

DASHAPUB03395
30/07/2018

DASHA
pp 03395-03426

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

Reference: Operation E15/0078

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 30 JULY, 2018

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.

MR BUCHANAN: Mr Stavis, have you still got volume 4 of the hard copy volume documents there?---Yes.

10 Could you open that and go to page 98, please. Can I take you back to correspondence which you were sending to Mr Vasil. This is the first page of an email conversation that you were sending to Mr Vasil at 3.30 on 31 December, 2014. Can I take you down to the legal advice that you were being given by Mr Boatswain. At the bottom of page 98 is an email that he had sent you at 1.20pm that day and he indicated to you that “in terms of response a negotiated outcome is always to be preferred on a number of fronts.” Do you see that?---Yes.

20 “Collateral damage is a common item these days but still remains pretty weak and of little consequence from a legal perspective. The difficulty is that the courts will not order specific performance and your standard contract is likely to contain the four weeks’ notice termination provision which renders litigation commercially unviable.” Do you see that?---I do, yes.

So that was legal advice that essentially you wouldn’t get an order from a court that you be given the job but that you might be given damages in respect of lost four weeks of notice. Do you see that?---I do, yeah.

30 That’s not legal advice that you’re in a strong position is it?---Again my, my understanding from the legal advice was that we were in a strong position but in answer to your question, no.

And the next sentence gives added point to that conclusion because it reads, “A political resolution (even if negotiated against a background of legal demands) is always likely to be better.” Do you see that?---Yes.

So your legal advice was that a political resolution was always likely to be better.---Right.

40 So is it possible that you were sending this material to Mr Vasil because that was the legal advice you were being given by your lawyer?---Not really, no.

You were nevertheless sending this material to Mr Vasil pursuant to advice that a political resolution was likely to be better weren’t you?---Yes.

And so you don’t think that in fact the reason why you were sending this material to Mr Vasil was because you thought that he was a likely source of a political solution?---No. Look, at that point in time I didn’t really think. It wasn’t that calculated from my point of view so I’d have to say no.

Well, he certainly wasn't going to arrange for a legal solution was he?---No, no.

And you've seen the evidence that he was framing tactical arguments for you to use or to be deployed on your behalf haven't you in his handwriting?---Yes.

10 Are you sure you didn't go to Mr Vasil because you thought he was likely of all the available people that you could approach to be the source of a political resolution, a person through whom you are more likely to achieve it?---I think as I said before, I used him as a bit of a sounding board and as I said again, it wasn't that, from my perspective I, you've got understand that the context around all this was very stressful for me so any advice that I could get or any help that I could get in that regard I was looking for but as far as political I mean, no, I'd have to answer truthfully, no.

20 It's a bit difficult to understand why you sent this to Mr Vasil, having been given that advice for your lawyer, if it wasn't with an intent of bringing about a political resolution. How would you respond to that?---Can you repeat the question, please.

Yes. See, taking a step back and being an objective observer, it's difficult to understand why you sent this correspondence to Mr Vasil having been given that advice by your lawyer about a political resolution being likely to be better if that wasn't the reason that you sent it to Mr Vasil in the first place. ---Sure. Look, my, any resolution where you can avoid conflict from a court perspective is obviously the ideal way. So, I mean, for me it was a case of seeking his advice on, on issues like, around that area, around that time. But as I said before, my intent, it wasn't that calculating, I guess.

30 Can I take you back, please, to volume 5 in Exhibit 52, and page 137. You see the email sent to you halfway down page 137 on 4 March, 2015 at 8.01pm by Mr Hawatt?---Yes.

40 And it starts by saying, "Not sure if Jim Montague has told you that some of us would like to meet up with you to discuss issues of concern. The meeting is scheduled for tomorrow afternoon. However some of the issues we want to discuss are as follows." Do you see the use by Mr Hawatt of the first person plural "some of us want to discuss issues of concern with you"? "We" want to discuss these issues.---Sure.

My question is, who did you understand in that email Mr Hawatt was referring to when he was saying "us" and "we" rather than "I" or "me"? ---Some of the councillors. That was my understanding of that.

Did you have an understanding as to the identity of any of those councillors?---At that time, no.

The meeting occurred at the Canterbury Leagues Club, you've told us, and we can see that it was scheduled for 5 March, 2015, and you've described it in your email on page 137, at the top of that page, as "tonight's meeting". Do you know why it was held at night-time?---Ordinarily I would imagine that the councillors had full-time jobs so that's probably the reason why.

Thank you. And do you know why it was held at Canterbury Leagues Club rather than in council chambers?---No.

10 Did you have many meetings with councillors at Canterbury Leagues Club?---I think that was the only one that I can recall, yes.

And where at the leagues club was the meeting held?---Just casting my mind back, it was in one of the lounge areas. They've changed it all now so I'm not sure how that relates to by today's standards, but it was in a lounge area, I remember, yeah.

20 And was the meeting held around a table? Were there rows of seats or - - - ?---I think it was more like couches, and there was a table I remember but a low-level table.

And were drinks obtained or served?---Not that I can recall.

And who was present?---I remember Mr Hawatt. I forget the gentleman's name. Another Liberal Party member. His name escapes me.

I mentioned the name Vasiliades earlier.---Vasiliades was - - -

30 Con Vasiliades.---Yeah, he was there.

THE COMMISSIONER: Is he the Liberal councillor that you can't remember?---No, no. There was another one. What was his name?

MR BUCHANAN: Was there a Mr Nam?---That's it, yes, yes.

Ken Nam?---Ken, that's it.

N-a-m?---Yeah.

40 And anyone else? Mr Montague?---I believe so, yes. Not sure if Pierre Azzi was there. I also believe maybe Fadwa Kebbe was there.

Now, do you have a memory of Ken Nam and Fadwa Kebbe being present? ---Ken Nam more so, yes, but Fadwa Kebbe I'm not a hundred per cent sure.

Do you know if the public was invited to the meeting?---The public?

Yes. Members of the public, community.---Not that I'm aware of, no.

And what did you understand, when you went to the meeting, that the purpose of the meeting was?---Pretty much the content of that email.

From Mr Hawatt?---Yeah, and, and, and I did prepare a document which I believe it was on an A3 bit of paper, that it highlighted a lot of the issues, more so than just contained in that email, which were largely to do with LEPs, DCP itself. There were discussions around the laneway. It highlighted a number of things. It was colour-coded. I remember preparing it because I, we colour-coded it, red being the high risk, sorry, urgent matters, amber not so much, and green sort of could wait, I guess.

And when did you prepare that?---It would have been before the meeting. As to the exact date, I'm not sure.

How long before the meeting?---Maybe the day before or - - -

And why did you prepare it?---To show them that I was, I understood the issues, I, and as a discussion point, I guess, as a starting point, because it was very early, as you pointed out, in my tenure.

If you could go to page 131 in volume 5, please. I want to show you some pages, 131 through to 134 inclusive.---Yes.

The pages I'm showing you would appear to be A3, I do apologise, A4 pages. Do you see that?---Yes.

Were any of these pages prepared by you?---No.

30 Have you seen any of these pages before? Before this inquiry I mean.---Oh, yeah. Yes, I have.

When did you first see them?---At council and I believe they came from either George Vasil or Councillor Vasiliades from memory. There were instances where, sorry, very early in my tenure there was, George did come, George Vasil did come to see me at council to highlight a number of concerns or issues pertaining around planning and in particular planning controls. Yeah, so around that time.

40 And did you see these because George Vasil brought them to you, or a copy of them?---Yeah, yeah, I think that's fair.

Can you see on the first page, that is, the page in volume 5 that's numbered 131 - - -?---Sure.

- - - that there's handwriting on it and it appears to be George Vasil's handwriting. Did you see a version with that handwriting on it?---Not that I can recall, no.

So the version that you saw didn't have handwriting?---Yeah.

But it did resemble, is that the right word to use, pages 131 to 134 otherwise?---Yes.

Was this document at the meeting at the Canterbury Leagues Club on 5 March?---No, not that I can recall.

10 Did you see it before the meeting on 5 March or after the meeting on 5 March?---I'd be speculating to be honest with you. I'm not sure.

Excuse me. Can we show you a document which is not presently in the brief.---Yeah, sure.

It will come up on the screen. Do you recognise that document?---I'm just trying to think if this is the one that I prepared.

20 In considering whether it's the one that you prepared and that you think you prepared, tell me if I've got it right, around the time of the 5 March meeting, this document is dense with data. You can see that.---Yeah. No - - -

It would be unlikely you would have been across your brief sufficiently to be able to pull out the data for each of these different items and put them together on one A3 page. Is that fair to say?---Yes.

And so looking at it again is it a document that you contributed to at all?---I don't believe so. Yeah.

30 Thank you. Have you seen this document before this inquiry?---I've seen something similar because I know that we, my staff did prepare something similar but not, I can't say with absolute certainty that I've seen this particular document before.

Are you able to answer this question?---Sure.

Are you able to tell us what, in your opinion, its function is?---To me it seems as though a summary of where each planning proposal or application or amendments to LEP is at. It gives a bit of a status.

40 And looking in the right-hand column, one of the projects that you were asked to undertake was a review of the Development Control Plan as well at Canterbury, is that right?---That's fair, yes.

That topic is there in the right-hand column.---That's right.

So do you think that you contributed to this at some stage during your career at Canterbury?---Like I said before, we did prepare something similar but I, I can't say with any certainty that I contributed.

Right. And so, when you say "we" you mean your department?---Yes.

This is not the sort of document that was generated by George Vasil, is it?
---I don't think, well, I don't believe, sir.

10 No, I understand. If I tell you that it was located at Ray White Real Estate Earlwood, does that assist you in understanding who might have created it?
---No.

Do you know how it got to Ray White Real Estate Earlwood?---No, sorry, I can't say.

Is it a document that was provided to councillors?---It could be, it could be because it gives a summary of where things are at with each specific issue, yes.

20 And it also has the traffic light indicators down the margin of each column -
- -?---Yep.

- - - of the kind that you described earlier- - -?---Yes.

- - - indicating priorities. Is that fair to say?---I think that's fair.

30 THE COMMISSIONER: There are some dates on the document, for example, number 1 gazettal due 6 March, 2015, then there's over in 37 there's some reference to a report addressing setbacks deferred 25 September, 2104, then 9 October. There was another 2015 date. I'm just wondering do they help you date the document?---No, no, sorry.

40 MR BUCHANAN: Looking at the contents of it, though, would you, is it reasonable to say that the likelihood is it was generated in your department at Canterbury?---I believe so because there's, the Commissioner said there's actually dates on there. Now a lot of the dates, though, a lot of these issues were, arose before my tenure so there were actions that had taken place, so it's hard to say.

And there's 15 planning proposals divided into "council initiated" and "applicant initiated".---Yes.

They are in the left-hand columns.---Yes, yes.

That sort of data really would only be available inside your department, wouldn't it?---I believe so, it's more likely, yes.

Did you use this, the format of the document that's on the screen in preparing your A3 document that you think you prepared around the time of 5 March, 2015 meeting at the Canterbury Leagues Club?---No, but there was something very similar that I, that we generated yes.

Has the person who created the document that's on the screen followed, does it seem to you, a precedent that you had previously created in terms of format?---I think that's fair. I think that's fair, yeah.

10 Did you give the A3 document that you prepared around the time of the 5 March, 2015 at Canterbury Leagues Club to anyone in your department to use or file away?---Yeah, I believe so, yes.

Do you know who you gave it to?---Well, at that point in time it probably would have been Gill Dawson, Gillian Dawson, because it was all to do with the urban side of business.

Yes, it hasn't got lists of DAs.---No, no. So she seems the likely person that I would have given it to, yeah.

20

Commissioner, can I tender, please, the document that's on the screen. I'm just thinking of a description it can be given for marking purposes. Table of planning proposal and LEP priorities, for want of a better term. It's only a suggestion, Commissioner.

THE COMMISSIONER: That's fine. No, I was just wondering if we could put a rough date on it, but we probably - - -

30 MR BUCHANAN: Not in my submission, although it's obviously after December 2014.

THE COMMISSIONER: Because you've got in 32 the resolution.

MR BUCHANAN: That's correct, in the second column from the right.

THE COMMISSIONER: All right. The table of planning proposals and LEP priorities – sorry, I'll start again. This was found during the execution of the search warrant.

40 MR BUCHANAN: Ray White Real Estate Earlwood.

THE COMMISSIONER: The table of planning proposals and LEP priorities, found during the execution of a search warrant at Ray White Earlwood, will be Exhibit 208.

#EXH-208 – TABLE OF PLANNING PROPOSALS & LEP PRIORITIES

MR BUCHANAN: And a copy of that will be placed on the Commission's website this evening. Thank you for your assistance in relation to that document. Can I go back to the meeting on 5 March, 2015. Did you speak to any document at that meeting?---There was a document.

10 What was that document?---It was, it was the document that I was referring to before, something very similar.

That you had prepared?---Yeah.

The A3 document?---Yeah, yeah.

And were there copies distributed?---Yes.

You brought copies with you?---Yes.

20 And they were distributed to those present?---Yes.

You spoke to it during the meeting, is that right?---Yes. Yes.

And did anyone take notes during the meeting?---I don't believe so.

No minutes were taken of the meeting?---I don't believe so, no.

How long did the meeting go for?---Not very long. Maybe half an hour to an hour.

30 Were any decisions made at the meeting?---No.

Was there any consensus of those present as to how you should go about doing your job as director of city planning or of what your priorities should be?---There was certainly items that were highlighted by certain people that needed to be looked at, and from memory a lot of those items were either council initiated or applicant initiated around planning proposals, and there was an issue with how long things had, they'd been on, on the books, I guess.

40 So that was in respect of planning proposals. Is that right?---Yes.

Were any particular DAs mentioned?---Not that I can recall, no.

Was there any complaint about the length of time it was taking for DAs to be assessed?---Yes.

Was that mentioned at the meeting?---Yes.

Were any examples given of DAs which were in the opinion of the speaker taking too long to assess?---Not that I can remember, no.

You weren't given any indication by those present of what DAs you should go off and have a look at because they have been sitting in the system for too long?---No. It was very early in my tenure but it was more general discussion around the DAs and the timelines and how things were taking too long and so forth.

10 But no one raised a particular DA with you?---Not that I can remember, no.

There was mention of particular planning proposals in the system was there?---There were but I'd be lying to say if I can remember which ones they were. You know, we went through some of the items that were on that bit of paper that I'd prepared but I can't really give any clarity in terms of what, whether there was a particular one raised.

Excuse me a moment, please. Was there any discussion of the establishment of a planning panel at the meeting on 5 March, 2015?---An
20 Urban Design Planning Panel I think was the, now, I, there certainly was, that issue was raised but I just can't recall if it was raised at that meeting to be honest with you but it - - -

It was raised early in your tenure?---Yes, yes, yes.

And who raised it?---Oh, any number of people. I think it was Mr Hawatt. There was also, Jim Montague raised it with me and I can't remember if there was a council resolution to establish such a panel prior to my tenure but I can't think of anyone else to be honest with you.
30

Can you assist us, what did you understand by the expression Urban Design Planning Panel?---Okay. So it's not unusual for a council to have an advisory panel whereby you can refer applications to early in the process rather than at the end.

This is development applications?---No. It could be, mainly development applications, yes. So my understanding was that it would be something similar.

40 I'm just trying to understand. You say that that is a phenomenon that exists at other local government authorities?---Pretty much, yeah.

And who does it comprise?---Experts in their field.

In urban design?---Either, no, doesn't necessarily have to be urban design but that can be one, one discipline. There might be an architect on board. There might be a planner. There might be any number of professions, I guess.

All right. I'm just taking the expression "urban design planning" and asking whether or not to you that sounds like planning of urban design.---Yes.
Yes.

In which case the membership of it would be urban designers, would it not?
---Primarily, yes, yes. But there's other disciplines that affect urban design that are relevant, you know, for such an advisory panel, yeah.

10 And when this issue was raised with you at Canterbury, was it your understanding that the purpose of the panel would be to have matters – if I can use a generic term just for the moment – referred to the whole of the membership of the panel for the whole of that membership to provide advice or feedback on?---No, because at that point we, there was no real understanding about who should comprise the panel and what form it should take. So - - -

Well, what, in that case, if I can ask you this, did you understand to be the purpose of the Urban Design Planning Panel that was proposed to you?
20 ---Just as I said earlier, I, I, I, for me it was, I took that as meaning expert in their field, where you can refer an application or whatever to for advice.

Advice to whom?---To the council or to the council officers.

It sounds like a strategic planning counterpart to the IHAP. The IHAP considered development applications, correct?---Correct.

30 So was the Urban Design Planning Panel, at least in concept, as you understood it, to be a similar body to the IHAP but that it would consider submissions for planning proposals?---No. The make-up of the Urban Design Planning Panel, as I understood it at that point in time, was primarily to have a list of panel members that you'd choose through a procurement process and have them on your books so that you can refer applications to, and mainly development applications, really. That's what I understood. Because the criticism was that by the time it got to the IHAP panel there would have been a delay in the processing of an application. It could have been five, six months down the track, if not longer, and then the IHAP panel members, comprising of their various disciplines, would provide advice on the issues, whereas the criticism was that we weren't getting that sort of
40 service early on in the piece, and it had to do, it was mainly to do with larger applications in the LGA.

So did this suggestion come from Mr Hawatt?---Look, thinking back now, I, I, I can't recall. I vaguely remember that there, there may have been a council resolution of some sort to establish such a panel, but I can't with any certainty say that Mr Hawatt did it, did raise it with me.

Was it to be a suppliers' panel, that is to say, people supplying expertise in urban design and planning?---Yeah, yes, yes.

From whom council could choose to provide those services as and when required?---Yes.

10 Was it ever established, was ever such a body established while you were there?---No, but we got fairly close because we, I employed the services of an external consultant to help us look into what form this panel would take and I remember that there was at least a draft report which highlighted all those things. That was, the whole purpose of that report was to put it to council for them to consider but I had left and I don't believe that that ever transpired but I'm not sure.

Was such a panel a solution proposed by you to a complaint that people were finding out at IHAP that their applications weren't satisfactory in some respect or another which was very late in the piece before determination? ---As I've said, to the best of my recollection I think there was a resolution that council had already put and voted on.

20

Before you got there?---I think so. I think so.

You don't remember writing a paper or a report for council to consider on the question?---Yeah, well, that's what I said before. So we prepared - - -

When you say we, do you mean you were involved?---I was, yeah, in that process as well as my staff and, and it was, but it never came into fruition, certainly in my tenure there.

30 Excuse me a moment. Could the witness be shown Exhibit 85, please, page 16. If you will just excuse me I'd like to just, before coming back to the 5 March meeting in 2015, if I could just tie up a loose end on the question of this panel.---Sure.

This is a calendar entry for a meeting on 21 October, 2015 being organised by one of Mr Montague's staff. Do you recognise her name?---What page are we looking at, the first page?

40 Sorry. On the screen it'll be easier to see.---Sorry. Yeah.

See the organiser is an Andrea Sutcliffe. Did she work for Mr Montague? ---I believe for a, yeah, for a short period of time while her, while Mr Montague's PA was on leave, yeah.

Thank you. And you can see that the required attendees are yourself, Mr Montague, Pierre Azzi and Michael Hawatt?---Yeah.

Do you remember a meeting like that? The heading I should indicate for the record is Meeting Urban Design Review Panel.---I don't remember the meeting to be honest with you.

You don't have a memory of such a meeting? I'm not saying it - - -?

---Yeah, yeah.

- - - didn't necessarily occur. I'm just asking you at this stage, do you remember such a meeting?---No.

10

Do you know why Mr Azzi and Mr Hawatt would have been required as attendees of that meeting, for that meeting?---No.

Were, to your knowledge, Mr Hawatt and Mr Azzi the most active members on council in relation to planning issues?---Yes.

Did Mr Azzi or Mr Hawatt ever say anything to you about the need for such a panel?---The simple answer is no but they did express concerns about IHAP getting involved really late in the process of the life of an application, and offering amendments - - -

20

Could I just ask you to keep your voice up?---Oh, sorry. And offering, resulting in potential changes to the design.

Right.---Yeah.

And so as far as you recall, the purpose of the Urban Design Review Panel was to have a group of experts upon whom council could call for a preliminary opinion as to whether a particular application should be approved or whether there were obstacles or whether there were issues? Is that the point?---Not whether it should be approved but certainly providing urban design advice and highlighting issues. So it would be almost like a, it would, a referral-type process, and seeking experts, urban design experts, to provide advice early on in the life of an application.

30

In respect of the larger applications?---Mainly the larger ones, yes.

And what was your understanding as to why your department couldn't be a source of such advice?---We didn't have the expertise in urban design.

40

But if it was development applications that were to be – I withdraw that. If the concern was development applications were being given a thumbs down by the IHAP rather late in the assessment/determination process, then how did advice on urban design in relation to a particular application assist?

---Well, because you would get that advice early on in the piece, giving an opportunity to raise issues with applicants and provide them with advice on any issues of concern.

But is the word urban design used in contradistinction to planning control compliance?---No.

So was the word urban design used in this context – that is to say Urban Design Review Panel – to give advice on whether an application, a development proposed in an application, would comply with planning controls?---No.

10 Was there any purpose in having the review panel to consider issues of compliance of issues of application of clause 4.6 of the LEP, for example?
---No, no.

You know, don't you, that applications for larger developments were deferred or recommended for refusal by the IHAP on the basis of, in particular, a failure to satisfy the requirements of clause 4.6?---In some cases, yeah, yeah.

20 And so this panel, or the concept of it, wouldn't have solved that problem of it being discovered late in the piece that an applicant's submissions as to why variance from the planning controls should be allowed for the purpose of clause 4.6.---No.

30 It wouldn't have solved that problem at all. You understood, and just to clarify this, you understood the words urban design in the concept Urban Design Review Panel to literally mean urban design of the kind that you engage in when you look at what it is that should be done with a particular area in terms of, say in respect of a planning proposal, a particular building envelope. Whether it's appropriate to have a particular type or size or density of development in a particular place as compared to another place in the local government area. That's what you understand urban design to involve, isn't it?---That and also, I mean, I'll just give you an example.

40 Yes.---There's the application of – I'm not sure if it's still a state policy, but SEPP 65 provided design guides in terms of how one should look at best practice in designing residential flat buildings or developments that contained residential flat buildings. So the advice we were looking for from the panel was along the lines of, well, are these, are these proposals in itself from a, what they were proposing in fact complied with that policy and, and also looking at streetscape and massing and so forth, whether they were appropriate in the case of planning proposal, I guess. Yeah, so it was that sort of advice that was lacking early on in the piece.

But it's all the very kind of opinion, isn't it, that was expressed by your staff and by you in assessment reports to the City Development Committee and to council about the larger developments, isn't it?---Yes. Yes. However, at that time we just didn't have the internal expertise to deal with those design issues. We didn't have an architect, for example, on board, which is

primarily what urban designers are, right? Their, their qualifications largely are of an architectural background.

And so it was to be like a panel from which consultants could be chosen to be retained to advise on a particular application?---That's right.

Thank you. So going back to the 5 March meeting at the Canterbury Leagues Club, was there a consensus about the planning directions for council that emerged from that meeting?---No, not that I can recall.

10

Was there a consensus that there was a need to set up clear directions for planning for the council?---There was a – no.

Were any planning directions set at the meeting?---There, from the point of view of, the point was expressed to me that there needed to be, I guess, a clean-up of the planning controls because there were inconsistencies between the LEP and the DCP. So there was a sense of urgency around that. That was one of my main recollections.

20

Yes.---There was also, excuse me, an issue with, that was expressed that certainly developments along Canterbury Road that backed onto lower density residential properties that there needed to be clearer planning guides in terms of how you would transition. So they were the two things that I remember coming out of that.

Did you take any notes or create any notes - - -?---Not that I - - -

- - - from the meeting?---Not that, not that I can recall, no.

30

Excuse me a moment. Just looking for a document, Commissioner. I do apologise for the delay. If you could go to volume 9 in Exhibit 52, please, page 96. And this is an email exchange between you and Mr Vasiliades on 6 March, 2015, the day after the meeting and if you read it from top to bottom, sorry, from bottom to top first of all there is Mr Vasiliades's email to you at 11.06am on 6 March.---Sure.

40

Saying, "It was a pleasure meeting you for the first time last night at the club. Thank you for the very informative planning information. Once the planning panel is set up we can have more informal discussions and set up clear planning directions for council." Can I just pause there. Does that reference to the planning panel perhaps prompt a recollection on your part of any discussion the previous night about such a thing?---No, not really, no.

And Mr Vasiliades says "we can have more informal discussions". Was that canvassed at the meeting, that is to say, that there might be more such meetings as that that had taken place at the club on 5 March?---It was certainly expressed to me that they wanted to be regularly updated, yes.

And who was they?---Well, it was Councillor Vasiliades but also a number of the other councillors, in particular Michael Hawatt, and I even think, believe even Jim may have raised it as well.

And you replied at 12.24pm looking at the top of the page, "I note your comments regarding the above property." We'll come to that. That's the property at 15-23 Homer Street, Earlwood. "And the establishment of the planning panel." And then when you said, "I will discuss with Gillian earlier next week," that was probably in reference to Homer Street?
10 ---Sorry, it's just hard to follow the sequence.

Oh, certainly, look, don't worry about it at this stage. I'll take you to it again a little later.---No problem.

Thinking back upon it now, were you satisfied, sorry, are you satisfied that it was proper to meet with those councillors and Mr Montague at the leagues club on 5 March to discuss council affairs and your work?---I, I didn't think it improper at the time because obviously having the general manager there as well pretty much set the tone, I guess. Yeah, so - - -
20

So, so far as you were concerned, was it being held under the aegis of the general manager?---Yeah. Yeah.

Were you there because of what the general manager said to you about the meeting?---Yes.

Not because of what Michael Hawatt had said to you about the meeting?
---No. It was mainly the GM, really.

30 Were there any other meetings like that whilst you were director of planning at Canterbury? That is to say, were held with less than the full complement of councillors and being discussions about planning issues broadly at the council?---Not of that, not, the only ones that I can remember were ones that were held at council.

THE COMMISSIONER: That were, sorry?---Were ones that were held at council. Yeah.

40 MR BUCHANAN: And what were they in the nature of?---Oh, they were many and varied but there was, generally there were certain topics that, and updates, so it was mainly a communication thing, excuse me, where the general manager had organised these meetings. And not only myself, the other two directors were also present, so each person got their chance too. So, for example, there was a discussion on, I believe, about, around the panel and so forth. There may have been a meeting about that. There were certainly meetings pertaining to the issues around the LEP and DCP and the inconsistencies, but they were always at the council.

Was the meeting that was about the panel a meeting that comprised yourself, Mr Montague, Mr Azzi and Mr Hawatt and no-one else?---No, no. I pretty much left that up to the general manager to arrange, but to the best of my recollection I think there were other councillors there as well.

This was the meeting about the Urban Design Review Panel?---Yeah, I'm not sure if, if that was the sole purpose of the meeting or whether it was just raised as one of the issues to be discussed, because we had to give updates to the councillors and present to them.

10

To the councillors?---Yeah, yeah. So - - -

And were there also workshops that were held for councillors?---Yes.

And that was held under the aegis of council itself.---Yes.

Is that right?---Yes.

20 And was there one that you were involved in that involved the subject of the DCP and what changes if any were required to it?---Yes.

And that was one that was attended by what, most of the councillors?---Yeah. There were a fair few of them there, yes.

And was the general manager at that or was - - -?---Yes.

He was?---Yes.

30 Can I ask you now taking a step aside from those specific questions to think about if you wouldn't mind the period March, 2015 through to May, 2016 when Canterbury Council was amalgamated with Bankstown Council. During that period of time you had a relationship, let's just use a neutral term for the moment, with Mr Hawatt and a relationship with Mr Azzi. Is that right?---I think that's fair, yes.

Did the nature of your relationship, let's just focus on Mr Hawatt for a moment. Did your relationship with Mr Hawatt in that period change at all or was it the same throughout?---I think it's fair to say that it was pretty consistent.

40

And how would you describe that relationship?---Look, I thought of him as a councillor who took an interest in particularly development. How would I describe my relationship. Look, we were pleasant. We were matey I guess but generally speaking that's the way I am as a person and, you know, I, yeah, so it was friendly. It was, you know, I don't know how else to put it to be honest with you.

Was there any hostility between the two of you at any time in that period March, 2015 through to May, 2106?---I don't believe so.

Was there any occasion on which you felt that pressure was exerted on you by Mr Hawatt during that period?---Yes.

And how many occasions were there?---I wouldn't say many but there were times when, you know, he would make his presence felt, yes.

10 Well, can you think of a particular occasion or subject on which that occurred?---Not really, no.

You can't think of any occasion?---No, not really.

Why did you tell us that that did occur if you can't think of any particular occasion?---I'm just trying to, I'm just trying to think if there was a, I really can't and I can't, I don't know why but I know that I felt, maybe I'm getting Michael Hawatt confused with another councillor but, yeah.

20 So is it possible that he never exerted pressure on you?---When you say pressure, can, can you ask, explain to me what - - -

Well, did you ever feel that you were being pushed in a particular direction either to do something or not to do something by an encounter you had with Mr Hawatt?---I'm just trying to think of any specific applications where that may have been the case. There was certainly pressure I guess around myself finding resolutions to certain applications and mainly what springs to mind would be a lot of the, some of the Canterbury Road ones, development applications along Canterbury Road, yeah.

30 Development applications?---Mainly, yeah, and, and just trying to think if there were any planning proposals where there was pressure exerted by Mr Hawatt. Punchbowl Road comes to mind. There were - - -

Punchbowl Road?---Yeah.

998 Punchbowl Road?---Yeah, yeah.

40 What happened in relation to 998 Punchbowl Road?---Oh, look, I just remember feeling that there was, being told there was an urgency around this application. I mean, it was never unpleasant. Like, there was no threats per se from him. It's just the way he was.

So everything you did in relation to 998 Punchbowl Road was, so far as your relationship with Mr Hawatt was concerned, at your own volition and not as a result of pressure from him? Is that your evidence?---Him specifically? Look, that's probably a fair comment.

Okay.---Yeah.

And you've identified the fact that he told you there was some urgency around it, and you felt that there was as a result of talking to him. There was nothing else at all that Mr Hawatt did or said or indicated that caused you to do anything or not do anything in relation to 998 Punchbowl Road? Is that fair to say?---That's fair to say, yeah.

10 Any other property or application or proposal in which you felt Mr Hawatt was exerting any pressure on you?---I don't believe, I mean, he certainly took an interest in 212 Canterbury Road, from memory.

20 What do you mean by saying he took an interest in it?---Well, you know, inquiring about it and pointing out the urgency of it and so forth, and finding, trying to find solutions. So from that point, like I said before, it wasn't like, with Mr Hawatt it wasn't like he was, you know, threatening me in any way, but it was, you know, when they, when, especially when he spoke about urgency of things, you knew that you had to get, look at applications. And, yeah, so it was, it was like that. I can't sort of elaborate any more.

Why did you feel that because of anything Mr Hawatt said to you that there was a necessity to get things done urgently?---Because he, he, him and, he was one of the main councillors who took an interest in planning, pretty much, and at that point through my, I guess, it became blatantly clear to me that he was one of the people with that influence on council.

30 Of that influence, did you say, sorry?---Had some influence over the council.

Had some influence?---Yeah.

What was the influence he had on council as you understood it?---Just that he was the main person – or one of them – who seemed to vote in favour or against certain applications, and most of them would follow, I guess.

Who is them in most of their - - -?---Councillors. Councillors I'm talking about.

40 Are you saying that he appeared to have influence with other councillors? ---I think he had influence on council, yes. I don't know about the intricacies of whether he had influence over other councillors or not. I don't know any detail pertaining to that. But he seemed to take a really keen interest in planning, and every time an application would go to a council meeting, whenever he voted a certain way most of them I say – not all of them but most of them – would vote with him.

Vote the same way?---Yeah. Yeah.

And vote the same way, in your impression, because that was the way Mr Hawatt voted, not just as a coincidence?---Yes.

Is that what you're saying?---Yeah.

That does suggest that the impression you had was that he had influence over those other councillors.---Yes.

- 10 Thinking of Mr Azzi, did you have a relationship with him from March 2015 through to May 2016 which was consistent in its tenor or temper? Or did it change from time to time?---It changed from time to time.

Could you tell us what happened?---Yeah, there was one particular time when – and I just can't recall the exact date, but it was around 212 Canterbury Road again. And that, I remember receiving a phone call from him very late at night and using words to the effect of, "You better pull your finger out. Find a solution. I don't want to see you end up like the other director." Not those exact words, but - - -

20

And what was the tone of what he said to you?---Very angry.

Was that the only occasion on which Mr Azzi appeared to be very angry in communicating with you?---There were others but I can't remember which, the specifics of it, but I remember it wasn't just one occasion.

And on that occasion were you being required by him to come up with a solution to a problem?---Yes.

- 30 And was that solution, I'm sorry, was that problem the deferred commencement condition that you had recommended in the officers' report, which had a condition as to a rear setback being required in amendment of plans to three metres?---That was one of, yeah, I believe that that was the primary issue, yeah.

But there were a few other issues as well in relation to those particular development applications immediately before they came to be determined by the City Development Committee, is that what you're saying?---Sorry, can you repeat that?

40

Yes. Was this shortly before the development applications for 212 Canterbury Road were going to come before the City Development Committee?---Yeah, when you say shortly, I, yeah, it was a couple of weeks maybe, yeah.

But had Mr Azzi found out what was in the officers' report, did it seem to you?---I believe so. Yeah, it seemed to me that he did, yeah.

And one of the things that was in the officers' report was a recommendation by you that there be granted approval on a deferred commencement basis subject to a number of conditions, one of them being for the plans to be amended to change the nil setback of the rear to a three-metre setback.
---Simple answer is yes, but I just want to correct you on one thing. I think from memory that one, that application was actually done or prepared by an external consultant.

Oh, yes.---Yeah.

10

But you vetted it thoroughly, didn't you?---Yes. Yes. Yes.

And you put it forward under your name.---Which we had to, yes, yes.

But you're taking responsibility, aren't you, for the report?---Of course. Yeah, of course I, yes.

20

What was it about the fate of the previous director that you understood Mr Azzi to be referring to in that late-night phone call?---Basically that I would, they would somehow force me to leave.

And how had you – I withdraw that. Had you at any stage learned of the circumstances in which Mr Occhiuzzi and left the position of director of planning?---Yes.

And from whom did you learn that do you recall?---From a number of sources. The general manager, Pierre Azzi, Michael Hawatt.

30

And was what you understood from each of the three of them the same?
---Yes.

What was it that you understood from each of the three of them?---That he wasn't in their view doing the job, that things were lagging behind and that they, they weren't being heard by him.

40

And what did that mean though in the significance to you of a reference by Mr Azzi to the fate of the previous director, what had happened to Mr Occhiuzzi as you had been told?---Well, my, just thinking back it was portrayed to me in such a way that they were the ones who influenced him to go pretty much.

And did you get an impression from anyone as to how they achieved that?
---No, no. Not really, no.

So as far as you're concerned on what you'd been told by Mr Hawatt and Mr Azzi and Mr Montague, Mr Occhiuzzi simply upped sticks and left?
---No.

No. Didn't you understand he'd been forced out?---Yes.

Didn't you understand he'd been forced out by stress and pressure?---Yes.

And that that stress and pressure had, the sources of that stress and pressure had been in particular Mr Azzi and Mr Hawatt?---Yes.

Now, who was it who gave you this impression?---Well, all three of them, so the general manager, Michael Hawatt and Pierre Azzi.

10

Now, thinking of them separately if we can, was it three separate occasions on which you were given this impression by what you were told or was it the one occasion when they were all present, what was the situation?---No, it was very sporadically and it wasn't all of them together at once, so they were separate conversations pretty much.

With each of those three gentlemen?---Yeah.

20

And what did Mr Montague say to you as to the circumstances in which Mr Occhiuzzi had left?---Just as you said earlier and I agreed with that he was being pulled from pillar to post pretty much and made his life unbearable, his work life that is and that they pretty much forced him out.

They being?---Mr - - -

As you understood Mr Montague, who did you understand he was referring to?---Mr Hawatt and Mr Azzi.

30

Now, I don't want you to think I'm -- I withdraw that. Why did you understand Mr Montague to be referring to Mr Hawatt and Mr Azzi when he said that?---Why?

Yes.---Because he told me. He told me.

40

And thinking then of Mr Azzi, can you think of any particular occasion on which he spoke to you about the fate of the previous director?---The main one that springs to mind is that late-night conversation where he blatantly said words to that effect, that, you know, you better find a solution otherwise, you know, you'll, you'll see the same fate as the former director.

But can I just ask you this, that sounds as if at that stage you already knew what the fate had been and he was simply reminding you?---At that stage I had already, you know - - -

Learnt - - -?--- - - - learnt, so yes.

Had Mr Azzi ever indicated to you that he'd been involved in forcing out Mr Occhiuzzi?---I don't remember if he, if there was a specific conversation

other than the one that I just said before, but it was implied, and you could, in discussions that I had with Mr Montague, Mr Hawatt and Pierre Azzi as well, it was implied that's what happened. As to apart from that one time in relation to Mr Azzi with that late night phone call, I can't really remember if he had expressed that to me prior.

I think, yes?---I was just going to say, I think it was definitely implied, definitely implied.

10 And if someone were to ask you what was it about what was said that implied that, what would you say?---What was said?

What was it about what was said by Mr Azzi that implied that?---It would have been um, him actually saying that that was the case, that he wasn't getting what he wanted out of the former director and because there was always constant, you know, it wasn't a secret that that - - -

20 What wasn't a secret?---The fact that the former director was feeling a lot of pressure primarily due to those two gentlemen, Mr Azzi and Mr Hawatt, so it was a constant reminder, I guess.

Now you took the phone call late at night from Mr Azzi about 212 Canterbury Road, as a threat, is that right, would you characterise it as a threat?---Yes.

And again, I apologise if I seem to be going over the same ground but I'm just approaching it from a different angle.---Sure.

30 Why did you take it as a threat?---Just the tone, very angry and knowing the background what happened with the former director and him actually using words to the effect.

Now you indicated earlier that that was not the first time or not the only time perhaps more accurately that Mr Azzi had said something like that to you, is that right?---I said yes, I just don't recall when or where that had occurred. It certainly wasn't to the extent of the late night phone conversation.

40 On the same subject then, I'll ask you a different question, did you receive a threat like that from Mr Azzi on any other occasion?---It was not as heated but certainly implied on a number of occasions by constant, being constantly reminded by him about what had happened before.

About how many occasions? When you say a number, what do you mean? ---Probably up to about five occasions.

Now Mr Hawatt, did he ever say anything to you which referred to what had happened to the previous director in a context of trying to persuade you to

do something or not do something?---I remember him giving me an example of a particular application where he was involved with I think, obviously, I think, as an advocate for the applicant and it was, I believe it was a house and he referred to an on-site meeting that he had with Pierre Azzi and I'm not sure if it was the owner of this particular house where the former director had put a condition on the approval or was about to put a condition on the approval that required the front yard I think from memory that was proposed to be fully paved or concreted. He required them, he put a condition on there to say that they had to remove a portion of that and in its place some landscaping. So for giving that, in that discussion he basically said, you know, it was implied, he didn't really say, you know if you don't, I guess do what I want, that's what's going to happen, right but he used that in the context of saying to me and he ended up, we ended up getting rid of him or words to that effect.

10
20
What was it that Mr Hawatt said though that indicated that what Mr Occhiuzzi tried to do on that occasion had an unpleasant outcome for him? There hasn't been anything in the account that you've given us of what Mr Hawatt told you about that story which indicates that Mr Occhiuzzi wouldn't have enjoyed the experience.---Oh.

What did Mr Hawatt tell you had occurred in that regard?---That he was basically, that he was being abusive in getting his point across I guess.

He, Mr Hawatt?---Yes.

Abusive of Mr Occhiuzzi?---Yes, yes, and expressing to him - - -

30
I'm sorry.---Sorry I've just got to say in expressing you know his anger at him.

And did Mr Hawatt indicate anything to connect the, that incident with Mr Occhiuzzi departure from council?---Other than what I said before which was that he basically said words and we got rid of him shortly thereafter.

And was that, did you understand that Mr Hawatt on that occasion was giving you an example of Mr Occhiuzzi being inflexible in the application of the rules and for that reason they got rid of him?---I think that's fair.

40
That was your understanding of what it was that Mr Hawatt was saying to you at the time?---Yes, yes.

Is that fair?---Yes.

And do you recall whether the occasion when Mr Hawatt told you this was sitting around having a drink and everyone was laughing or at the other end of the spectrum more like the sharp end of an encounter about a particular application or proposal and a particular decision that you were being called

upon to make?---No, I can't recall any of those scenarios I don't remember exactly when he said it to me and what - - -

Or the context?---Yes, yes.

You don't remember?---No, I'm sorry.

In the period March, 2015 to May, 2016 what was the extent of your contacts with Mr Hawatt and Mr Azzi?---Quite regular.

10

Daily?---I'd say pretty much, yeah.

Sometimes many times a day?---Yes, I think that's fair.

Was one of them more in contact with you than the other?---I believe Michael Hawatt was.

And was the nature of the contacts requests for you to do things that they were asking you to do?---I think that's fair, yes.

20

Were there meetings that you had with Michael Hawatt and/or Pierre Azzi where no one else was present? Thinking now again of the period March, '15 to May, '16?---I'm just trying to think. Other than that first mini interview I don't - - -

That was before.---Yeah, yeah.

That was back in 2014.---I, I, I - - -

30 Once you've started the position.---Yeah, sure. Really I can't recall.

Were there any occasions when you met with either of them at Mr Azzi's house?---Yes.

And no one else was there, just those two?---I don't believe so.

Any occasion when it was just those two at Mr Azzi's house and a developer?---Yes.

40 Who was that developer?---It was Charlie Demian.

Any other developer?---There was Marwan Chanine.

Any other developer?---I'm just trying to think. I don't know if you class Bechara Khouri as a developer but - - -

Well, I can understand that you might mention him but can I just ask you this. I did ask you, I'm not having a go at you but thinking if you can, not of a social occasion that is a barbeque - - -?---Sure.

- - - or anything like that where there might be a number of people present but just thinking for the moment about occasions at Mr Azzi's house where it is a meeting with Mr Azzi and/or Mr Hawatt and no one else except a development proponent?---They'd be the two that I can recall, yeah.

10 And so we're leaving Mr Khouri - - -?---Out.

- - - out, right, because are you saying then that the occasions when you were with Mr Azzi and Mr Hawatt at Mr Azzi's house and Mr Khouri were more social occasions?---Yes and no. Yeah.

If you could explain.---Yeah. There were occasions when it was just, it was social but there were also occasions when there were discussions around proposals, you know, and so forth, yeah.

20 But you're not I take it dividing the occasions at Mr Azzi's house into purely social and purely discussions about developments are you?---That's correct.

Because the two overlapped didn't they?---Correct.

And intermingled, that is to say, there were discussions at social occasions about development proposals?---Correct.

Is that fair?---Yes.

30

And those were discussions that would be had with Mr Azzi, Mr Hawatt and any one of the two development proponents you've identified and/or Mr Khouri?---Correct.

And on those occasions were you also having discussions with Mr Khouri but not a development proponent? Do you understand what I'm asking?
---No, can you repeat that, sorry.

40 Yes, sure. On any occasion when you were at Mr Azzi's house and Mr Azzi is there I assume was there a discussion about a development with Mr Khouri but not Mr Chanine and no Mr Demian?---No, not that I can recall.

So the occasions when Mr Khouri was there when discussions about development proposals took place were occasions when Mr Khouri was accompanying either Mr Marwan Chanine I take it?---Yes.

Am I right?---Yes.

I don't want to put words in your mouth.---No, no.

Marwan Chanine.---I did say Marwan before, yeah.

Right. And, sorry, or Mr Charlie Demian.---Yeah. To a lesser extent Mr Charlie Demian, but yes, yes.

10 Were the occasions when you met with, amongst others, Mr Marwan Chanine at Mr Azzi's house always accompanied by Mr Khouri? Or were there some times when you saw him there, discussed a development proposal, but Mr Khouri was not present?---I don't recall if there was an occasion where Mr Khouri, in the presence, was not in the, was not at the meetings that we had with Marwan Chanine. I don't recall any occasion.

How many times do you recall meeting Mr Marwan Chanine at Mr Azzi's house?---Look, there weren't a lot. Five, six times.

20 Were they always about 212-222 Canterbury Road and 4 Close Place?---No. There were occasions, like, because Marwan had a few applications in council, so it was around his applications that were live at any given time.

And what proportion of the five or six times with Marwan Chanine at Mr Azzi's house would 212 have been discussed?---At least 50 per cent of the time.

30 Now, I excluded in that question Mr Azzi and Mr Hawatt, but when you had discussions – I'll see if we can at the moment just confine it to Marwan Chanine. When you had discussions with Marwan Chanine at Mr Azzi's house, was there always present with you and taking part or listening Mr Azzi and/or Mr Hawatt?---Yes.

And was it more one than the other or was it always the two or what was the situation?---Obviously being at Mr Azzi's house, he was almost always there.

40 But in terms of taking part in the discussion or standing there listening or sitting there listening?---Sure. I think they were, I think I'd say 50/50. They were both participating in the discussions, yes.

How often did you see Mr Hawatt at Mr Azzi's house?---Certainly on the occasions that I was there, he was there.

All of the occasions?---Most of the time, yes, yes.

So thinking of Mr Demian now, you were present at Mr Azzi's house when there was a meeting with Mr Demian on one occasion or more than one occasion?---It wasn't, wasn't a lot. It would have been - - -

What's your best estimate you can give us?---One, I'd say.

Once?---Yeah, maybe once or twice.

Once or twice?---Yeah.

Can you recall what the meetings were about?---Yeah.

10 This is at Mr Azzi's house.---Yes. Around the applications he had on Canterbury Road, which was 548, I believe, Canterbury Road.

So if we can, for the purposes of the inquiry, refer to the Punchbowl Road corner as Punchbowl Road, 998 Punchbowl Road.---Yeah.

And I appreciate it was on Canterbury Road, but - - -?---Yeah.

- - - you're talking now about the site that was called the Harrison's site.
---Correct.

20

You can recall an occasion when there was discussions with Mr Demian at Mr Azzi's house about 548 Canterbury Road?---Yes, I do recall the discussions, yeah.

What was the topic at that time?---Just trying to think.

I'm sorry but was there a particular issue?---Look, I really don't remember specifically but there were issues with the application itself that I had previously expressed to Mr Demian on more than one occasion, that's for sure, and in those circumstances those issues arose from the, what I considered at that point in time to be a substandard development and - - -

30

Do you mean substandard application or do you mean perfectly adequate application but a substandard development?---Design, yes, yes. The latter sorry.

Yes.---And because you know - - -

40 Are you talking about the original six storey's or the additional two storeys?---Well, I can't recall if I was around when the six-storey proposal was dealt with, certainly the two-storey one I was a part of and that's the one I'm mainly referring about.

And the question of associated modifications to the approved development?
---Correct and that was a cause of concern for Mr Demian.

The latter?---Yes.

That is to say, the question of associated changes to the approved development.---Yes.

And was that something over which there was discussion between you and Mr Demian?---Yes.

That sometimes became heated?---Oh yes.

10 Now, when you spoke with Mr Demian about 458 Canterbury Road at Mr Azzi's house, was Mr Azzi present in the discussion or Mr Hawatt present in the discussion?--- Mr Azzi certainly, I cannot recall if Mr Hawatt was there, bearing in mind I only really saw Mr Demian at Mr Azzi's house maybe once or twice from memory, yes.

So thinking of 998 Punchbowl Road, did you discuss that proposal it was a planning proposal with Mr Demian at Mr Azzi's house?---That I'm not sure about, can't recall whether I did.

20 Did you see Mr Maroun, Jimmy Maroun at Mr Azzi's house?---I think I saw him on, I'm just trying to think, did I? I really can't remember if he was at Mr Azzi's house.

So you saying, you certainly did have dealings with Mr Maroun - - -?---Yes.

- - - in relation to his proposed development 538 Canterbury Road?---Yes.

Car wash site?---Yes.

30 But you can't remember whether any of them were actually at Mr Azzi's house, is that right?---That's correct, that's correct.

Did you – I withdraw that. How many of the occasions that you have spoken about at Mr Azzi's house at which there were discussions about proposed developments or planning proposals, whether or not they involved a development proponent taking part in the discussion, how many took place in the context of a social occasion, that is to say, hospitality being offered by Mr Azzi?---Almost all times.

40 And was there a pattern to his offering of hospitality that you became aware of when you were director of planning at Canterbury?---Well, inevitably when you arrived his wife would be - - -

I'm sorry, I do apologise, I shouldn't have been as, as lawyers call it, asking you such an open question. What I meant was, did they occur with any particular regularity or pattern?---You mean offering of refreshments or - - -

The occasions at Mr Azzi's house at all?---Look I, as I said, I probably only attended may be five or six but I'm pretty sure that there were regular occasions.

What did you understand those regular occasions to be?---Um - - -

What I'm going to ask you is Friday afternoon/evening drinks?---Yeah.

Does that ring a bell?---It does.

10

Can you tell us more?---I don't believe I attended any of those, but I understood that to be the case because I would quite often get phone calls from Jim Montague – who was present at that, those occasions – about applications or anything, yeah.

And when you received those calls, were you still at work?---Most of the time I was at home, I believe, yeah.

20

And do you recall what those applications or matters were that Mr Montague rang you about and you understood he was at Mr Azzi's house for Friday evening drinks?---I don't remember the specific applications, to be honest with you, no.

How often did you get calls from Mr Montague of that kind?---Oh, quite often.

And - - -?---It would - - -

30

Sorry, go on.---No, I was just going to say that on those Friday occasions, you know, there'd be one, at least one call anyway from Mr Montague to me.

And was it every week that Mr Azzi held these events? Was it seasonal? ---No, as far as I'm aware it was a regular thing every week.

And when Mr Montague called you from those events, was it to try to entice you to come over or was it social or was it purely, you know, "What can you tell me about this, that and the other?"---The latter.

40

It was about a particular matter in your portfolio?---Correct.

And you would give him the information to the extent that you could? ---Correct.

And did Mr Montague ever give you reason to understand why he was making inquiries of you like that from Mr Azzi's house at Friday evening drinks?---Not really, no. Not really. Like, can you ask the question again, sorry?

Yes. I'll see if I can put it another way.

One possibility is that Mr Montague was having drinks at Mr Azzi's house and he suddenly thought of a particular matter and decided he needed to add to his store of knowledge. Another possibility is that he was asked by someone at Mr Azzi's house on those occasions about a matter and needed to consult you in order to inform himself in order to provide a response to the person who was interrogating him.---The latter.

10

That was the impression you got from Mr Montague?---Yes.

Did you understand from Mr Montague as to who it was who was asking him – sorry, who it was who was talking to him that made Mr Montague think, “I need to ring Mr Stavis to get more information”?---I, I, I couldn't tell you with any certainty as I sit here now, but I would have gauged who was making those inquiries through the specific inquiry at the time.

20

So if there was an inquiry about 548 Canterbury Road, then you would have assumed it was Mr Demian, that fair to say?---Either, yeah, or one of the councillors.

Or one of Mr Azzi or Mr Hawatt.---Correct.

Now when you say “one of the councillors”, did you ever see any councillor at Mr Azzi's house other than Mr Hawatt?---Not that I can recall, no.

And you never saw Mayor Robson there?---No.

30

You've told us about the degree of contact that Mr Hawatt and Mr Azzi had with you about planning matters from March 2015 to May 2016. How did that rate of contact with you by those two gentlemen compare to the rate of contact from other councillors, including Mayor Robson, during the period March '15 to May '16?---They were definitely miles ahead in terms of the amount of contact compared with other councillors, yeah.

Was there any other councillor, including the mayor, that you considered on any occasion to be putting pressure on you?---No.

40

Did you ever go to Mr Hawatt's house?---Yes, I believe I did.

How many times?---Not many at all. Maybe once, twice, if that, yeah.

Did you meet any other councillor there apart from Mr Hawatt?---No.

On the occasion that you went there or occasions, was there discussion about matters in your portfolio?---Just trying to think. I really can't recall.

Was it a social occasion or were they social occasions? Or was it a meeting meeting?---No, it was more I guess semi-social. And it was always with, George Vasil was there as well.

I note the time, Commissioner.

THE COMMISSIONER: All right. We are adjourned until 9.30 tomorrow morning.

10

THE WITNESS STOOD DOWN **[4.01pm]**

AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.01pm]