

INDEPENDENT COMMISSION AGAINST CORRUPTION

STATEMENT IN THE MATTER OF: Vince BADALATI

PLACE: NSW ICAC

NAME: Bill KRITHARAS

ADDRESS: Level 29, 25 Martin Place, Sydney NSW 2000

OCCUPATION: Lawyer

TELEPHONE NO: 0293731423

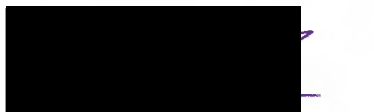
DATE: 9 August 2021

States: -

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
2. I am 47 years of age.
3. I am a partner in the Workplace team in the Sydney office of Sparke Helmore Lawyers.
4. I have known Vince Badalati for over 20 years. I was formerly a Councillor at Canterbury City Council between 2004-2012 (since 2016, the Council of the City of Canterbury-Bankstown). Mr Badalati was a Councillor with Hurstville City Council. I cannot recall when he was first elected. I believe I first met Mr

Signature 

*SCOTT ANTHONY McDONALD
Solicitor, NSW, IRAC No.*

Witness 

**Bill KRITHARAS
9 August 2021**

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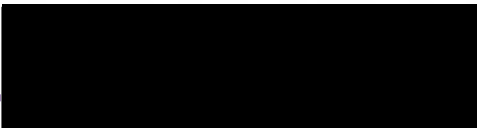
STATEMENT IN THE MATTER OF: Vince BADALATI
NAME: Bill Kritharas

Badalati through the ALP. Mr Badalati was never someone I considered a friend, rather someone I would see from time to time at various events in the local area.

5. On or just prior to 25 July 2017 I received a phone call from Mr Badalati. He informed me the reason for his call was that he had someone who had a DA issue with Georges River Council and needed some planning advice. I recall that at the time, the Georges River Council had only recently been formed and a Council had not yet been elected but an Administrator had been appointed. Mr Badalati enquired if someone at Sparke Helmore could assist.

6. On 25 July 2017 I sent Mr Badalati an email following up on our earlier conversation. I sent a further email to Mr Badalati later that same date in relation to organising a suitable meeting time to introduce one of my colleagues to assist. On 26 July 2017 I received a response from Mr Badalati, indicating Elaine Tang from The One Capital Group Pty Limited trading as 'Landmark Square' would contact me. That same date I replied to Mr Badalati by email. That was the last email communication I had with him regarding the matter. I had some further email communication with my colleagues within Sparke Helmore, about who could assist and to organise a meeting regarding the matter.

7. About 4:00pm on 27 July 2017 a meeting was held at Sparke Helmore. Present at this meeting was Catherine Morton and me from Sparke Helmore, Elaine Tang from The One Capital Group, Michael Gheorghiu their town planner (Dickson Rothchild) and Mr Badalati. There may have been another person in attendance

Signature _____

 SCOTT ANTHONY McDONALD
 SOLICITOR, NSW, PRAC No. _____
 Page 2

Witness _____

 Bill KRITHARAS
 9 August 2021

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**STATEMENT IN THE MATTER OF: Vince BADALATI
NAME: Bill Kritharas**

based on the file note taken by Catherine Morton, a 'Greg' representing the JV,
but I don't now recall that, nor do I recall that there was a JV.

8. Following this initial meeting I did not have any further involvement in the matter
as planning is not my area of expertise.

9. I had no discussions with Mr Badalati at the time about his involvement with The
One Capital Group. I thought as a Councillor of the former Hurstville City
Council he was assisting the One Capital Group in an advocacy capacity. After
the meeting on the 27 July 2017 I have had no further contact with Mr Badalati
regarding this matter or any other matter.


10. Prior to the phone call in July 2017 I had not seen Mr Badalati for maybe three to
four years.

11. In June 2021 Sparke Helmore was requested to provide documents to ICAC
regarding any matter involving Mr Badalati, The One Capital Group and others in
relation to 1-5 Treacy Street, Hurstville, NSW, 2220.

**ANNEXURE: I NOW PRODUCE 'ANNEXURE A' EMAIL
COMMUNICATION RELATING TO THE MATTER INVOLVING VINCE
BADALATI AND ONE GROUP.**

**ANNEXURE: I NOW PRODUCE 'ANNEXURE B' MEETING NOTES
TAKEN FROM MEETING 27 JULY 2017 THAT I ATTENDED.**

Signature 

*SCOTT ANTHONY Mc DONALD
Solicitor, NSW, PLAC. N^o.* 

Witness 

**Bill KRITHARAS
9 August 2021**

ANNEXURE A

E19/0569/AS-04-004/PR-0001

Biii Kritharas

From: Bill Kritharas
Sent: Wednesday, 26 July 2017 10:43 AM
To: vince badalati
Subject: Re: Details

Thanks Vince that suits

Bill Kritharas
 Sent from my iPhone

On 26 Jul 2017, at 10:10 am, vince badalati <[vbadalati@\[REDACTED\]](mailto:vbadalati@[REDACTED])> wrote:

Bill
 Elaine Tang from Capital One will send you an e-mail with a brief and a request to meet Friday 3pm
 Regards
 Vince

Sent from my iPhone

On 25 Jul 2017, at 8:11 pm, Bill Kritharas <Bill.Kritharas@sparke.com.au> wrote:

Hi Vince

I can meet them at 10 am or 4 pm on Thursday or Friday afternoon at 3 pm otherwise Monday any time after 2 pm?

Bill Kritharas | Partner
 Sparke Helmore Lawyers | Level 29, MLC Centre, 19 Martin Place, Sydney 2000
 t: +61 2 9373 1423 | m: +61 [REDACTED] 1 616 | f: +61 2 9373 3599
 e: bill.kritharas@sparke.com.au | www.sparke.com.au
 <image001.jpg>

From: Bill Kritharas
Sent: Tuesday, 25 July 2017 4:27 PM
To: 'vbadalati@[REDACTED]'
Subject: Details

Hi Vince

Here are my details.

I will come back with availability.

Bill Kritharas | Partner
 Sparke Helmore Lawyers | Level 29, MLC Centre, 19 Martin Place, Sydney 2000
 t: +61 2 9373 1423 | m: +61 [REDACTED] 1 616 | f: +61 2 9373 3599
 e: bill.kritharas@sparke.com.au | www.sparke.com.au
 <image001.jpg>

Please consider the environment before printing this email

This email (including any attachments) may contain confidential and/or legally privileged information intended only for the addressee. If you are not the intended

ANNEXURE A

E19/0569/AS-04-004/PR-0001

**addressee, please notify us by telephone and delete the email and any attachments.
Any privilege and/or confidentiality is not waived and any storage, use or
reproduction is strictly prohibited.**

ANNEXURE A

E19/0569/AS-04-004/PR-0001

Catherine Morton

From: Bill Kritharas
Sent: Tuesday, 25 July 2017 4:27 PM
To: Catherine Morton; Chris Campbell
Cc: Leon Sakaris; Chris Drury
Subject: new client

Hi All

I have a new client – Capital 1 and they would like advice re a planning proposal for 300 units and a hotel – Forest rd Hurstville

They would like an urgent meeting to obtain advice and launch proceedings against George's River Council?

1. Is there an issue acting?
2. Who can attend a meeting with me to meet client ?
3. When are you available?

Chris, I note you are away until the 7th?

Bill Kritharas | Partner

Sparke Helmore Lawyers | Level 29, MLC Centre, 19 Martin Place, Sydney 2000

t: +61 2 9373 1423 | m: +61 [REDACTED] 1 616 | f: +61 2 9373 3599

e: bill.kritharas@sparke.com.au | www.sparke.com.au

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LAWYERS

ANNEXURE A

E19/0569/AS-04-004/PR-0001

Bill Kritharas

From: vince badalati <vbadalati@[REDACTED]>
Sent: Wednesday, 26 July 2017 10:10 AM
To: Bill Kritharas
Subject: Re: Details

Bill

Elaine Tang from Capital One will send you an e-mail with a brief and a request to meet Friday 3pm

Regards

Vince

Sent from my iPhone

On 25 Jul 2017, at 8:11 pm, Bill Kritharas <Bill.Kritharas@sparke.com.au> wrote:

Hi Vince

I can meet them at 10 am or 4 pm on Thursday or Friday afternoon at 3 pm otherwise Monday any time after 2 pm?

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 e: bill.kritharas@sparke.com.au | www.sparke.com.au
 <image001.jpg>

From: Bill Kritharas
Sent: Tuesday, 25 July 2017 4:27 PM
To: 'vbadalati@[REDACTED]'
Subject: Details

Hi Vince

Here are my details.

I will come back with availability.

Bill Kritharas | Partner
Sparke Helmore Lawyers | Level 29, MLC Centre, 19 Martin Place, Sydney 2000
 t: +61 2 9373 1423 | m: +61 [REDACTED] 1 616 | f: +61 2 9373 3599
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 <image001.jpg>

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ANNEXURE A

E19/0569/AS-01 004/PR-0001

Bill Kritharas

From: Catherine Morton
Sent: Tuesday, 25 July 2017 5:12 PM
To: Bill Kritharas; Chris Campbell
Cc: Leon Sakaris; Chris Drury
Subject: RE: new client

Dear Bill,

Thank you, we are happy to assist.

We think it would be preferable to hold any meeting after 7 August, if you think that's suitable.

If not, please let us know and we will arrange a meeting time in the interim.

Thank you.

Kind Regards,

Catherine.

Catherine Morton | Senior Associate
 Sparke Helmore Lawyers | MLC Centre, Level 29, 19 Martin Place, Sydney
 p: +61 2 9373 1447 | m: [REDACTED] 9 858 | f: +61 2 9373 3599 |
 e: catherine.morton@sparke.com.au | www.sparke.com.au
 DX 282 Sydney

From: Bill Kritharas
Sent: Tuesday, 25 July 2017 4:27 PM
To: Catherine Morton; Chris Campbell
Cc: Leon Sakaris; Chris Drury
Subject: new client

Hi All

I have a new client – Capital 1 and they would like advice re a planning proposal for 300 units and a hotel – Forest rd Hurstville

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1. Is there an issue acting?
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3. When are you available?

Chris, I note you are away until the 7th?

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 t: +61 2 9373 1423 | m: +61 [REDACTED] 1 616 | f: +61 2 9373 3599
 e: bill.kritharas@sparke.com.au | www.sparke.com.au

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 LAWYERS

ANNEXURE A

E19/0569/AS-04-004/PR-0001

Bill Kritharas

From: Catherine Morton
Sent: Wednesday, 26 July 2017 10:23 AM
To: Bill Kritharas
Cc: Leon Sakaris
Subject: RE: new client

Dear Bill,

At this stage I do not perceive any conflict.

Happy to meet when it suits your client and Roland.

Thank you.

Kind Regards,

Catherine.

Catherine Morton | Senior Associate
Sparke Helmore Lawyers | MLC Centre, Level 29, 19 Martin Place, Sydney
p: +61 2 9373 1447 | m: [REDACTED] 9 858 | f: +61 2 9373 3599 |
e: catherine.morton@sparke.com.au | www.sparke.com.au
DX 282 Sydney

From: Bill Kritharas
Sent: Tuesday, 25 July 2017 5:19 PM
To: Catherine Morton; Chris Campbell
Cc: Leon Sakaris; Chris Drury
Subject: RE: new client

Hi Catherine

They would like a meeting asap.

As long as there is no issue acting ? I will check with Roland who has done some work for them.

Bill Kritharas | Partner
Sparke Helmore Lawyers | Level 29, MLC Centre, 19 Martin Place, Sydney 2000
t: +61 2 9373 1423 | m: +61 [REDACTED] 1 616 | f: +61 2 9373 3599
e: bill.kritharas@sparke.com.au | www.sparke.com.au



From: Catherine Morton
Sent: Tuesday, 25 July 2017 5:12 PM
To: Bill Kritharas; Chris Campbell
Cc: Leon Sakaris; Chris Drury
Subject: RE: new client

Dear Bill,

Thank you, we are happy to assist.

ANNEXURE A

E19/0569/AS-04-004/PR-0001

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If not, please let us know and we will arrange a meeting time in the interim.

Thank you.

Kind Regards,

Catherine.

Catherine Morton | Senior Associate
Sparke Helmore Lawyers | MLC Centre, Level 29, 19 Martin Place, Sydney
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e: catherine.morton@sparke.com.au | www.sparke.com.au
DX 282 Sydney

From: Bill Kritharas
Sent: Tuesday, 25 July 2017 4:27 PM
To: Catherine Morton; Chris Campbell
Cc: Leon Sakaris; Chris Drury
Subject: new client

Hi All

I have a new client – Capital 1 and they would like advice re a planning proposal for 300 units and a hotel – Forest rd Hurstville

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ANNEXURE A

E19/0569/AS-04-004/PR-0001

Bill Kritharas

From: Elaine Gencorp <elaine@gencorp.net.au>
Sent: Wednesday, 26 July 2017 2:18 PM
To: Bill Kritharas; Michael Gheorghiu
Subject: Meeting to discuss Landmark Square - Forest Rd, Durham St and Roberts Lane, Hurstville

Hi Bill

I would like to confirm a meeting with you on Friday 28th July at 3pm in your office.

I will ask our Town Planner, Michael Gheorghiu, to give you a brief in chronological order. Please advise if we need to provide any other reading material prior to our meeting.

Kind Regards,

Elaine Tang

Gencorp Pty Ltd
PO Box 35
Leppington NSW 2179
Tel: 02 9580 4884
Email: elaine@gencorp.net.au

ANNEXURE A

E19/0569/AS-04-004/PR-0001

Bill Kritharas

From: Bill Kritharas
Sent: Wednesday, 26 July 2017 2:30 PM
To: Elaine Gencorp
Cc: Michael Gheorghiu
Subject: Re: Meeting to discuss Landmark Square - Forest Rd, Durham St and Roberts Lane, Hurstville

Hi Elaine

That suits. At this stage that should be enough and we can request additional documents after the meeting to prepare any advice.

Bill Kritharas
Sent from my iPhone

On 26 Jul 2017, at 2:18 pm, Elaine Gencorp <elaine@gencorp.net.au> wrote:

Hi Bill

I would like to confirm a meeting with you on Friday 28th July at 3pm in your office.

I will ask our Town Planner, Michael Gheorghiu, to give you a brief in chronological order. Please advise if we need to provide any other reading material prior to our meeting.

Kind Regards,

Elaine Tang

Gencorp Pty Ltd
PO Box 35
Leppington NSW 2179
Tel: 02 9580 4884
Email: elaine@gencorp.net.au

FILE NOTE

ANNEXURE B

E19/0569/AS-04-004/PR-0001

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27/7/17

4pm.

(Vince Battaloni) former Mayor.

Michael - planner. (Richard Rothchild).

Elaine - land users represent (one Capital).

Greg. - JV rep.

Rezoning application / No Council at moment.

15hw

PP lodged 2015: 5 design review panels

6/4/17: 5th meeting - endorsement from d.v.p.

Approved by Council in measure.

May 2016: Council only endorse pp. to go to

Dept. planning (not supported by others).

PP lodged June 2015.

Dept sent PP back to Council: design / VFA issues to be resolved + cannot be progressed.

Since then, redesign to address Council issues.

IHAH didn't accept Council recommendation. To be deferred.

- HTPP want them to consider other issues:

1. Affordable housing for 20-24 lots (for 440 lots).
2. Urban design analysis
3. Amalgamation.

Site is industrial on east edge of town centre in H'side.

0.6 : 1 and 1:1

9m - 11m height

They want 3.5:1 other than Roberto's Lane 2:1

Height 12m - 16m across the site

They don't want to get stuck in the process.

They're in

There's an appeal process - they're considering via the Department.

They want to meet w/ Dept of Planning.

Goal

They want to get sent up to gateway. Dept Planning Council agreed to send up to gateway.

* We write to Council - mtg coming up on 7th
Can you p's make sure matter is on the agenda at that meeting.

Check out: ~~See~~ Gail Connelly (GM) and cc Administrator