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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 9 AUGUST 2018

AT 2.02PM

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.

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

MR BUCHANAN: Mr Stavis, I was asking you before lunch about an email to Warren Farleigh that you sent him on 30 January 2016, which is at page 148 of volume 14 in exhibit 52. If you could just read that to yourself again, please?---What page was that, sorry?

10 Page 148. It should be on the screen in front of you.---Oh, sorry, yes. Yes.

MR BUCHANAN: Commissioner, I apply to vary the non-publication order made on 12 October 2017 in respect of passages on page 1191 of the transcript commencing at line 17 and concluding on page 1192 at line 8.

20 THE COMMISSIONER: The non-publication order made on 12 October 2017 is varied to exclude the evidence recorded on the transcript commencing at page 1191 line 17 and concluding on page 1192 line 8.

THE NON-PUBLICATION ORDER MADE ON 12 OCTOBER 2017 IS VARIED TO EXCLUDE THE EVIDENCE RECORDED ON THE TRANSCRIPT COMMENCING AT PAGE 1191 LINE 17 AND CONCLUDING ON PAGE 1192 LINE 8.

30 MR BUCHANAN: Mr Stavis, I'll read to you an extract from the transcript of your evidence given to the Commission on 12 October 2017, and whilst I am doing it, if we could have the email of 30 January 2016 to Mr Farleigh on the screen:

Okay. I'll show you a document. So this is an email dated 30 January, 2016?---Yeah.

40 *It's an email from you to Warren F. at Canterbury, which I believe is Warren Farleigh, and then copied to Eva, who I understand was your assistant at the time?---Yeah.*

And you've said to Warren regarding 998 Punchbowl Road planning proposal, "Can you please program this to go to March council meeting? I think I sent you an

10

updated report from our urban designer and updated package from the applicant late last year. Very important we meet this deadline. We can discuss when we meet next week. Just wanted to send this reminder while it's fresh on my mind." Why was it so important that the matter go to the March council meeting?---It's likely that I was probably put under pressure from Jim in particular to make sure that it, it met that deadline.

20

Right. Did this happen on a number of Demian's applications, that there was a pressure around getting things done very quickly?---Oh, yeah. Oh, yeah.

Yes. And you would have a role in making sure that things were done quickly?---Yes.

And that was something that other developers didn't quite have access to in the same way that Demian had access to it?---I think that's a fair comment.

Right. And why were his applications so important?---I, I really don't know.

30

Okay. But you understand that you had to get them moving quickly because of the pressure that you were under from Mr Montague in particular?---Yes.

Did Mr Hawatt or Mr Azzi have any role in encouraging urgency around Mr Demian's applications?---There were occasions, yeah, yeah.

40

What about on 998 Punchbowl Road? Who was the pressure coming from in relation to urgency?---The, I think that point in time it probably was primarily Jim Montague, but I don't discount I would have received pressure from the other two as well.

Now, you heard me read that transcript to you?---Yes.

In respect of that email of 30 January 2016 at page 148 in volume 14?---Yes.

Was that evidence true?---Yes.

10 What I would like to do now is to provide you with what I suggest is a summary of, in chronological order, the opinions expressed by Mr Annand in relation to 998 Punchbowl Road. In the second draft of his March/April 2015 report, he expressed the view that an FSR increase from 0.5:1 to 2.2:1 represented an overdevelopment and said:

A proposed FSR of 2.2:1 and height of 15m do not appear to be achievable given site constraints and assessment against SEPP No 65 and DCP controls.

20 That's volume 12, page 176.

In the third draft of that report, Mr Annand said pretty much the same thing: an FSR increase from 0.5 to 2.2 does, however, represent an overdevelopment. That's at page 118 in volume 12. And later in the same draft, Mr Annand made an FSR recommendation, which was 1.8:1 as per council's planning proposal.

30 Then in June 2015 - this is volume 12, page 289 - Mr Annand sent an email to you and Mr Farleigh saying that the new setbacks have the effect of dropping potential FSR from 1.8:1 to 1.3, "Please discuss urgently", and you replied:

We've already let the cat out of the bag to the applicant when we received your draft report.

I interpolate, that is an FSR of 1.8:1.

40 *We need to get as close as possible to that FSR.*

And Mr Annand replied:

I think I know how to fix it.

That's volume 12, page 289. In the first draft of Mr Annand's supplementary - that is, his August 2015

report, he concluded that a maximum FSR of 2:1 could be permitted. In the third draft of his supplementary report, he said maximum FSR that could be supported was 1.8:1 to 2:1. That's volume 13, pages 73 to 89.

10 You sent Mr Annand the revised Statewide submission, or the DDC planning submission, that was on 27 October 2015, which asked for controls to be loosened so that the building height limit was 25 metres and the FSR limit was 2.8:1, and then you had conversations and at least one meeting with Mr Annand. That's volume 13, pages 154 and 155.

On 9 November 2015, Mr Annand supplied you with his planning proposal review document, the four-sheet document - that's volume 13, pages 183 to 186 - in which he said an FSR of 2.8:1 is unachievable. That was at page 185.

20 MR PARARAJASINGHAM: Commissioner, in fairness, I'm not really sure what's going on here, but if my friend is going to ask a question after putting these sequences to the witness, perhaps he should be permitted to actually look at whatever is being referred to. I'm just not sure whether the witness is being given an opportunity here to fully digest what is being put to him.

30 THE COMMISSIONER: Can I suggest this: I'm going to allow Mr Buchanan to go to the end of the chronology, then hear the question that he poses. If it's a matter where Mr Stavis needs to refer back, he will be given an opportunity. If he wants to review all of this, because Mr Buchanan's very helpfully giving us all the references to the exhibit, he'll do so. But let's just hear the chronology and then let's hear what use Mr Buchanan would like to make of it.

MR PARARAJASINGHAM: Yes, certainly. Thank you, Commissioner.

40 MR BUCHANAN: Mr Stavis, you recall me asking you questions about each of these statements of opinion by Mr Annand, I take it?---Yes.

And Mr Annand then prepared his December 2015 report - volume 14 page 20 - in which he indicated that the planning proposal report referring to the Statewide proposal, the DDC planning document, is generally able to be supported; "2.8:1 does not represent an overdevelopment of the site

and can be achieved." You recall that?---Yes.

So you would accept that over a period of time, Mr Annand changed his opinion about the appropriate FSR for that site?---Yes, I accept that.

He changed that opinion, didn't he, as the result of pressure you put on him?---No.

10 How do you account for Mr Annand changing his opinion in the respects in which I've taken you to?---I think there were various incarnations of the planning proposal that eventuated over time, so I'm assuming that that was the nature of those reports.

But the fact that someone asks for something doesn't mean to say that a consultant necessarily is going to agree to it, does it?---No.

20 What I'm taking you to is a series of expressions of opinion by Mr Annand in which he changes his opinion?---Expert opinion.

Yes?---Yes.

And each time he did it, it was the result of contact with you, wasn't it?---I can't confirm that it was each time, I'm sorry.

30 Well, each time it followed on the contact from you?---In most cases, yes.

So he changed his opinion each time following a contact from you. It necessarily follows, doesn't it, that it was the nature of your contact with him that caused him to shift his opinion as he did in those respects over that time?---No, I don't agree with that.

40 You manipulated Mr Annand to try to obtain reports from him which favoured the proponent, didn't you?---No.

And you in fact manipulated him to try to obtain reports from him which favoured the proponent over what you knew to be the public interest, namely, the first opinions that Mr Annand had expressed on the subject of the appropriate FSR for that site?---No.

In your handling of Mr Annand, you discarded the public interest and preferred the interest of Mr Demian, didn't you?---No.

Now, could I take you, please, to volume 14, page 153 in the first instance. Can you see that that is the first page of a draft officer's report in respect of "Amendment to planning proposal at 998 Punchbowl Road, Punchbowl". Do you see that?---Yes.

10

And it goes, I can tell you, from page 153 through to and including page 167 of volume 14. You can see that it has handwriting on it?---Yes.

Do you recognise that handwriting?---Yes, that's mine.

Not every page has your writing on it, but the front page obviously does. Can I suggest that the ticks, which, although they're in black and white on page 162, were also applied to the document by you?---Page 162?

20

Correct.---Page 162 doesn't have any ticks.

Okay.

THE COMMISSIONER: My copy does.

MR BUCHANAN: Oh. I'm going to withdraw the question, in any event. I won't be pressing it, Commissioner.

30

Page 163, does that have any handwriting on it?---Yes.

Is that yours?---Yes.

Page 165, does that have anything on it?---Yes.

Is that handwriting?---Believe - - -

Sorry, I'll get you to describe it, what you can see?---Scribbles, I guess.

40

And can you see a tick?---Yes.

A paragraph has been essentially crossed out; is that right?---Yes.

Is that by you?---It must have been, yes.

Going to page 166, can you see some ticks there?---Yes.

And some crossings out?---Yes.

And some handwriting in words?---Yes.

Is that all yours?---I believe so, yes.

10 Going to page 167, can you see a crossing out of a section?---Yes.

Or, rather, two sections, two paragraphs, at the top of the page. That's your handwriting?---I believe so, yes.

20 If you look at the bottom of page 166, you can see that the beginning of the first recommendation is crossed out. The recommendation as printed continues on the next page, and so the likelihood is, isn't it, that the crossings out on the next page were also applied by you?---I believe so, yeah.

This was a document that was drafted by Mr Foster - Tom Foster?---It may have been. I just can't recall.

Do you recall making the changes to the document?---No.

30 Do you have any recollection about it at all?---Look, no, not - not as I sit here today. About the changes, no.

Were you in the habit of making changes of this order - that is to say, I suggest reasonably substantial changes having regard, in particular, the fact that they include one of the recommendations - to your staff's drafts of officer's reports?---On occasions I would, yeah.

So this doesn't stand out in your mind as being unusual?---No, not really.

40 In the introduction, you removed two dot points. Do you see those? If you count them from the bottom to the second-last dot point and the fourth-last dot point?---In the summary?

I'm sorry, sir, page 153, I should take you to.---Yes.

You took out part of the history of the matter, namely,

Mr Annand's engagement by council - this is in the summary at the front of the report; is that right?---Yes.

And you took out that:

A further urban design report from Annand Associates was obtained by Council to evaluate [a] submission.

10 Is that right?---Is this the second-last bullet point we're at?

Yes, sir.---Yes.

Are you able to assist us as to why you removed that material from the summary?---No. No.

20 I don't want to mislead you. There is a reasonably detailed history of the matter further into the document, but I want to suggest this to you, that you would have likely thought that few councillors would read beyond the summary on the first page of these otherwise rather dense reports?---No, I didn't assume that.

Did you assume that all councillors would read the whole of these reports?---I would imagine so.

30 Was that a very realistic belief?---Well, there were business papers put up, so councillors, I expected, would have read the contents of those business papers prior to any meeting.

Did you ever get the impression that councillors weren't across the contents of your reports?---Nothing stands out, no.

40 Can I take you to page 166, please. Can you see in the second full paragraph on that page there's a paragraph commencing:

Two options are therefore proposed for Council's consideration...

?--- Yes.

And you've crossed out the first half of that paragraph and then left in the reference to "the alternative

proposal"?---Yes.

The alternative proposal was the shorthand reference in this document to the submission received from DDC Planning; is that right?---Sorry, when you say "shorthand reference"?

10 Yes. Instead of having to spell out a document received from DDC Planning, who represented Statewide Planning, dated 26 October 2015, three words were used instead - "the alternative proposal"?---Sorry, I'm finding it difficult to find out where you're actually - - -

Okay. Do you see that on page 166, there's a paragraph at the top which hasn't been crossed out?---Yes.

Then there's another paragraph commencing, "In addition", that has been crossed out?---Yes.

20 Then there's another paragraph where the first half of it has been crossed out?---Yes.

And it commences, "Two options are therefore proposed"?---Yes.

The part that has been left in is a reference to "the alternative proposal and the full recommendations of the urban design report". Do you see that?---I do, yes.

30 You understood the reference to "alternative proposal" to be the alternative proposal submitted by the proponent?---Yes.

Alternative, that is, to council's proposal?---Yes.

And the four lines that you removed from that paragraph explained why option 1 was being presented, lower down on the page, didn't they?---I believe so, yes.

40 Option 1, as you can see there, gave council the opportunity to achieve a height of 15 metres but to reduce the FSR to match?---Yes.

And it also took the controls almost back to the recommendations in the officer's report to the 2 October 2014 meeting, which adopted a planning proposal from the residential development strategy?---I don't have the document in front of me, but I take your word for it.

And what your removal of the first option and the reasons for it presented in this draft to you achieved was to remove from council the opportunity to make a decision other than one that favoured the proponent?---I'm not sure whether there was - there's certainly - and I haven't read this in any detail, but there might be reference in there of a bit of the history and what had transpired before in this report. I haven't had a chance to read it - - -

10

But in terms of presenting the officer's recommendations and reasons for them, what council was presented with was a recommendation which was what Mr Demian wanted, and you knew that?---That's fair.

And it certainly satisfied your understanding of what Mr Montague wanted, which was to provide a solution along the lines of what Mr Demian wanted?---That's fair.

20

You also, can I suggest, page 163, in the penultimate paragraph removed urban design material which was unfavourable to the proponent, in this case the distance from the nearest railway station and limited public transport access?---Yeah, I believe that's the case, yes.

30

And page 166, looking at the second full paragraph, which you've removed, you removed material that would have been unfavourable to Mr Demian as to "the strategic implications of allowing further intensification of an isolated site as a high density residential site away from the local business centres and high quality public transport need consideration as this may set", that is to say, an undesirable precedent?---Yes, I did.

That was material that would have been unfavourable to Mr Demian as well, wasn't it?---I'm really not sure whether that is actually the case. Yeah.

40

If it had been left in, it would have tended to cause a question in the mind of councillors: why are we being asked to accept this recommendation to go ahead with what's being described as something that has "implications for allowing further intensification of an isolated site as a high density residential site away from the local business centres and high quality public transport need consideration as it may set a precedent for similarly scaled developments on other parts of Canterbury Road that

are not well served by access to facilities and services"?---Sorry, what was your question in regards to that?

The reader, presented with the recommendation that you left in, would wonder: why are we being asked to accept that recommendation in light of the material in the second paragraph on page 166, wouldn't they?---I don't know what the reader would have thought, but - - -

10

Well, you removed any question, any possibility of the reader thinking it, by excising it, didn't you?---Yes, I think that's fair.

Well, there's no doubt you excised it, isn't there?---Yes.

And the reason you did so was because it didn't help Mr Demian's case?---Well, the reason I did it was because we had a report that actually supported the second option, which was for the 25 metre height limit and a 2.8:1, and, yeah, there's no doubt that that was what the proponent was looking for.

20

And that was different from what council had thought about the matter the last time it had been given an opportunity to look at it, wasn't it?---I'm not sure. Are we talking about the 2014?

Well, you're talking about the report that you've got - - -?---Yes.

30

- - - that supports 25 metres and 1.8:1?---Yes - sorry, say again? 2.8:1.

2.8:1. I apologise.---Yes.

You're saying that's the reason why you shaped this report the way you did, are you?---No, I'm sorry, I'm misunderstanding your question.

40

Why did you refer to the fact that you had this report when I asked you essentially why you were making these changes?---I was referring to - I was asking a question about whether you were referring to the 2014 report, in answer to your question about the first proposition that was put to the council. Sorry, I might be misunderstanding your question.

Why did you make these changes to this draft report?---I don't know. I mean, it was a while ago, but obviously we had a - we were in a position now where we had a report that actually supported what the proponent wanted. So, I guess, I changed that report to reflect that accordingly.

10 And you took out material which would have given council an opportunity to consider the recommendation in the context of urban design principles?---No, I don't believe that to be the case.

And you made the amendments that you made in order to ensure that your boss was happy and that Mr Demian was happy, to satisfy them, didn't you?---Well, certainly Mr Montague, yes.

20 What was your understanding as to why Mr Montague wanted you to come up with a solution in light of that experience you had with Mr Demian putting the 2.8:1 FSR in front of you in the fashion that he did? Why did you think Mr Montague was saying, "We need to find a solution"?---That was in reference to the meeting that we had in his office where he actually - where he explicitly told me that.

30 Why did you understand Mr Montague was taking that position?---I don't know. Obviously there were discussions that had occurred at that meeting prior to me attending that meeting.

It didn't occur to you that Mr Montague wanted to satisfy Mr Demian?---Oh, yeah, that goes probably without saying, yes.

40 If I could just take you to the handwriting on page 163. Do you see that handwriting there? That's your handwriting?---On the right-hand side, yes.

Yes?---Yes.

And you wanted that material inserted into the report; that was the purpose of making that annotation?---Yes.

Is that right?---I believe so.

You were referring to the Annand Associates Urban Design report as justifying extra height - the extra height for that corner site; is that right?---Yes.

And what's the wording that you use towards the bottom of the page in the handwriting there, if you could read it out to us?---"Corner site by 2 storeys from the general height of 6 storeys in other redeveloped sites along" presumably "Canterbury Road".

10

MR BUCHANAN: Commissioner, can I make an application, please, to have a further variation made to the non-publication order made on 12 October 2017 in respect of evidence given by this witness recorded in the transcript at page 1195 commencing line 22 and concluding on page 1196 line 26.

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THE COMMISSIONER: I vary the non-publication order made on 12 October 2017 in respect of the evidence which is recorded in the transcript commencing at page 1195 line 22 and finishing at transcript page 1196 line 26.

I VARY THE NON-PUBLICATION ORDER MADE ON 12 OCTOBER 2017 IN RESPECT OF THE EVIDENCE WHICH IS RECORDED IN THE TRANSCRIPT COMMENCING AT PAGE 1195 LINE 22 AND FINISHING AT TRANSCRIPT PAGE 1196 LINE 26.

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MR BUCHANAN: Now, before I read to you an extract from the transcript of evidence that you gave on 12 October 2017, can I just ask you to keep in front of you, please, page 163 of volume 14 and your handwritten annotation on the side, "Notwithstanding and as informed by the Annand Associates Urban Design report, the site is considered a gateway", et cetera. Keeping that in front of you and if you could listen to this extract from the transcript of your evidence on 12 October 2017:

40

And you also refer to the Annand report in this comment.---Yeah.

You say, "as informed by the Annand Associates Urban Design report".---Yeah.

Really you were informing the Annand Associates Urban Design report weren't

you?---I was - it was a bit of, a bit of give and take, yes, but I, I, I mean if I looked back at it I'd say yes.

What we've looked at today suggests that a lot of what the final report ended up looking like was influenced by what you'd asked Mr Annand to do with that report.---Correct. That's right, yeah.

10

And yet at this point you're using that report to support the recommendations that are going to council?---For this - in this particular case.

For this application.---Yeah.

20

Yes. Did you, did you do that because having an external consultant report strengthened your recommendations?---Maybe. I'm not sure.

Why did you suggest as informed by the Annand Associates Urban Design report at this point?---I don't know. I can't - as I stand here today - as I sit here today I don't recall that specifically, why I would have done that.

30

It's misleading, isn't it, to say that you were being informed by that report when really you had moulded what that report looked like?---I won't deny that. Sorry. Yeah.

40

Also in this document on page 14 of the first report, in the second half you can see that there were two options put forward by the planning officer who drafted the first draft for council consideration.---Yeah.

Option 1 is to retain the proposed height limit and reduce FSR to match.---Yeah.

And option 2 was to amend the current proposal by increasing the height to

25 metres and increasing FSR to match.---Yeah.

And you've deleted the first, you've scrubbed out the first option for council consideration?---Yeah, yeah.

10 *Why didn't - why did you not allow that option to be put before council?---I think it was because as I said before we - it was a case of trying to achieve that yield.*

Okay. So this was all to try and achieve a particular yield that the developer was seeking on that property. Is that right?---This being?

20 *The amendments that you've made to this report.---Oh look, I, I - potentially, yeah, yeah, yeah.*

You heard me read that transcript to you?---I did, yes.

Was it true evidence?---I believed so at the time, yes.

Do you believe so now?---Probably not to that extent, no. I believe that the report that was prepared by Peter Annand was a report that he supported.

30 That doesn't mean that you didn't mould it, does it?---I didn't mould his report, no.

You shaped it?---No. No. It's his report.

40 You ensured that it contained opinions in it that were required in order to support what you had been told Mr Demian wanted, by him?---Mr Annand - I certainly briefed Mr Annand in terms of what we were looking at trying to achieve on the site in terms of the height and FSR, but I didn't mould his report.

So when you told the Commission in October 2017, "It's misleading, isn't it, to say that you were being informed by that report when really you had moulded what that report looked like", and your answer was, "I won't deny that, sorry, yeah", are you saying that's not true evidence?---No, I'm not saying - - -

Is it correct evidence?---Well, that's what I believed at the time, yes.

What's wrong about it? Which bit of it is wrong? That you had moulded what the report looked like or that it was misleading what you put in there about being informed by the report, given your input into it?---I think both.

10 Both are incorrect, are they?---Look, sir, at the time that was the best - to the best of my recollection. But as I sit here, I'm of the opinion that Mr Annand came of the view that the 25 metres and that FSR, as far as the planning proposal goes, was supportable.

Yes, but the question is how did he come to that view, Mr Stavis?---I certainly briefed him in terms of what we were looking at and - - -

20 And what the proponent wanted?---Yeah, sure. Sure, yeah.

MR PARARAJASINGHAM: Commissioner, I think the witness was going to finish that answer before he was cut off by counsel assisting. Perhaps the witness can be invited to complete the answer that he was about to give, or that he was giving.

30 THE COMMISSIONER: Did you finish your first answer, when it was put to you, and you answered - sorry, I'm just looking at my notes. I think you were asked - you said, "Mr Annand became of the view that the FSR was supported." You were asked how, and you said something like, "What we were looking at" --

MR PARARAJASINGHAM: "I briefed him". My instructing solicitor's note is he said, "I briefed him on what we were looking at and", and then the question which cut him off.

40 THE COMMISSIONER: Now, was that your complete answer?---No.

All right, what did you want to add?---I just wanted to add that, after that, he obviously went away and did his, I guess, due diligence and analysis. And there was a fair bit of toing and froing to be perfectly honest with you. He was looking at different options.

What were the different options?---Look, as I said earlier in my evidence, I remember him presenting some sketch drawings and some handwritten notes of various options for this site.

10 This might be a big ask, but do you remember the chronology that Mr Buchanan took you through just after lunch? At what point in that chronology were these different options, as illustrated in sketches - when did that occur?---I believe that happened right through the process.

MR BUCHANAN: Mr Stavis, I just need to be clear about it. You made sure that Mr Annand clearly understood that he was required to provide a report which supported what you told him the proponent wanted?---If it could be supported.

And initially he said it couldn't be?---Yes.

20 And then for some reason he changed his mind; correct?---Correct.

We've been over this, but the only thing that has occurred in between is contact with you; correct?---I believe so.

And so the only thing that can account for his change of mind is contact with you?---I believe so.

30 So it must have been something that you said?---I don't necessarily agree it would have been just something I said.

What else could it have been?---As I said, I mean, this - this whole process since I got involved, there was - it was a series of discussions that we had over time, and as I sit here, I believe that he supported the proponent's proposal in a planning proposal sense.

40 Just going back to 26 June 2015 and your email to Mr Annand when he wanted to discuss with you dropping the potential FSR from 1.8 to 1.3, you said to him, "We've already let the cat out of the bag to the applicant when we received your draft report", that is to say, an FSR of 1.8:1, "We need to get as close as possible to that FSR." What were you doing when you said that to Mr Annand?---I was just expressing to him what conversations and discussions had been made - - -

But what did you mean by, "We need to get as close as

possible to that FSR"? What was the need?---Just that. That was a need, as far as I knew, at that time to achieve an FSR of 1.8:1.

But of course that's not the point of a planning proposal, is it, to try to achieve a particular FSR?---No. It's to try and see whether - it's a testing process, obviously, to see whether - what different options can be adopted for a particular site.

10

I want to suggest that that particular conversation that you had in that email with Mr Annand - this is on 26 June 2015, so it's before the revised proponent's proposal was received; volume 12, page 289 - was likely typical of the type of exchange you were having with him, which resulted in him changing his opinion as to the achievable FSR, because you said, "We need to get as close as possible to that FSR", and he said, "I think I know how to fix it"?---Look, those sorts of conversations with Peter were not unusual, no.

20

Can I take you back to the draft officer's report. Can you go, please, to page 166. I'm sorry, would you just excuse me a moment - page 163. You removed the last paragraph, which reads:

Whilst the ADG allows rooftop gardens as an alternative to ground level communal open space, CDCP 2012 prohibits roof gardens in residential zones. Provision of adequate deep soil landscaping and communal open space would necessitate a lower overall development footprint, and a corresponding lessening of floorspace in the proposed building.

30

That wasn't going to assist the proponent, either, was it?---Not necessarily, because the ADG would have taken precedence, anyway, over the CDCP 2012, and as stated here, the ADG does allow alternative to ground level communal open space in the form of rooftop gardens.

40

But it's the second sentence:

Provision of adequate deep soil landscaping and communal open space would necessitate a lower overall development footprint, and

*a corresponding lessening of floorspace in
the proposed building.*

That's the killer point, isn't it?---Not really, because, as I said, this is a planning proposal we're dealing with. We're not dealing with a development application.

10 Mr Stavis, that sentence there did not favour the proponent, did it?---I wouldn't put it in those terms, sorry.

How do you say that that sentence there would have helped the proponent, for the councillors to learn that there might need to be a lessening of floor space in the proposed building? How would that help Mr Demian?---I'm not saying it would have helped him, no.

20 Well, it obviously wouldn't have, would it?---Look, I mean, if I have to answer that, I'd say, yeah, you're right.

And you removed it because it was unfavourable to Mr Demian, the same as the preceding paragraph, didn't you?---No.

What do you say was the situation, then?---Look, I just - - -

30 These two paragraphs, just focusing on those two paragraphs.---Sure.

Didn't you remove them because they would have been unfavourable to Mr Demian? You say no. Why not?---I think it's a case of detail in that paragraph.

THE COMMISSIONER: Sorry, a case of what?---Just - - -

I didn't hear what you said?---Detail, sorry.

40 Detail?---Yeah. I mean, for me, those sorts of assessments generally speaking are done under a development application phase. As I've said in previous evidence, just because a height is amended in an LEP and an FSR is amended in an LEP does not necessarily forgo, I guess, any sort of compliance in relation to a development application process.

MR BUCHANAN: So are you telling us you thought it was too

much detail and that's why you'd take it out? Is that your story?---Look, I don't remember, as I said at the beginning of this, I don't remember making these changes to this report. I'm just trying to do the best I can to answer your questions.

10 And you don't accept that those two paragraphs at the bottom of page 163 were unfavourable to the proponent?---Certainly the first one I don't think is unfavourable because it allows an option for communal open space to be provided in the rooftop.

I'm sorry, my mistake. The two paragraphs there, you don't think that you removed them because they were unfavourable to Mr Demian?---These are the last two paragraphs you're referring to?

Yes, yes.---Probably.

20 And they would have supported the first option as drafted in this document that was presented to you as a first draft of the officer's report?---No, I don't think so.

How would they not have supported the first option?---Well, because what you're inferring there is that that is the justification for allowing the FSR and height that was presented in the first option.

30 Yes - - -?---But that's not the case.

- - - which is something smaller and lesser than the second option; simple as that?---No, I don't believe that to be the case, certainly within the first paragraph, anyway.

Page 165, fourth-last paragraph - sorry. Do you see the fourth-last paragraph, the last sentence is crossed out?---Yes.

40 You removed material that indicated that an FSR of 1.5:1 would be compliant but would still represent an increase over the current FSR of 0.5:1?---No, I don't believe that I removed the 1.5:1.

But you've removed the comment, the explanation - - -?---Oh, sorry.

- - - contextualisation - - -?---Sure.

- - - that it would still represent an increase over the current floor space ratio?---Yes.

Why did you remove that?---I think because that was relevant to option 1, and this was drafted, I guess, in support of option 2.

10 So you essentially removed material that would have supported the recommendation as drafted that would have indicated a preservation of the status quo as at the last time council had looked at it? Is that a fair description of your editing process?---Can you say that again, sorry?

Yes, sure. I'll try and break it up. Option 1 is at page 166. Do you see that?---Yes.

And it has been crossed out?---Yes.

20 Now, by and large, that was an option to preserve the status quo as at the last time council had looked at it?---Yes, I believe so.

Excuse me, sir. I apologise. We'll just check something, if we can. If I can just provide you with this information. I think we came to it a long time ago, but council's resolution recorded in volume 11, page 225, on 2 October 2014 was that in respect of 998 Punchbowl Road, a planning proposal be progressed and submitted to the department to rezone the land to R4 with a height of 30 15 metres and the FSR increased to 2.2:1?---Right.

Now, the first option that was drafted that you removed took the situation back, didn't it, almost to the recommendation in the officer's report?---I think it was pretty close, yes.

40 So you removed from council the opportunity in terms of informing it of what its options were of having a situation that, to all practical purposes, preserved the status quo as at the time that council last looked at it back in 2014?---So that was the 2.2:1?

Yes, and 15 metres?---I don't know whether that was a conscious thing that I did, to be honest with you. And I'm not - I haven't read the report, the 10 March 2016 report in detail to see if there is a bit of a history

there that explains all of that. I'm not sure how - - -

Did you think that option 1 should be removed because it didn't accurately represent the status quo?---I don't recall the actual changes, as I said before, that I've made to this report.

Well, they're in front of you.---No, no, but I mean what the thinking behind it was.

10

Well, accept that we can see that option 1 wasn't as favourable to Mr Demian as option 2 was?---Sure.

And you caused option 1 and any material which supported it to be removed?---Sure. I accept that.

20

Can I just ask you about this material. Can I take you to page 194. This is the officer's report in the business papers that were prepared for the meeting of council on 17 March 2016. Can you see that the last paragraph, in the first line says:

Annand Associates were engaged by Council to provide an independent urban design assessment in line with DPE's request.

?---Yes.

30

You left that material in the report - I'm not suggesting you inserted it. I'm suggesting it was as drafted, but you left it in the report; correct?---I think that's - yeah, that's probably the case, yes.

And you knew that the suggestion that that conveyed to council was that the material in option 1 was drawn from an expert report which had been prepared independently of council, didn't it?---Yes.

40

And that would have been quite misleading, wouldn't it?---What - this statement?

That it was prepared independently of council?---No, I don't believe that to be the case, no.

It implied that Mr Annand's final report was independent, didn't it?---Yes.

And you knew that his final report was not independent, didn't you?---Look, all I knew was that he was happy to support a proposal in the end of 2.8:1.

He did what he was told?---No, that's not true.

10 Now, can I ask you to think back - I appreciate you say you don't have a memory of making the changes to the officer's report, but looking at the document commencing at page 153 in volume 14, if we could just go back to that first page?---Yes.

You took this document with those changes written on it by you around to Mr Foster in your office, didn't you?---I may have.

20 And you spoke to him about the draft report, didn't you?---I vaguely recall having a discussion with him about it, yes.

You explained to Mr Foster your view that, in the circumstances, presenting council with the options as you had annotated them was the preferable way of approaching the issues?---I don't recall that.

Did you explain to Mr Foster why you had removed option 1 and the material supporting it?---I really don't remember.

30 It's unlikely, isn't it, that you would have not had some sort of discussion with him in which you had addressed why you had cut out one of the two options that he had drafted in the report?---No, I don't accept that - - -

40 You might have left him in the dark?---No, no. I was just going to explain that there were a whole heap of reports that were vetted by me. So whether I just went through the proper - the normal system of handing it to Eva, who was my PA, to pass on, I'm not sure, or whether I did have a discussion with him. I really don't recall.

You said to Mr Foster, didn't you, words to the effect, "No, this is the way we're going. We want a positive outcome"?---I don't believe using - saying anything like that to him - sorry, I don't recall.

You used language in a conversation with Mr Foster whilst you were discussing with him your annotations to this

report, or your annotated version of his report, which indicated you wanted to achieve an outcome which was positive for the proponent?---No, I don't remember that.

And at the end of speaking with Mr Foster about this version of the draft, you said to him words to the effect, "When you're finished with that, get rid of it, will you", didn't you?---No, absolutely not.

10 Did you want Mr Foster to destroy evidence of your amendments?---No.

Did you want Mr Foster to destroy evidence of his original draft?---No.

Did you understand that if someone came across your amendments to Mr Foster's draft, it might put you in a bad light?---No.

20 Now, can I take you back, if I can, please, to the document as presented to council. If I can take you to page 182, this is the summary, front page, of the report. Do you see that?---I do, yes.

Can you see the second-last dot point:

30 *The amended scheme has been assessed by our external urban design consultant (Annand Associates) who has recommended approval of this amended scheme from an urban design perspective.*

?---Yes.

Now, that had as its origins a passage in the draft which you reviewed. If you can keep your finger on page 182 and go to page 153?---Yes.

40 Do you see the last dot point in the draft says:

In January 2015 the new final urban design report was received that recommended an alternative design solution with an FSR of 2.8:1 and Height limit of 25m...

?--- Yes.

So it was in, what I suggest to you was Mr Foster's original draft, but you allowed it to remain in and to go forward to council, didn't you?---Sorry, are you comparing it with page 182?

You allowed that passage - if you go back to page 182, yes, I am, sorry - to go forward to council, didn't you?---So we're back to 153, we're talking about - - -

10 No, page 182, second-last dot point.---Yes, yes.

It says:

The amended scheme has been assessed by our external urban design consultant (Annand Associates) who has recommended approval of this amended scheme from an urban design perspective.

20 ?---Yes.

You knew that was incorrect, didn't you?---No.

Well, had you read Mr Annand's final report?---I believe I would have at the time.

He didn't recommend it at all, did he?---Look, that I can't be sure of, I'm sorry.

30 Can I take you to page 112 in this volume. There's a recommendation in respect of rezoning, number 2; a recommendation in respect of the maximum height, eight storeys or 25 metres; but there's no FSR recommendation, is there?---Not in the recommendations, no, but I'm not sure if it's in the main body of the report, though.

40 But this is the recommendations?---Yeah, but that may be an omission on his part. I can't explain it any other way, but I vaguely remember him supporting the 2.8:1 and I'd be surprised if he hasn't done that throughout his report.

Does that mean he recommended it? To say that something is achievable is not to necessarily recommend it, is it?---Maybe that was a poor choice of words on my part. I - I'm not even certain that I actually drafted that, that paragraph that you're referring to in 182.

So did you not review any further draft of the report before it went to council?---The council report?

Yes.---I can't be certain if I did, apart from after making those changes that I did, I don't recall reviewing it again.

Could you have a look at page 168 in volume 14, please?---Sure.

10

This is the second draft, and can you see some handwriting on it?---Oh, yes.

It's your handwriting?---It is. It is.

And it's dated 2 March 2016?---It is. I apologise.

20

And if you go to page 181 of this draft, you can see that recommendation 1 has disappeared, so you can see that it's a further iteration - option 1 has disappeared?---Option 1, sorry - yes.

30

You didn't allow a report to go forward to council by way of an officer's report certainly in respect of a property that you knew Mr Montague and Mr Demian took a particular interest in unless you had scrutinised it to make sure that you were happy with it, did you?---I - look, the report - it's definite that the report was written in the context of option 2 in the recommendations that Peter Annand had put forward. To say "scrutinised", look, I would have done the normal checks and balances like any other report.

MR BUCHANAN: Commissioner, could I make an application to vary the non-publication order made on 12 October 2017 in respect of the evidence given by this witness as recorded in the transcript at pages 1197 to 1198, commencing at line 29 and concluding on page 1198 at line 14.

40

THE COMMISSIONER: I vary the non-publication order made on 12 October 2017 to exclude the evidence recorded in the transcript commencing at page 1197 line 29 and finishing at transcript page 1198 line 14.

I VARY THE NON-PUBLICATION ORDER MADE ON 12 OCTOBER 2017 TO EXCLUDE THE EVIDENCE RECORDED IN THE TRANSCRIPT COMMENCING AT PAGE 1197 LINE 29 AND FINISHING AT TRANSCRIPT PAGE 1198

LINE 14.

MR BUCHANAN: Mr Stavis, if you could listen to me read an extract from the transcript of evidence that you gave to the Commission on 12 October 2017, and then I'll ask you some questions about it.

10 *So this is the report that ultimately went to the council meeting on 17 March, 2016.---Sorry, what page was that on?*

Page 337.---337, yep.

And you can see it's under the director of city planning title.---Yeah.

20 *And ultimately I'd like to take you to the second-last dot point under Summary. If you could read that.---Yeah. Yeah.*

And that says that, "The amended scheme has been assessed by our external urban design consultant, Annand Associates has recommended approval of this amended scheme from an urban design perspective".---Yep.

30 *And you knew at that point that Mr Annand hasn't actually recommended approval of that scheme?---I recall, I recall having um, at the end of the day that Mr Annand was comfortable with the contents of his final report.*

We looked at the contents of the final report - - -?---Yeah.

40 *- - - before and in Recommendations there was no recommendation that the amended scheme be approved. We can go back to it if you like.---No, I recall that document, yeah.*

And in fact Mr Annand's report says it was possible that the FSR could be achieved on the site but there's not really anything stronger than that which says that he

recommends approval of the application, of the amended scheme from an urban design perspective.---Right.

So what I'm suggesting to you is that the language used in this report overstates Mr Annand's conclusions.---I think that's fair comment.

10 *Was there a reason for that?---No, I, I - sorry, I don't recall, to be honest with you.*

Did you hear me read that extract from the transcript of the evidence you gave on that subject on 12 October 2017?---Yes.

Was that true evidence?---I believe so, yes.

20 Can I take you to the urban design review panel?---Sure.

Were tenders called for urban designers to become members of that panel?---I don't believe so. I mean, there was a draft report that was being - as I said in my previous evidence, there was a process that we went through to try and come up with the best model. We engaged the services of an external consultant to assist us with that, and it never got to that point, as far as I'm aware. I had left and I'm not even sure if it has been adopted.

30 Was consideration given to placing Mr Annand on the panel?---No. There was no consideration of anyone at that point in time because we didn't know what we - what form this panel was going to take.

Can I just take you, if I can, to an email conversation on page 201 in volume 14. At the bottom of page 201 is an email from Mr Annand to you dated 29 April 2016, which reads:

40

Noticed COUNCIL IS CALLING FOR TENDERS FOR URBAN DESIGN REPORTS ... DO I NEED TO APPLY???

Signed "Peter". You responded at 10.53 on 29 April with the words, "You can." Mr Annand replied at 10.58:

Do I need to?

You replied at 11.01am:

Not really. Only if you want. It is only to comment on DAs.

?---Sure.

10 Does that assist your recollection of the stage the concept of an urban design review panel reached by, say, April 2016?---Not really. I mean, I don't recall this email exchange, and I'm not sure if - where he noticed that they were calling for tendering. I don't believe we ever did call for tenders. As I said, we were developing a process by which we could do that. There were certainly occasions where we referred, in the same way as 998 was referred to him for comment and preparation of reports, we referred to other urban designers, but that was in a piecemeal way.
20 What I was referring to in terms of the urban design panel was something that was going to be more standardised.

This email exchange occurs after the meeting of council on 17 March at which the recommendation made in the officer's report in respect of 998 Punchbowl Road was adopted; the resolution appears at page 197 in volume 14. That's on 17 March.

30 THE COMMISSIONER: Mr Buchanan, could we just have a five-minute break?

MR BUCHANAN: Yes, sure.

SHORT ADJOURNMENT

[3.30pm]

40 MR BUCHANAN: I was asking you about an email conversation with Mr Annand on 29 April 2016 about whether he needed to apply for the urban design review panel. Can I just ask you to have a look at exhibit 85, page 57. We can bring it up on the screen, which might be the easiest way to show it to you. Can you see that it's a calendar entry organised by your PA where the attendees were to be yourself and Peter Annand, and there's no particular matter identified, simply "Meeting with Spiro". That's the day before this email conversation. Was there a meeting on 28 April 2016

with Mr Annand?---That I'm not sure about, sorry.

You can see that one was scheduled?---Yeah, but whether I was the instigator or whether it was him, it wasn't unusual for people to ring my PA to arrange for meetings. So I can't explain that. I don't recall that meeting.

10 Did you have a meeting shortly before Mr Annand's email conversation with you of 29 April 2016 in which you canvassed with him him getting work from an urban design review panel that council was establishing?---No, not that I can recall, no.

Thank you. I'd like to take you to a different property now, the Harrison's - - -

20 THE COMMISSIONER: Just before we do that. I meant to ask you - after Mr Buchanan took you through the chronology of Mr Annand's different opinions, it was put to you that Mr Annand had changed his mind about the FSR because of the pressure that you had placed him on. You disagreed with that and said it was because of "the incarnations of the planning proposal over time". Do you remember giving that answer?---Yes.

What did you mean by "the incarnations of the planning proposal over time"?---There were a number of FSRs and heights proposed across, so it was in reference to that.

30 They didn't go down. They actually went up?---Yeah. Well - yeah, that's right.

Your answer would make - I won't say "more sense", but I think would be more understandable if a proponent started with what may have been an ambit claim and then progressively decreased the FSR or decreased the storeys, while here we've got the opposite happening?---Yeah, I can't offer any insight into that, I'm sorry. Yeah.

40 THE COMMISSIONER: All right.

MR BUCHANAN: Isn't a way of explaining it the pressure that you received from Mr Montague and Mr Demian?---That could be a part explanation for it, yes.

What other part could there be?---Mr Demian was renowned for lodging applications and planning proposals and

documents, and they weren't necessarily reflective of what had been discussed in previous meetings and so forth. So it wouldn't surprise me if they were just instigated by him. As far as any detail pertaining to any of those incarnations, as I referred to, I can't really provide any insight into that.

If I could move to the Harrison's site, please?---Sure.

10 548-568 Canterbury Road. You joined council, in terms of starting work, in March 2015. Now, you became involved in the Harrison's site insofar as council was dealing with it from an early stage; I think that's right to say - from an early stage in your career at Canterbury?---That's probably the case, yeah. I don't remember exactly when, but yeah.

I'll take you to some documents, but I'd just like to take you through some history. I assume that you acquainted yourself with the history of the matter once you became
20 involved in it?---I believe so, yes.

And if I take you to just a few, what I suggest were at that stage milestones in the history of the matter, volume 11, page 132. Volume 11 in exhibit 52.

MR PARARAJASINGHAM: Sorry, what page?

MR BUCHANAN: 132.

30 If you turn to page 132 - actually, we can probably avoid having to go through motions and I can just take you straight to the resolution, commencing on page 136 in volume 11. Can you see there in the middle of the page "resolved" and then point 3:

A planning proposal be prepared in respect of the following changes to the Canterbury LEP.

40 And then items 3.1 and following. Can you see that?---Where does it say "planning proposal be prepared", sorry? Oh, point 3?

Yes.---Yes, sorry, yes.

So going, then, to page 137, item 3.8:

*Increase the maximum building height
applying to 548 Canterbury Road, Belmore
from 18 metres to 25 metres.*

Do you see that?---Sorry, what point number was that?

3.8.---Yes, I do, yes.

10 You can see that it's in the context of a number of
different sites?---Yes.

So that's 31 October 2013. If I can take you, then, to
volume 11, page 213, this is a letter to council from the
RMS dated 7 August 2014?---Yes.

Do you see that?---Yes.

20 And I'm not going to ask you to read the whole letter, but
you certainly became aware, didn't you, that the RMS raised
concerns with council about the planning proposal because
of its impact on roads and other transport
infrastructure?---At some point in time I did, yes.

If I can take you, then, to page 228 and perhaps take you
back to page 227 just for context, this is the meeting of
council on 2 October 2014?---Yes.

30 And it's a resolution that the planning proposal to amend
the LEP be progressed and submitted in respect of the
following sites, and as per the maps and summaries
identified in this report, and if you go over to page 228,
you can see that the second dot point on that page is:

*548-568 Canterbury Road, Campsie - to
increase the height limit to 25 metres.*

?---Yes.

40 So that was to be referred to the department for Gateway
Determination. Taking you, then, if I can, please, to
a fresh volume, exhibit 52, volume 19, page 88 -
exhibit 69, I'm sorry. Volume 19 in exhibit 69, page 88.
Would you just excuse me a moment, Mr Stavis. I just want
to check something. Yes, it's the same document, and
I apologise for taking you to the same document, but we can
actually serve a useful purpose by taking you to page 91.
So it's the same RMS letter, that is to say, dated 7 August

2014, that I showed you earlier in volume 11, page 213, but can you see that on page 91, item F is "548-568 Canterbury Road, Belmore"?---Yes.

And looking at the second sentence:

10 *Roads and Maritime will support the proposed rezoning subject to the potential traffic impacts of the maximum developable yield of the site being considered and assessed. Traffic impacts on Canterbury Road and the junction of Elizabeth Street and Canterbury Road should be assessed. Roads and Maritime is likely to require access to be provided from the adjoining local road network for any future development or subdivision of the subject site.*

20 Now, it was in response to those concerns, I want to suggest to you, that the increase in height for development of 548-568 Canterbury Road site was dropped from council's planning proposal. Do you recall that occurring?---No. It was before my time, I believe.

30 Yes, I'm sorry. Fair point. But do you recall learning that that occurred, that 548-568 was taken out of the larger planning proposal process as a result of RMS concerns?---I do, and I believe it also had to do with the cumulative effect of a number of those sites, yeah.

Can I take you, then, to volume 18, page 240, please. Did you learn that an approval was granted for a six-storey development on the site at 548 Canterbury Road?---At some point in time I did, yes.

40 And that in front of you is a copy of an approval by the Sydney East Joint Regional Planning Panel for that particular DA, DA-509/2013?---I believe so, yes.

Can I ask you just to have a look at the material in about the middle of the determination, where it says "Reasons for panel decision", where it indicates:

The Panel's reasons for approval are:

(a) The proposal complies with the relevant

planning controls, with the exception of building height.

(b) The variation to building height is mainly due to the lift overrun.

(c) The variation to building height has been justified under c1 4.6 of the Canterbury LEP 2012.

10

(d) The proposal is consistent with the desired future character of the area.

20

Once you started coming to grips with the 548 matter, you would have been aware of that decision on the part of the JRPP which created, as it were, an approved development and what it said about the justification for the height, which was due mainly to lift overrun?---I can't honestly recall whether I looked at those reasons in any detail, to be honest with you, but I had an understanding that it did go to the JRPP and was for a six-storey building. But in terms of clause 4.6 at the time, I don't remember, to be honest with you.

But isn't it likely that you would have acquainted yourself with the file?---I believe so, yeah.

And this was on the file?---Yes.

30

And so the chances are that you would have read the determination by the Joint Regional Planning Panel?---I think it's likely, yes.

40

The point of significance to questions I'll be asking you later is that the decision was that it didn't comply with the building height control but that the excess was relatively minor and had been justified, in the opinion of the panel, under clause 4.6?---Yeah, I think that's fair comment.

Can I take you, then, to volume 19, pages 4 to 12. When you arrived, this development application was with council, as it were; is that right?---Which application is this, sorry?

Do you see volume 19, page 4?---Yes.

It has a "received" stamp, if I read it correctly, of 16 December, I think?---Yes.

2014?---Yes.

And it's for DA592/2014. Do you see that?---Yes, yes.

And do you see that the applicant is identified as Statewide Planning?---Yes.

10

You knew that to be Mr Demian's company?---I actually thought it was more Matt Daniel, I think. But I later found out that Mr Demian had some association with Statewide Planning.

And if you go to item 3 on that page, the street number is 548 Canterbury Road?---Yes, that's right.

20

Do you see that the owner's consent is signed purportedly by Mr Demian?---I don't recognise his signature, anyway, but I'm assuming that's the - - -

Okay. Do you accept that this document indicates that the owner was Charlie Demian?---Sorry. Yes, I do.

Going over to page 5 of volume 19, can you see item 6, "Construction of an extra 2 storey level on the approved 6 storey building with a total of 20 dwellings". Did I read it correctly?---I'm not sure if that's a 2 or a 7.

30

"70 dwellings". You might be right, Mr Stavis. I stand corrected.---Yes.

Thank you. And that was undetermined as at the time you arrived at council in March 2015?---I believe so.

40

And can I take you, please, back to volume 18, page 292, and do you see that that's a section 96 application received by council on the same date apparently as the application to add two storeys to the approved development at 548 Canterbury Road, and it was assigned the DA number 509/13/A?---I believe the dates are different.

MR BUCHANAN: Oh.

THE COMMISSIONER: Yes, one was December.

MR BUCHANAN: Oh, thank you. Thank you.---That's okay.

Thank you for that correction. So this is 26 November 2014. The previous one was December. Thank you, Mr Stavis. And this section 96 application was undetermined as at the time you arrived at council in March 2015; is that right?---I believe so, yes.

10 MR BUCHANAN: Commissioner, I note the time. There is just one administrative matter I would like to raise, if it's convenient.

THE COMMISSIONER: Yes.

20 MR BUCHANAN: Commissioner, we have copies of Mr Stavis's diaries and notebooks that I have been referring to as "exercise books". The copies are copies to the extent that anything with writing on it has been copied. Anything that was a blank page has not been copied. We provide this to Mr Stavis so that he has an opportunity overnight to review it and to identify, if he can, please, for us in the morning, notes of any meetings with Mr Annand.

THE COMMISSIONER: All right, Mr Stavis, you've got some homework.

MR BUCHANAN: So if this could be provided to the witness, please.

30 THE COMMISSIONER: You have time to do that overnight?---It's going to be difficult overnight because I've got commitments for kids, but I'll do my best.

All right, can you do your best and we'll double-check with you in the morning?---Okay. Thank you.

40 MR BUCHANAN: Please, Mr Stavis, I don't want you to say that you haven't had enough time, if that's the case. I'd much prefer to raise this with you after you have had the time. How about, instead, I indicate that we won't ask you for a response as to whether there are any notes in it that you can take us to of a meeting with Mr Annand until Monday of next week?---That's fine. That's fine. That's much better, thank you.

MR BUCHANAN: Thank you.

THE COMMISSIONER: Any other administrative matters?
All right, we are adjourned until tomorrow morning at 9.30.

THE WITNESS STOOD DOWN [4.00pm]

AT 4.00PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.00pm]

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