

You understood it then had to go to the Department of Planning for assessment, correct?---Yes.

20

And that the minister would then make what's called a Gateway Determination, correct?---Yes.

And you understand around this time, that is late-2015/early-2016, that the minister could decide that the proposal should proceed or that it be resubmitted for some reason?---Yes.

And you understood that following the Gateway Determination the proposal could come back to council again to vote on possible further amendments to the planning proposal?---Yes.

30

You understood at the time that at some point council would then exhibit the planning proposal to the public for comment?---Yes.

And that once the proposal was finally settled, council would then need to vote again to forward it for gazettal?---Back for gazettal, yes.

All right. And when you accepted before that a planning proposal could take some time to be gazetted, you understood that it could take a year or more to be gazetted?---Yeah, it can.

40

All right. And you obviously understood, in late 2015, that the planning proposal would likely have to come back before council multiple times before it was gazetted?---It depends if there were any public objections. It depended on quite a few different things.

Yes. Well, it might have depended on a few things but - - -?---Yeah.

- - - given the process I just outlined - - -?---Yes.

10 - - - there was a real possibility the planning proposal would come back before council for you to vote on it.---Yes.

All right. So in that context, even if the payment that you received was after 20 April when you first voted on the planning proposal, you understood when you received the payment that there's a real possibility you'd have to vote on the planning proposal again in the future.---Yes.

20 And did you understand or did you feel – did you believe that the payment was made with the intention of influencing your future decisions on the Landmark Square planning proposal?---At the time I didn't think either way whether it was for work or assistance given already or whether it was for the future. Because you've got to remember a month later council was put into - - -

Administration.--- - - - administration.

On 12 May, 2016.---Yes.

30 But your evidence earlier was that when that occurred you intended to stand for election to Georges River Council where those - - -?---That was the intention, yes.

All right. And presumably Philip Uy understood that you'd likely be standing for election to the new council when it was formed.---Yes.

What about Wensheng Liu, had you had any discussions with him on that topic?---No.

40 Okay. And when you were re-elected to Georges River Council you did in fact vote on the Landmark Square planning proposal. Correct?---Yes. Can you remind me when that was?

Yes. I'm just turning up the note of that.---Sorry.

Could I take you to first some minutes of the Environment and Planning Committee from 2018. The month was June, the date was 12 June.---Yes.

I'll just take you to those minutes to refresh your memory. They're at volume 4.2, page 186 which is Exhibit 135. At this time you were also a member of the Environment and Planning Committee. Correct?---Yes.

10

And was that a committee of councillors who considered environment and planning issues that were to come before council?---Yes.

And you'll see it records there that you attended on this date. You see Councillor Vince Badalati there.---Yes.

You also see Councillor Con Hindi there.---Yes.

And then on the next page - - -

20

THE COMMISSIONER: I think with Councillor Hindi there was a – can we just go back to the first page. There's an apology there.

MS HEGER: Oh, I'm sorry.

THE COMMISSIONER: Yeah.

MS HEGER: It does say, "Apologies. Motion Councillor Hindi and Councillor Landsberry."

30

THE COMMISSIONER: Yeah.

MS HEGER: Does that indicate that Councillor Hindi likely wasn't there? ---No. It could be that they may have declared an interest in one of the items.

But it does say later down, "Disclosure of interest. There were no disclosures of interest declared."---Sorry, yes.

40 All right. In any event, you were present at this meeting.---Yes, I was.

Go to the next page, please. You'll see at the bottom there it says, "Planning proposal for Landmark Square Precinct."---Yes.

And it records, "A recommendation has been made by Councillor Hindi and Councillor Badalati."---Yes.

And the recommendation was that council not proceed with those aspects of a previous council resolution in relation to the provision of affordable housing? You see that?---Yes.

10

Do you remember what that was about? Obviously council had previously resolved that there be some kind of affordable housing at Landmark Square, is that right?---Yes, the administrator of the council was the one who approved the motion that the development include some affordable housing within it.

Yes, of course, because 7 August, 2017 is when council was in administration.---We weren't there.

20 Understood.---So the problem with it was that council did not have an affordable housing policy, which made that recommendation invalid. And at the council meeting, the general manager was asked if it was a lawful motion, and she said, no, it wasn't because there was no policy on affordable housing.

All right. And so are you saying that's why you recommended that council not proceed with that previous resolution?---Yes. Yes.

30 Okay. Go to the next page, please. The second recommendation was that "Council endorse the preparation of a planning proposal to amend an aspect of the Hurstville Local Environmental Plan." Do you see that?---Yes.

And then the next recommendation was that "all owners of certain properties within the Landmark Square area be notified by council of the proposed planning proposal to amend the LEP". Do you see that?---Yes.

40 Do we accept that by this time, when you were making recommendations as a member of the Environment and Planning Committee, that you felt a sense of obligation to vote in favour of the planning proposal, given you'd been paid \$100,000 by Mr Uy in the past?---No, because there were new owners. I was told by the planning director earlier that One Capital had gone into

liquidation or was going into liquidation and they sold the site to Prime Hurstville or Aoyuan Group.

All right. That occurred in late 2017, is that right?---Yes.

And so you say that once that transfer had occurred, you didn't feel any sense of obligation to vote in favour of this proposal by virtue of the \$100,000 payment, is that right?---Correct, yes.

10 All right. Well, let me show you another document.---Ah hmm.

Volume 1.6, page 87. So that's Exhibit 129. This is an email from a person described as Elaine Gencorp to yourself - - -?---Yep.

- - - Mr Hindi and two other councillors, dated 19 April, 2018, at 8.48pm. First of all, you can see that that's from Elaine Tang from the signature block.---Yes

20 You knew Elaine Tang by this time, didn't you?---Yes.

And how did you know her?---Oh, she was introduced to me by Philip Uy as his assistant.

When was that introduction made?---Oh, would have been either 2014 or 2015.

30 So you understood at that time that she was working for Philip Uy?---At that stage I wasn't sure who she was working for. She, she rang me one day saying that she was, wasn't getting anywhere with the council officers and I said to her, because she was talking about this email and that email and other emails she had sent and received from council, and I said to her, "Just send me all the emails you have and I'll look through them all" to understand what was going on.

All right. And was this one of those emails?---It, it could have been, yes.

40 Okay. You will see in the first line there, Ms Tang says, "I would like to advise that I act on behalf of The One Capital Group." And you understood at this time in 2018 that The One Capital Group was Wensheng Liu's company?---Yeah.

And you understand The One Capital Group had been the initial proponent of the planning proposal, correct?---Yes.

But you understood that by this time the options for Landmark Square had been transferred from One Capital to Prime Hurstville, is that right?---Yes.

10 Okay. Well, despite the land having been transferred, Ms Tang is writing to you on behalf of One Capital Group and requesting an urgent meeting to discuss the above planning proposal and you'll see in the second paragraph she says, "We're very concerned about the progress of this planning proposal as it has been dragging on for approximately four years. We understand that not all councillors may be able to attend but we are hoping that we can meet sometime early next week as this is very important to us and the community." Now, in that circumstance, you must – and having read this email around this time, which I presume you did, did you?---Yes.

20 You must have understood that One Capital had an ongoing interest in this planning proposal, correct?---Well, it was my understanding that One Capital had gone into liquidation.

30 All right. Well, I can tell you that that happened after this date, in October 2018. So – oh, I'm sorry. It was 2017. All right. Right. Well, despite understanding that it had gone into liquidation, you must have understood from this email that Wensheng Liu still had some interest in this planning proposal, whether it be financial or otherwise?---Well, no, because after I read this email, I rang Elaine Tang to query the name of her company there because, as I said, it was my understanding that they had gone into liquidation, and she said, sorry, she should have had another name there. And from memory, I think she said it was Gencorp she was working for, or - - -

Well, certainly her signature blocks says Gencorp down the bottom.---Yeah. So whether she made a mistake in putting The One Capital Group there, because as you say, down the bottom it's got Gencorp. So I wasn't sure who she was working for.

40 Well, what did you understand Gencorp's interest to be in the planning proposal at this time?---To tell you the truth, I have lost track of it. I wasn't sure who Gencorp was when she sent me all of these emails.

Well, did you understand by this time that Gencorp was Philip Uy's company?---No, not at that stage.

But you were certainly introduced to Elaine Tang by Philip Uy. So did it occur to you that she to Gencorp might have a connection to him?---I was told that she, at one stage I was told that she working for Prime Hurstville. So I wasn't sure who she was working for.

10 Well, around this time, and I can show you some of these emails in a moment, but around this time council was receiving separate communications from an Adrian Liaw who was purporting to act for Prime Hurstville, a subsidiary of Aoyuan. Have you seen any of those emails?---I think she sent me a whole stack of emails. I didn't read them all.

All right. Well, I can tell you there were emails from Adrian Liaw on behalf of Prime Hurstville/Aoyuan.---Ah hmm.

20 So why would you think that Elaine Tang was also purporting to act on behalf of Prime Hurstville?---Well, I was told at the time, and I can't remember who told me but, that she was working for Prime Hurstville.

And who told you that?---I don't recall who it was I'm sorry.

All right. Well, you can see this email is addressed to only four councillors including yourself and Con Hindi.---Yep.

What was your belief at the time as to why she had addressed it just to those four councillors and not - - -?---I've got - - -

30 - - - other councillors?---I've got no idea. I would have thought she would have sent them to all councillors.

Well, you must have thought at the time she's sending it to myself and Con Hindi at least because we've been of some assistance in the past regarding the Landmark Square planning proposal.---Yep. Yes.

40 You had that belief at the time that you received this email?---Because I think on other emails, because I received a whole stack of them, I think on other emails there were more councillors.

Well, there may have been but I'm asking you why you thought this particular email was addressed to only the four of you.---I had no idea why. I found it strange at the time.

All right. Can I show you another email from Ms Tang.---Yeah.

Volume 1.6, page 88, so again part of Exhibit 129. Can we just make that a little bit bigger. Bigger again. Just have a read of that email to yourself and I'll ask you some questions.---Yes.

10

For the record, this is another email from Elaine Tang, which is addressed to Anne Qin, Q-i-n, at Georges River Council, but copied to yourself and Mr Hindi and some other councillors, as well as some council staff, dated 23 April, 2018, at 2.56pm. Now, I'll correct something I said earlier. I think I accepted that One Capital went into liquidation in late 2017, but it was in fact 18 October, 2018 that there was the first notice by external administrators regarding One Capital. So - - -?---But when - - -?

20

- - - that obviously post-dates this email.---Yep. When did Prime Hurstville or Aoyuan Group take over the site?

Well, the options were transferred to Prime in late 2017.---Yep, okay.

Were you told that at the time, that the options had been transferred?---I, no, I found out in about February, the following year.

February 2018.---'18. It was at a council workshop and I was talking to the director, Meryl Bishop about that site. She told me that One Capital had sold the site.

30

All right. Well, you'll see that in this email Ms Tang is again expressing some concerns about the delays with the planning proposal in the third-last paragraph. It says, "We're desperate to get this planning proposal to public exhibition and these delays are placing significant pressure on the project." And she says, "We would like to meet with council staff and any interested councillors that would respond to our request to resolve any outstanding matters in order to get the planning proposal on public exhibition ASAP." And towards the end she says, "Some former Hurstville councillors have been on this journey with us for the past four years." I take it when you

40

read this email around this time that you understood that to be a reference to

yourself, “some former Hurstville councillors”?---All the former Hurstville councillors who were re-elected, I assume.

Sorry, you understood it to be a reference to all the Hurstville councillors who were re-elected, is that right?---Yeah, because they would have been aware of the thing for four years, over four years.

All right. So that includes Con Hindi then, of course.---Yes.

- 10 Could it have also been a reference to Philip Sansom, who although wasn't re-elected to Georges River Council had obviously been a Hurstville councillor involved with the planning proposal?---It could have been. I'm not sure.

All right. Do you know of any other councillors who'd been on Hurstville City Council who met with the applicant regarding the Landmark Square planning proposal?---No.

- 20 So you understood it was primarily a reference to yourself and Con Hindi, didn't you?---Well, the matter had been coming up at various workshops. Who she meant, I think you'd have to ask her.

No, I accept that, but I was asking for your understanding.---Well, my understanding is that all the Hurstville councillors who were re-elected was aware of the project over four years, and if you look at the addressees in the, who were copied in, it's the whole Environment and Planning Committee.

- 30 All right. Do you know how she got the names of the Environment and Planning Committee members?---Oh, that was publicly put out there.

All right.---Who, which councillors were on which committees.

All right. I referred earlier to emails that had been received from Adrian Liaw. If you keep in this volume and go through to page 90. You'll see, in the bottom-half of the page, there's an email from Adrian Liaw to Anne Qin, Q-i-n, 16 April, 2018 at 4.52pm.---Yes.

I'll just let you read that email to yourself.---Yes.

- 40 So obviously Mr Liaw is purporting to act on behalf of Aoyuan, A-o-y-u-a-n, that's the company referred to in his email address, correct?---Yes.

And he also refers there to the fact that he's further discussed the time delay issue and "amending the planning proposal with several of my colleagues, including One Capital". Do you see that?---Yes.

So there's obviously a distinction being drawn between Adrian Liaw who acts for Aoyuan, who by this time had purchased the options and One Capital. Do you agree there's that distinction being drawn?---Yes, yes.

10 And the colleagues he's referring to include, on your understanding, Elaine Tang, don't they?---(NO AUDIBLE REPLY)

That's what you understood at the time? And sorry, I should say this was part of the email chain that I started with a few pages earlier.---Yeah.

So this was forwarded to you.---Yeah, yeah. As I say, I wasn't sure who Elaine was working for at that stage but you can make the assumption you were making from that.

20 Well, I'm asking you to accept that you understood that at this time Elaine Tang was purporting to speak for One Capital Group in relation to this planning proposal. Do you accept that or not?---Well, no because my understanding at the time was that she was working for Gencorp. So in my mind she had nothing to do with One Capital anymore. So - - -

You said at some point she gave you a bundle of emails and that she suggested that when she referred to One Capital it was an error. Is that right?---Well, she had Gencorp down the bottom of the email you showed.

30 Well, that's right. But in the email she said she was acting for One Capital, correct?---Yes.

And so at some point she told you that was error, is that right?---Yes.

When was that?---Oh, well shortly after that, I read that email because I, you know, to be truthful, I was confused at that time who was working for whom and - - -

40 So shortly after you read the email she corrected this error, did she? Can you say when?---No, I can't. I know it was shortly after I read it.

And why was she printing out all these emails and handing them to you?
---She had rung me to complain about council being very slow and she had all these emails that she was referring to. I didn't know which ones she was talking about. So I asked her to send me a copy of all the emails she had

And what did you understand she was asking you to do about the planning proposal?---Whether it was to speak to the officers or not, but I do recall I took no action on it, on these emails.

10 Well, when you say you took no action, are you saying you didn't speak to council staff about the delays with the proposal?---Not as a result of these emails.

All right. Well, I'll show you another email dated 30 August, 2018, volume 1.6, page 158, Exhibit 129. I'll just let you read that email to yourself and I'll ask you a question. For the record, it's from Elaine Tang to Gail Connolly at Georges River Council copied to Mr Badalati and Mr Hindi and other councillors and some council staff dated 30 August, 2018, 3.28pm. You've read that email?---Yes.

20

Right. Well, you'll see in the first paragraph, she says, "We're writing to express our disappointment with the rezoning process for the properties bounded by Forest Road, Durham Street and Roberts Lane, Hurstville, in which The One Capital Group Pty Ltd has significant commercial interest." You see that?---Yes.

Well, surely, you understood upon reading this email that Wensheng Liu's company One Capital Group continued to have a significant commercial interest in this planning proposal at this time?---Yeah, well, I was confused.

30 As I say, the planning director had told me that the site had been sold to Prime Hurstville, and that was in around about February the same year, six months before this email.

Well, an applicant for a planning proposal doesn't have to own the land in respect of which the planning proposal is made, do they?---I'm not sure about that.

40 All right. Well, you understood as at June 2015, when the planning proposal was lodged by One Capital, it didn't own the land at that time either, it merely had options in respect of the land.---It had options, yep.

So it was somebody else that owned the land, correct?---Legally, yes.

Yes. So you obviously understood at that time that the applicant for the planning proposal doesn't need to own the land.---Yeah, but it should have at least options over the land.

Well, can't a developer lodge a planning proposal in respect of land that it has no interest, provided it has the owner's consent?---I believe so, yes.

10 All right. And you understood that at this time, August 2018, didn't you?
---Yep.

Okay. So it's possible that The One Capital would still be the proponent for this planning proposal at this time, even though the land had been transferred to Prime Hurstville. That's right, isn't it?---Yeah. Yes.

Okay. So I'll ask the question again. At this time you understood, based on Elaine Tang's email, that The One Capital Group continued to have a significant commercial interest in the Landmark Square planning proposal,
20 didn't you?---I, I had questions about it.

What reason would you have to doubt what Elaine Tang is saying about the nature of One Capital's interest?---Well - - -

Aside from the fact that somebody else had the options for the land, and we've already covered that ground.---Yep. Well, she was working for Gencorp. I had been told that One Capital sold the site, but I accept it's possible that you don't have to be an owner of land to lodge - - -

30 All right. So I'll ask - - -?--- - - - a planning proposal.

I'll ask the question one more time. You understood at this time that The One Capital still had significant commercial interest in the Landmark Square planning proposal, didn't you?---Only because of what's written there.

All right.

40 THE COMMISSIONER: Well, just bear with me for a sec.

THE WITNESS: I was very confused by that stage of who owned what and
- - -

THE COMMISSIONER: Gencorp was Mr Uy's company?

MS HEGER: Yes.

THE COMMISSIONER: See, one of the things that, when I think about it,
is that at this stage Mr Uy had paid you \$170,000, correct?---Yes.

10

So in a sense, to use the vernacular, you were on the hook for that amount.
---Yes.

Having regard to the fact that, you know, whether you're talking about One
Capital, it looks as though Gencorp has an interest at least in getting this
thing done. Didn't you feel a sense of obligation to see it through?---Yes.

Yep. Because Mr Uy's there in the picture fair and square, isn't he?---Being
Gencorp, yes.

20

Yep. Yep. And you understood that Elaine, Elaine Tang, was somebody
connected with him?---Yes.

An employee.---Sorry, I said "yes".

Yeah.---Yep.

Now, here you've got, having received \$170,000 and being on the hook, so
to speak, you must have been vitally interested to know how long and how
30 much further you would be under obligation to assist, correct?---Correct.

And here you have One Capital Group being mentioned and, if that's not
bad enough, you've got Gencorp or Ms Tang from Gencorp raising these
significant issues. Surely in those circumstances you thought you had an
obligation to continue your assistance.---Yes.

Thank you.

MS HEGER: You earlier gave evidence that while Ms Tang might have
40 expected you to speak to council staff to hurry it along, you never did that as
a result of receiving one of these emails from Elaine?---No, no.

Is that still your evidence?---Yes.

Right. Can I show you another document, volume 1.6, page 168? Again, Exhibit 129. You'll see this is an email from Catherine McMahon who was at Georges River Council, the Manager of Strategic Planning, to two other staff members at Georges River Council. The date is 31 August, 2018, 4.41pm.---Yes.

10 And there's an attachment, "Meeting with Vince Badalati and Con Hindi." Do you see that at the top?---Yes.

If you go over to the next page, this is a file note prepared by Catherine McMahon from Georges River Council of a meeting that she had with yourself and Mr Hindi on 31 August, 2018. I'll just let you read that.---Yes.

Does that file note accord with your recollection of this meeting?---Yes.

20 All right. So there you said words to the effect of you were worried about the loss of money. Were you referring to the potential loss of the VPA offer, which at that time I think was significant?---Yes.

All right. And Con Hindi is recorded as expressing some concern about the loss of the hotel, and of course the hotel was part of the Landmark Square planning proposal.---Yes.

And that accords with your recollection of what he said at the meeting?
---Yes.

30 It also attributes to you something to the effect of the proponent believes they feel picked on. Do you see that?---Yes.

And so this meeting occurred the day after Ms Tang sent that email that we've just been to. Did you request this meeting with Ms Bishop and Ms McMahon as a result of receiving that email from Ms Tang?---Oh, I, don't recall. Can you tell me the date of - - -

Ms Tang's email was 30 August. This meeting was the next day, in 2018.
---Right. Okay. I accept that.

40 Well, is your evidence you requested the meeting as a result of Ms Tang's

email the previous day?---I don't recall if it was me who requested the meeting or Con Hindi did. One of us did.

Okay. But certainly the views you were expressing were prompted by, at least in part, Ms Tang's email the previous day. Is that right?---Yes. It's about the section 94 money.

Sorry? What was that?---The section 94 money, the seven point seven and a half million dollars - - -

10

Was that section 94 contributions or was that just the VPA offer, \$7 million?---Well, it could have been the VPA offer.

All right. Do you recall there was some discussion on this occasion, as well, about a Development Control Plan?---I don't, not to say there wasn't.

Well, do you recall generally around this time there was some discussion about whether an amendment to the Development Control Plan was required at all and whether the planning proposal needed to be held up being exhibited until that DCP was ready?---I think so, yes.

20

Okay.---Yeah.

And do you recall also querying at this meeting why a Development Control Plan was required at all?---I think it was either myself or Councillor Hindi who asked that question.

Okay. And did you ask that question because you were concerned about the delays in exhibiting the planning proposal?---Well, it had been four years

30

So you were concerned about the delays with the planning proposal at this time?---Over the whole site, yeah.

Right. Do you accept you were applying some pressure on council staff at this meeting to expedite consideration of the planning proposal?---No. I always spoke to them respectfully and - - -

40

Well, you might have suggested in a respectful way that they speed up the assessment of the planning proposal and get it exhibited ASAP. Did you suggest that?---I, I don't think I would have done that.

THE COMMISSIONER: Well, where you say “VB” I assume it refers to you, there are two comments you seem to have made. One is “worried about the loss of money”?---Yeah.

And the second is, “The proponent believes they feel picked on.” As Counsel put to you, whether you were respectful or not, you were endeavouring to advance the interests of the people referred to in the email the day before, that is, One Capital and/or Gencorp?---Yes.

10

Thank you.

MS HEGER: And can I show you another email, volume 1.6, page 169, so Exhibit 129. I’ll just let you read that email to yourself. It’s from Catherine McMahon to Meryl Bishop, 11 September, 2018.---Yep.

20

Do you see towards the end it says, “Elaine then said she was advised by council that a DCP was not required. I said that if she was referring to the staff meeting held with Councillors Hindi and Badalati, then that was incorrect. Both councillors supported a DCP.” Now, that reference to DCP is referring, as I understand it, to the Development Control Plan. Did you in fact have a discussion with Elaine Tang around this time about whether a DCP was required or not?---I don’t believe I did, no.

All right. Well, were you still talking to Elaine Tang around this time? ---I could have been.

Did you have Elaine Tang’s mobile phone number?---I did.

30

And did you call her on her mobile phone from time to time about the Landmark Square planning proposal?---She would mainly call me on it and I may have called her a few times as well.

All right. And did you tell her about that meeting on 31 August that you’d had with Catherine McMahon and Meryl Bishop?---I may have. I don’t recall.

40

All right. So it’s possible when she says there that she was advised by council a DCP was not required that she’s referring to a conversation she had with you?---Well, I don’t think so because at the meeting both Hindi

and I agreed that the DCP was required. Said, "Both councillors supported a DCP for the site once it was explained to them what was its role."

Yes, well, it says "once it was explained to them", implying that initially you were resistant, and I think you accepted earlier that you did query the need for a DCP amendment at that meeting at the beginning.---Yeah, I'm not sure if I said I queried it.

You thought it was either you or Mr Hindi.---Yeah.

10

All right. So I'll ask again, do you accept it's possible that Elaine is referring to a conversation she'd had with you?---In regards to?

In regards to the need for a DCP.---It's possible. But again, I, I don't recall if it was me or if it was somebody else.

Okay. Do you know whether Mr Hindi was having any communications with Elaine Tang or Philip Uy about the Landmark Square planning proposal around this time?---I believe he was.

20

Okay. And what do you understand were the nature of those communications?---I don't know because whenever Philip Uy met with Hindi, Con Hindi, I wasn't told much about what they discussed.

But you had been told by one of them that they had met regarding the Landmark Square planning proposal around this time?---I could have been. I don't recall.

30 All right. So you might not recall the specifics of what you were told but your belief is that they were having some sort of communication around this time?---I, I believed so.

Okay. Around this time did you attend any meetings with Mr Hindi and Philip Uy or Elaine Tang about Landmark Square?---Well, as I said earlier, and I know the previous email, I think it was, mentioned Landmark. Sorry, could you repeat the question?

40 Did you attend any meetings with Con Hindi and Philip Uy or Elaine Tang about Landmark Square around this time?---I may have, yes.

Well, can you recall any, do you have any specific recollection of meetings?---No.

Okay. You continued to vote on the Landmark Square planning proposal in 2018. I can tell you that, as part of Environment and Planning Committee in October 2018, you recommended that the amendments go on exhibition. Do you have a recollection of that?---Yes.

10 And then later in October, the council agreed with that recommendation?
---Yes.

Do you accept at that time you still felt some sense of obligation to progress the planning proposal by virtue of the payments you'd received in the past?
---Yes.

20 And you voted again on the Landmark Square planning proposal in July 2019 as part of the Environment and Planning Committee, you recommended that it forwarded for gazettal. Do you recall that?---Yeah, yes.

And then in the same month you, as a member of council, voted in favour of it being forwarded for gazettal. Do you recall that?---Yes, yes.

And obviously you accept that by this time you still felt some sense of obligation to progress the planning proposal by virtue of the payments you'd received.---(NO AUDIBLE REPLY)

Yes?---Yes. Sorry.

30 All right. Can I just take you back to that council meeting on 20 April, 2016? And that's when you, as a member of Hurstville City Council, first voted in favour of the Landmark Square planning proposal, correct?---Yes.

I just want to show you a document.

THE WITNESS: Commissioner, is it possible to have a five-minutes break?

40 THE COMMISSIONER: Oh, look, it's 10 to 4.00. So I think - - -?---Oh, okay. Sorry.

No, that's okay. No, what we'll do - - -?---No, no. I'll be okay.

Are you sure? Well, why don't we go another five minutes and then we'll adjourn.---My head is just being really - - -

No, no, no. I think we'll adjourn then.---I, I'm happy to - - -

Just, we're only 10 minutes out and we can start at 10 to 10.00 tomorrow morning so we don't lose any time.---No, that's fine. I'm happy to go on.

10

MR PARARAJASINGHAM: Commissioner, if I could perhaps on behalf of Mr Badalati take up that offer to finish early. It has been a long day.

THE COMMISSIONER: It has been a long day and I do understand and we can start a few minutes early tomorrow morning at 10 to 10.00, so I'm not going to lose any time.---Okay, thank you.

All right. Thank you very much.---Okay.

20 I'll adjourn.

THE WITNESS STOOD DOWN

[3.49pm]

AT 3.49PM THE MATTER WAS ADJOURNED ACCORDINGLY

[3.49pm]