

WITNEYPUB01791  
29/09/2021

WITNEY  
pp 01791-01847

PUBLIC  
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION WITNEY

Reference: Operation E19/1452

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 29 SEPTEMBER, 2021

AT 10.00AM

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 RANKEN: So, Commissioner, sorry, I do apologise. I believe that we haven't quite got the live stream up and running.

THE COMMISSIONER: All right. Well, I'll adjourn until we're ready, and if somebody would let me know.

MR RANKEN: Yes, we should only be a few moments. And Mr Neil is present, but he's just outside the hearing room, and I will go and collect him.

10

THE COMMISSIONER: I'll adjourn, then. Would you let me know when you're ready?

MR RANKEN: Yes.

### **SHORT ADJOURNMENT**

**[10.05am]**

20 THE COMMISSIONER: Yes, Mr Ranken.

MR RANKEN: Yes, Commissioner. This is a reopened public inquiry in relation to the Commission's investigation into, amongst other things, whether between 26 March, 2011 and 6 February, 2018, the State Member for Drummoyne, the Honourable John Sidoti, attempted to improperly influence local councillors on the City of Canada Bay Council, and/or council staff members, to dishonestly or partially exercise any of their official functions in respect of advancing amendments to development controls affecting - - -

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THE COMMISSIONER: Mr Ranken, could I just interrupt you for a moment. I'm having some trouble hearing you. If you could speak closer to the microphone.

MR RANKEN: I do apologise.

THE COMMISSIONER: Because of all the masks on and so on, it just makes a degree of difficulty.

40 MR RANKEN: Yes, I was saying, Chief Commissioner, this is a resumption of the public inquiry in relation to certain allegations made concerning the State Member for Drummoyne, the Honourable John Sidoti, and whether between 26 March, 2011 and 6 February, 2018 he attempted to improperly influence local councillors on the City of Canada Bay Council, and/or council staff members, to dishonestly or partially exercise any of their official functions in respect of advancing amendments to development controls affecting certain properties in Five Dock, in which he and/or other members of his immediate family had an interest. Now, Commissioner, I

understand there are matters which you may wish to raise before we formally reopen or resume the public inquiry concerning the Commission's sitting times and other procedural matters, or would you like me to continue on with my brief opening remarks at this time?

10 THE COMMISSIONER: Mr Ranken, what I might do is just to outline the procedural matters so everyone is informed as to how the proceedings will be conducted. Then I'll ask you to resume the opening of the public inquiry. I will then confirm appearances. I see Mr Neil is here. And I'll  
10 deal with formally the appearances after you've completed your opening. So I'll proceed on that basis, then. Let me deal with the procedural matters before you resume.

20 This is a reopened public inquiry, as Counsel Assisting has just stated, into allegations concerning Mr John Sidoti. Those allegations were the subject of the public inquiry that was conducted earlier this year between the dates of 29 March and 27 April this year. The allegations to which that public inquiry was directed were, firstly, whether between approximately  
20 November 2013 and September 2017 Mr Sidoti improperly influenced or attempted to influence the honest and impartial exercise of the public official functions of the Liberal councillors of the City of Canada Bay Council to achieve certain planning outcomes that would benefit his family's property interests in the Five Dock area. And, secondly, whether  
between 30 June, 2011 and 30 June, 2019 Mr Sidoti engaged in a breach of public trust by failing to make a number of pecuniary interest disclosures, contrary to his obligation to do so under the Constitution (Disclosures by Members) Regulation 1983, the Code of Conduct for Members, and the Ministerial Code of Conduct.

30 The general scope and purpose of this reopened public inquiry is to investigate and address matters arising from evidentiary material that's been provided by Mr Sidoti following the close of the previous public inquiry, which Mr Sidoti has requested be included as evidence in the Commission's investigation. And I note for the record Mr Ranken again appears as Counsel Assisting.

40 I will proceed to deal with the procedural matters, and then I'll invite Counsel Assisting to continue the opening of this segment of the public inquiry. Firstly, the Commission's sitting times and dates. For the purpose of this reopened public inquiry, the Commission will sit today and tomorrow, Thursday, 30 September, and if required, on Friday, the 1<sup>st</sup> of October next. The sitting times will generally be between 10.00am and 4.00pm, with a morning tea adjournment around 11.30 and a lunch break between 1.00 and 2.00pm.

The next matter is that I wish to make some observations in relation to the fact that this public inquiry is being conducted in accordance with the Commission's COVID-19 protocol. That protocol is published and it can be

found on the Commission's website. I ask that all those involved in this public inquiry do, if they haven't already done so, familiarise themselves with the Commission's protocol, and in the interests of safety to everyone, adhere to the procedures set out in it.

10 In order to minimise the risk to those participating in the Commission's public inquiries, and given the serious nature of the current COVID-19 situation in New South Wales, the Commission has put in place a number of arrangements, in consultation with NSW Health and in accordance with relevant public health orders, to ensure the safe and effective conduct of such inquiries.

20 Only those whose presence on Commission premises I have deemed essential for the effective conduct of the public inquiry will be permitted onsite. Members of the public and the media will therefore not be permitted to attend the premises for the purposes of this reopened public inquiry. They will be able to observe the public inquiry through live streaming and they will be able to access transcripts and exhibits on the Commission's website. Only fully vaccinated persons are permitted to attend the Commission's premises, and no one is permitted to attend who lives in a local government area of concern. The number of persons present in this hearing room must and will be kept to a minimum.

30 As far as practicable, those Commission officers involved in this public inquiry will operate remotely, away from the Commission premises. MS Teams is the AVL technology the Commission is using to conduct compulsory examinations at this time, and that means that both those whose presence in the hearing room has been deemed essential and those Commission officers and others, including parties involved in the public inquiry and their legal representatives, where applicable, who are unable to be physically present in the hearing room, will participate in the public inquiry through MS Teams. I will have more to say about certain housekeeping matters connected with the use of MS Teams a little later.

40 To deal with applications to appear at the public inquiry and for legal representation, I note that I have previously received and I have granted applications as follows. The application by Mr Maurice Neil, Queen's Counsel, and Mr Tyson of Counsel to appear for Mr Sidoti, instructed by KPL Lawyers. I have also granted the applications from Mr Neil and Mr Tyson to be physically present each day in the hearing room as essential, in my view, to the fair and effective conduct of this public inquiry. I note that the other witnesses who are called to give evidence in this public inquiry are not legally represented. Those witnesses called to give evidence in this reopened public inquiry will do so in person. Other than them giving evidence in this inquiry, those witnesses and other interested parties invited by the Commission may participate in this public inquiry via MS Teams.

Now, Mr Ranken, one matter that I will direct towards you, I understand that you may make application under section 112 of the Independent Commission Against Corruption Act at some point or points in the hearing for the purposes of obtaining a suppression order, and I will be guided by you in terms of what applications in that respect you may make, protecting against the publication, for example, to any person outside the Commission of any private email addresses, private residential addresses, private phone numbers, bank account numbers, tax file numbers, contained in any of the exhibits to be tendered in this inquiry and/or other documents shown during the inquiry, with the exception of Commissioner officers for statutory purposes and between witnesses in the inquiry and their legal representatives, subject to any further order of the Commission. My understanding, Mr Ranken, is that those are the sort of matters that you may seek to invoke the provisions of section 112. Is that so?

MR RANKEN: If it's convenient, Chief Commissioner, I seek a suppression order in those terms now. It may be convenient to do that in terms of a suppression order pursuant to section 112 of the Independent Commission Against Corruption Act, protecting against the publication to any person outside the Commission of any private email addresses, private residential addresses, private phone numbers, bank account numbers and tax file numbers contained in any of the exhibits to be tendered in this inquiry and/or other documents shown during the inquiry, with the exception of Commission officers or for statutory purposes, and between witnesses in the inquiry and their legal representatives, subject to any further order of the Commission.

THE COMMISSIONER: Very well. Thank you. I'll deal with that matter. In accordance with the provisions of section 112 of the Independent Commission Against Corruption Act and having regard to both public interest issues and privacy issues, I propose to make an order under those provisions under the Act in the following terms. I make an order prohibiting publication to any person, any private email addresses, private residential addresses, private phone numbers, bank account numbers, tax file numbers, contained in any exhibits to be tendered in this inquiry and/or other documents shown during the course of the inquiry, with the exception of Commission officers for statutory purposes, and between witnesses in the inquiry and their legal representatives, subject to any further order of the Commission.

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**SUPPRESSION ORDER: IN ACCORDANCE WITH THE PROVISIONS OF SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT AND HAVING REGARD TO BOTH PUBLIC INTEREST ISSUES AND PRIVACY ISSUES, I PROPOSE TO MAKE AN ORDER UNDER THOSE PROVISIONS UNDER THE ACT IN THE FOLLOWING TERMS. I MAKE AN ORDER PROHIBITING PUBLICATION TO ANY**

**PERSON, ANY PRIVATE EMAIL ADDRESSES, PRIVATE RESIDENTIAL ADDRESSES, PRIVATE PHONE NUMBERS, BANK ACCOUNT NUMBERS, TAX FILE NUMBERS, CONTAINED IN ANY EXHIBITS TO BE TENDERED IN THIS INQUIRY AND/OR OTHER DOCUMENTS SHOWN DURING THE COURSE OF THE INQUIRY, WITH THE EXCEPTION OF COMMISSION OFFICERS FOR STATUTORY PURPOSES, AND BETWEEN WITNESSES IN THE INQUIRY AND THEIR LEGAL REPRESENTATIVES, SUBJECT TO ANY FURTHER ORDER OF THE COMMISSION.**

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THE COMMISSIONER: Now, Mr Ranken, have I covered everything?

MR RANKEN: Yes, you have. Yes, thank you.

THE COMMISSIONER: Now, before we call the first witness at this resumed public inquiry there are some housekeeping matters related to the use of MS Teams to conduct the public inquiry that I need to set out, but briefly, for the benefit of those participating remotely. First, for those participating remotely it is important that you ensure your microphone and camera are turned off at all times. For those of us present in the hearing room, our microphones and cameras will remain on at all times and the recording will continue all day.

20

In relation to the sitting hours that I've already referred to, I will vary those times as I propose to take a morning tea adjournment at 11.30 for approximately 30 minutes by reason of the fact that I have to deal with another commitment unrelated to this matter in that half-hour interval. During that time those participating remotely should ensure that their microphones and cameras remain turned off, but that they do not leave the MS Teams session and it remains running. They should be ready to resume their participation in the session at approximately 11.55 today or within about 15 minutes or so on the other days when we take the morning tea adjournment.

30

Any documents that need to be shown to a witness will be presented through MS Teams by our Commission officer, who is doing so remotely. They will appear on the screen in front of the witness. Should there be a need to enlarge or zoom into the document to make it more legible, this should be conveyed aloud so that the document presenter can make any necessary adjustments to the presented document. In the event of unforeseen and unavoidable technological issues, the Commission will temporarily adjourn to deal with such issues.

40

I am also being asked to address the position that when we break for lunch at 1.00pm, those participating remotely will leave the morning MS Teams session. When the examination resumes after lunch, remote participants will need to sign into a new afternoon MS Teams session for which they

will have received an invitation or a link to join. It is important that remote participants are signed in and ready to resume the examination by 1.50pm so that there is no delay in restarting and any technical issues can be addressed.

That completes the procedural matters to which I've referred need to be addressed. Now, Mr Ranken, are you ready to proceed with the evidence?

MR RANKEN: Well, if I could start with some brief opening remarks about the resumption of the public inquiry.

10

THE COMMISSIONER: Yes, indeed. Sorry, I did not intend to preclude you from resuming your opening.

MR RANKEN: But before I do so if I might also make the observation for the benefit of those who may be participating via MS Teams that as far as the live stream video that they will be able to see is concerned, the technology is such that it is only possible to have visible on that stream you, Commissioner, yourself, myself and the witness who will be appearing and will be answering any questions. That means that whilst Mr Neil and Mr  
20 Tyson are present in the hearing room in order to ensure that there is appropriate social distancing maintained, they will be able to be heard across the live stream but they will not be able to be seen by those who are observing the proceedings via the MS Teams. I just make that observation in case there may be persons participating or wondering why it is that they are unable to see Mr Neil or Mr Tyson who are present in the hearing room.

20

THE COMMISSIONER: All right. Well, I apologise, Mr Neil, and others. Nothing much we can do about it. Apparently, we have technological barriers which we can't overcome.

30

MR NEIL: Understood, Commissioner.

THE COMMISSIONER: Thank you. Yes, Mr Ranken.

MR RANKEN: Yes. Chief Commissioner, as you observed at the outset, the public inquiry in relation to this matter commenced on 29 March, 2021, and continued up to and including 27 April, 2021. It has become necessary to resume the public inquiry as a result of certain information that was provided to this Commission by those acting on behalf of Mr Sidoti  
40 following the conclusion of the evidence at the public inquiry. More specifically, that information was in the form of a statutory declaration that was obtained by Mr Sidoti's legal representatives on 12 May, 2021, that is, some two weeks after the evidence at the public inquiry had completed and subsequently provided that statutory declaration to the Commission by email on 17 May, 2021.

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The statutory declaration was made by Mr Glen Haron, who had been referred to in parts of the evidence and most notably by Mr Sidoti in the

course of his evidence. You may recall, Commissioner, there was evidence that in 2014, Mr Haron was the Vice-President of the Five Dock Chamber of Commerce. At the public hearing, there was an explanation of evidence concerning Mr Sidoti's involvement in arranging or seeking to arrange a meeting between the Liberal councillors on the City of Canada Bay Council and representatives of the Five Dock Chamber of Commerce, specifically, Mr Haron and the then President of the Chamber of Commerce, Mr Joe di Giacomo.

- 10 It is necessary to have the information put before the Commission in this public way for a number of reasons. First, because Mr Sidoti has requested the Commission have regard to its contents as part of the evidence in the public hearing as being exculpatory material. Secondly, the circumstances in which the information came to be provided to the Commission are unorthodox. As you well know, Commissioner, it is a longstanding practice of commissions of inquiry and this Commission for any evidence to be introduced through Counsel Assisting and for any affected person or interested party who wishes for such material to be placed before the person or body conducting the inquiry to notify those assisting the inquiry of the potential existence of that information with a view to those assisting the inquiry taking steps to investigate and, if necessary, call evidence from any relevant witnesses who may have been identified.
- 20

- That practice of longstanding is reflected in paragraph 3.7 of the Commission's Public Inquiry Procedural Guidelines which provide, relevantly, that during the course of a public inquiry, an affected person may seek to place exculpatory evidence before the Commission. If so, the affected person should nominate in writing a person or persons who can give the evidence. The affected person should identify in writing any documentary material that the affected person contends is exculpatory. The affected person should also provide a statement of the proposed evidence or if that is not possible a written proof of the evidence that the affected person believes that a witness can give. Copies of the relevant documents, statements or proofs of evidence must be provided to Counsel Assisting as soon as practicable after the existence of the evidence or its potential relevance to the investigation becomes known, and in consultation with the presiding Commissioner, Counsel Assisting will then determine whether such evidence requires further investigation by the Commission, whether any nominated person should be called to give evidence or whether any document should be tendered.
- 30
- 40

In addition, paragraph 12 of the Commission's Standard Directions for Public Inquiries provided that all witnesses will be called to give evidence by Counsel Assisting. This practice is of some importance because it allows those assisting the Commission to properly investigate the information and to preserve the integrity of any evidence that a nominated witness may be able to give on matters falling within the scope of its investigation. It is ordinarily not appropriate for affected persons to hold onto information that



there is a potential witness who they believe can assist the Commission with exculpatory evidence throughout the course of a public inquiry and then take steps towards deploying that information only after the public hearing has concluded. In this case, the request that the Commission take into account exculpatory evidence from Mr Haron was not made by Mr Sidoti until sometime after the conclusion of the evidence at the public inquiry. That is despite what I expect the evidence will disclose, namely that Mr Sidoti was aware at an early stage of the public inquiry that Mr Haron might be able to provide relevant exculpatory evidence to this Commission. In those circumstances, and given the publicity that attended the public inquiry, transparency warrants material provided being received and explored in public.

Additionally, it is also important that the material be received in a public manner because one of the matters touched up in the statutory declaration may bear upon the Commission's assessment of Mr Sidoti's credibility and in particular whether certain evidence he gave at the public hearing concerning an interaction he had with Mr Haron sometime during the course of the public hearing was, in light of the information in the statutory declaration, false, as had been suggested to him towards the end of his evidence, or if there is a more benign explanation for that evidence.

Chief Commissioner, they are the opening remarks that I wish to make and I am otherwise in a position to call the first witness at this resumed public inquiry.

THE COMMISSIONER: Yes, thank you, Mr Ranken.

MR RANKEN: I call Glen Haron. It may be necessary for me to seek the Commissioner's indulgence so I can collect Mr Haron. He's outside the hearing room.

THE COMMISSIONER: Yes, certainly, Mr Ranken. You go and see if he's outside.

MR RANKEN: Commissioner, Mr Haron is before the Commission.

THE COMMISSIONER: Good morning, Mr Haron.

MR HARON: Good morning, Commissioner.

THE COMMISSIONER: Mr Haron, do you take an oath or an affirmation?

MR HARON: Affirmation.

THE COMMISSIONER: Thank you.

THE COMMISSIONER: Thanks, Mr Haron. Take a seat. Now, Mr Haron, you're not legally represented. There are provisions in the Independent Commission Against Corruption Act that permit a witness to object to giving evidence, and as you're not legally represented, I'll just outline again for you that you may object to answering a question or producing a document or other item. You still must answer the question, you still must produce the document or item, but the effect of any objection is that although you must answer the question or produce the document or thing, it can't be used against you in any future proceedings, criminal or civil proceedings, administrative proceedings or anything like that. There is, however, one exception to what I have just said then, and that is that if a witness commits an offence under the Independent Commission Against Corruption Act, such as, for example, wilfully giving false or misleading evidence, which can constitute the offence of perjury, any evidence or document or thing can be used in a prosecution for such an offence under the Independent Commission Against Corruption Act. However, subject to that exception, the taking of an objection and the making of a declaration by me does have that other protection that I just referred to, that it can't be used in future proceedings against you. And I can make a declaration that all answers or all documents you produce, give or produce, can be subject to, taken as subject to that objection. You understand what I'm saying?---Yes.

Yes. And is it your wish to give evidence under objection or not?---Yes.

You do? Very well. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Haron, and any and all documents and things that may be produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection, and that being the case, there is no need for him to make objection in respect of any particular answer given or any particular document or thing produced.

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

THE COMMISSIONER: Very well. Now, Mr Haron, Counsel Assisting Mr Ranken is going to ask you some questions.

MR RANKEN: Thank you, Commissioner. Now, for the record, Mr Haron, could you state your full name?---Glen Douglas Haron.

And what is your occupation?---Engineering consultant.

10 And just, you may not be aware, but this is being recorded remotely. If you could keep your voice up when you're answering questions.---Certainly. Is that better?

We're trying to contend with masks and the like.---Understand.

So could you just repeat what your occupation was?---Engineering consultant.

20 THE COMMISSIONER: And, Mr Haron, sorry I'm constantly interrupting you, if you just bear in mind if you can to try – you don't have to speak right on top of the microphone, but don't get too far away from it. And because we are wearing masks, I think we've all got to speak a little louder than perhaps is normal for us. So if you just keep your voice up so that, because it's being recorded, that will help ensure the recording is absolutely accurate in every detail. So if you just bear in mind, if you wouldn't mind, sometimes witnesses get a bit distracted if they're asked to look at a document and then they start talking to the document, but if you just try and bear all that in mind, it's a fairly large hearing room here, that everyone's

30

Thank you.

MR RANKEN: And you conduct that occupation as part of a business? ---Yes, I do.

Is that your own business?---Yes, it is.

40 And is that a business that is presently located in the CBD, that is the Sydney Central Business District?---Correct. Yes, it is.

And prior to, since when have you operated that business in the Central Business District?---Since 2015.

Since 2015.---Late 2015, yes.

Prior to late 2015, did you conduct that business from an address in Five Dock?---I did.

Was that an address at 181 Five Dock?---It was.

Sorry, 181 Great North Road, Five Dock. Or First Avenue, Five Dock.  
---First Avenue, Five Dock, yes.

And as an engineer, you have some expertise in lighting, is that correct?  
---Yes.

10 And specifically is that electrical lighting?---Day lighting and electrical lighting.

You are not yourself an architect?---No.

And you are not a town planner, is that correct?---Correct.

And you are also not an urban designer.---Correct.

And is it also fair to say that you are not a builder?---I'm not a builder.

20 Or a building engineer?---We, no, not a building engineer.

And in 2015 or prior, at least prior to your relocation of your business from Five Dock to the Central Business District, were you a member of the Five Dock Chamber of Commerce?---I was.

When did you commence your membership with the Five Dock Chamber of Commerce?---I believe it was 2009.

30 And when did you cease your membership of that body?---2019 or 2020 I believe. I'm not quite sure because of COVID, but last year or the year before.

So did you continue to have involvement with that body, that is the Five Dock Chamber of Commerce, after you had relocated your business from premises in First Avenue, Five Dock to the Central Business District?  
---Very minimal. Very minimal.

40 And have you ever held any positions within the executive of the Five Dock Chamber of Commerce?---Yes, vice-president.

And from when to when did you hold the position as vice-president?  
---Probably from 2010 or '11 until recent resignations some, a year or two ago.

So was there a period, though, then between 2015 and when you ceased your membership of the Five Dock Chamber of Commerce where you were the vice-president of that body even though you were having only minimal

involvement with it?---Yes. There was no activity happening with the chamber at that time.

So between, is this your evidence that between 2015 and say 2019 or 2020 the Five Dock Chamber of Commerce was not involved in any great activity?---I believe so, yes.

What sort of activities was the Five Dock Chamber of Commerce involved in in that period to your knowledge?---I, I can't recollect.

10

You haven't got an independent recollection of any particular matters?  
---No.

During your time as an active member of the Five Dock Chamber of Commerce how regularly did it meet?---The attempt was to meet every month but that didn't always happen but it met four or five times a year at least.

20

So either once every two months or maybe even a little bit less?---Yes.

Were there periods where the meetings happened more frequently than others because of particular issues affecting the business community?---Yes.

And are you able to assist us with any particular time periods where you recall there was more frequent meetings occurring of the Five Dock Chamber of Commerce?---Probably between, in 2013 and mid-2015.

30

And what were the issues that were affecting the Five Dock business community in that period between mid-2013 and 2015 that meant there was fairly regular meetings?---The centre was in decline. Times were tough and we were trying to reinvigorate the area and there was an urban plan being developed. There was various other things happening, developments around WestConnex. There was a lot of issues that could impact on the, the centre.

So you mentioned one of the matters was the fact that there was an urban design plan that was before the council, or is the plan that was before the council at the time?---Well, council commissioned it so, yes.

40

But it wasn't the only matter that was having a potential - - -?---No, there was a lot of - - -

- - - effect upon the business community?---From recollection there was a lot of development proposed both within the centre and outside of the centre that could affect or impact on the commercial viability of the centre.

Did that include developments that were being done along Parramatta Road?---Yes.

And did it also include developments that were under consideration in locations such as Rhodes, that's R-h-o-d-e-s?---Yes.

Are they the kinds of issues that were external?---Yes. Every other centre was obviously seen as a competitor of Five Dock.

Now, do you know Mr John Sidoti?---Yes, I do.

10 How do you know Mr John Sidoti?---Mr Sidoti is the local member for Drummoyne.

THE COMMISSIONER: Sorry, I couldn't hear that.---Mr Sidoti is the local State Parliament member for Drummoyne.

MR RANKEN: Did you know Mr Sidoti before he became the local state member for Drummoyne?---Briefly.

20 And how did you come to meet him prior to his election to that office?---I was invited by someone to an event that was a fundraiser for his election campaign.

So was that in the lead-up to his election when he was first elected to State Parliament?---Yes. Correct.

And prior to that had you not met him?---No.

30 And what has been the nature, following that first meeting with Mr Sidoti, what was the nature of your relationship with him?---I guess as a constituent.

But did you have any other relationship?---No.

Did you have a personal relationship of any nature with him?---No.

Did you have any particular interactions with him through your business?---No.

And what about through the Chamber of Commerce?---Yes.

40 So was it principally through the Chamber of Commerce that you had dealings with Mr Sidoti?---Yes.

But other than that, outside that you didn't really have - - -?---Oh, he was the local member so you'd see him at a local café or restaurant or walking on the street with his family or whatever. So there would be a cordial hello, how are you, but that's about the extent of it, you know. I wasn't a friend, if you know what I mean, of John's.

You wouldn't describe your relationship as one of being friends or close friends or - - -?---No, no.

Well, and I don't want to put words in your mouth, but more in the nature of acquaintances or friendly acquaintances?---Yeah. Yes.

Now, the Commission has been provided with a copy of a two-page document that's headed Statutory Declaration, apparently made by yourself. Are you familiar with that document, the statutory declaration?---Yes, I am.

10

I wonder if we could bring up on the screen page 127 of the bundle? Do you recognise – we have that document now up on the screen. Do you recognise so much of the document as you can see there?---Yes.

And there is some handwriting at the top of this first page of the document. It says, "I, Glen Haron," and then it appears a number. Is that 9 [REDACTED] or [REDACTED]?-- [REDACTED].

20

[REDACTED], and there's a line struck through the word "Five Dock" and above is it written the word "Abbotsford".---Correct.

Is any of that handwriting we see there yours?---It is.

And on the left-hand side there appears to be what might be two initials or set of initials.---Yes.

Is either of those your initials?---Yes.

30

Which of those marking are your initials?---The left.

Is that the far left?---Far left.

And do you recognise the marking that is above the word "I"? Do you recognise that handwriting?---I, I, I, don't. I don't but I - - -

But do you have knowledge as to what it was because you were present when it was made?---Yes. It was David Andersen's initial.

40

THE COMMISSIONER: Sorry, say that again?---David Andersen's initial.

You said he was present at the time you signed it, is that correct?---Yes.

MR RANKEN: And who is David Andersen?---David Andersen is John Sidoti's brother-in-law.

And for what purpose was he initialling, to your knowledge, this statutory declaration?---He, he was seeking a stat dec to support something that John said in this Commission.

But was this something that was done as part of the execution of the statutory declaration?---Oh, yes. It was at a meeting, yes.

So you met with Mr Andersen?---Yes.

And where did you meet with Mr Andersen?---At the Starbucks in Haymarket, or Chinatown.

10 And do you recall the date on which you met him?---I think the stat dec's dated. It was probably the 12<sup>th</sup>, 11 or 12 May.

If we could scroll down perhaps to the second page. Do you see there's some handwritten details at the bottom of the statutory declaration. Firstly, do you recognise any of the handwriting on that page?---My signature.

Is that the marking that we see above the words "Signature of declarant"?  
---Yes.

20 And what about the words "Sydney" and "12 May" where they appear?  
---That must have been on the document that Mr Andersen - - -

You didn't write them?---No.

THE COMMISSIONER: Can I just ask you, before the day you met with Mr Andersen at the Starbucks Haymarket, had you met him before that occasion?---I believe so, yes.

30 And in what circumstances did you - - -?---He was seeking to get me to provide, to develop a, a stat dec, sir.

You might be asked about that, but prior to the question of a statutory declaration being made, such as the one your attention's just been drawn to that you signed on 12 May, 2021, had you any acquaintance or relationship with Mr Andersen before the day you signed the stat dec?---Oh, apart from, apart from that previous meeting?

40 Apart from matters concerning the bringing into existence of the stat dec.  
---So there were some meetings before the stat dec was formed but that's the extent of me knowing Mr Andersen.

Well, you'll be asked about that, I think. Yes, thank you.

MR RANKEN: Yes. So, when you met with Mr Andersen for the purposes of signing this statutory declaration, this was at the Starbucks meeting, if I can call it that, are you able to assist us with how long that meeting was?  
---15 minutes.



And did you attend with a copy of the statutory declaration or was one provided to you at that meeting?---It was provided to me at the meeting.

Did you have any other documents before you at the time when you were signing this statutory declaration?---The pages that are referred to in the stat dec.

10 Are you referring to pages of transcript from the public inquiry that are referred to in your statutory declaration?---I am. I am.

And so did Mr Andersen have copies of those pages with him, did he?  
---Yes.

And did he provide them to you?---Yes.

Had, prior to him – that is, Mr Andersen – providing those pages to you, had you read them?---No.

20 You hadn't read them until you met with Mr Andersen, is that right?---Yes.

And there was, what, some three pages of the transcript, was there?---I believe so.

And did you read those transcripts before you signed the statutory declaration?---I did.

30 Was it a close reading or was it a, only a cursory reading?---I wanted to check what I was signing was in accordance with what was referred to in the documents.

Now, since signing the statutory declaration, have you read it or looked at it since?---Yes.

And - - ?---Sorry, not this particular, not this particular – what's that?

Statutory declaration.---Yeah, I, I had, I hadn't seen this one until this day, but I have other previous versions of it, yes.

40 THE COMMISSIONER: Sorry. Just so we've got it clear, would you just repeat that answer?---So I've, I, I had previous versions of this stat dec, and then this stat dec has been shown to me previously here.

MR RANKEN: So if I could just ask you, having subsequently read the statutory declaration, are there any matters that you now consider are perhaps inaccurate or incorrect in the statutory declaration that you might wish to clarify or correct?---Yes.

And could you direct our attention to those matters?---Could we go up, please (not transcribable) too far, probably.

Is there a particular paragraph? Perhaps if we can - - -?---Where I've, where I've stated that I recall, you've pointed out to me the assumption I've - - -

Well, just if you could just slow down.---Yeah, sure.

Let's go through the statutory declaration - - -?---Ah hmm.

10

- - - slowly, and if you could identify any information in there that you consider to be incorrect or inaccurate that you would now wish to clarify. ---So the clause 4.

If you could perhaps bring clause 4 up so that it's able to be seen in its entirety. "I have now been shown pages 1758, 1781 and 1782 of the transcripts of John Sidoti's evidence at the public inquiry."---Ah hmm. Yep.

20

"I agree that what is said by John Sidoti is correct at page 1758 in the transcripts, except that I did not say anything about seeing the answers John Sidoti gave."---Yes.

"I have not seen any of John Sidoti's evidence as part of ICAC's live stream." Now, you had been shown at the time of signing this statutory declaration those pages, 1758, 1781 and 1782. Is that correct?---Yes.

30

And do you agree with what Mr Sidoti is recorded as having said as part of the conversation he had with you? Or are there parts you agree with and parts you disagree with?---Yes, so I think the key contentious point is that, about the Liberal, me confirming that the Liberal councillors had been invited, when in fact I believe I didn't make the invitations and I didn't confirm the invitations, but I believe the invitations had been sent.

So is this the situation. When you're talking about invitations, you're talking about invitations to attend a meeting of the Chamber of Commerce, is that correct?---Correct.

40

And is it the particular Chamber of Commerce meeting that you were talking about? That is, a meeting that occurred sometime in 2014? ---Correct.

And as far as arrangements for invitations to be sent out for persons to attend Chamber of Commerce meetings, is that something that was within your responsibility as the Vice-President of the Chamber of Commerce? ---No.

And who was it who was responsible for sending out invitations?---The president and the secretary.

And did you have any knowledge about the practice of the president as far as invitations to persons to attend Chamber of Commerce meetings?---It was discussed who would be invited and then the actual issuance of the invitations was done by the president and the secretary.

10 And how did the president generally do it? Did he actually send out emails himself or send out letters or did he simply call people up or - - -?  
---Probably a combination of those methods.

You don't know?---I don't know.

But you've never had any involvement in actually inviting anybody to - - -?  
---No.

20 And is this the situation? You don't have any knowledge as to exactly who was invited to what meetings of the Chamber of Commerce in the absence of seeing some documentary record of that?---That's right. I wasn't involved in the mechanism of issuing invitations.

And perhaps there's something about the conversation that you had with Mr Sidoti that's referred to on page 1758 that relates to invitations to Liberal councillors that you consider may not be correct?---That's right. It says, yes.

30 And perhaps if we could go to in the bundle, if we could go to page 64. And if I could draw your attention to, sorry, just stay there for a moment. Firstly, the top of that page, there's a question. "But you don't know whether they were invited or whether, in fact, there had been an omission to invite them. Is that the position?" And Mr Sidoti has said, "I subsequently found out they were because then what happened was I ended up organising a meeting for them." And then the question was asked, "Well, when did you subsequently find that out?" "Recently, when I bumped into Glen Haron."---Mmm.

40 And, "How recently?" "In the course of this inquiry." And then, again, "A couple of weeks." "What week was it? Is it this month?" "Yes, it would have been the first or second week of the inquiry." "And how did you come to be discussing it with him?" "I think he was watching it and I was, I was walking the dog and he was driving past and he saw me. And he pulled over and he basically came out and said, 'You saw the answers I gave that I didn't recall the meeting that took place' and he, and he basically said, 'Are you silly or something? Have you lost your memory? You organised the meeting for us.' And then I said to him, 'But was I there? I just don't recall.' He says, 'Of course, you were there.' He says, 'You organised it and then you stayed in your own office and you didn't come in because you

just organised as stakeholders because they hadn't attended the Chamber of Commerce to, to, to the invite sent to them, sent to them. And so that's why you organised the meeting, so they could be present and hear everything that went on at the meeting." If we just pause there. In terms of what Mr Sidoti has stated there in this part of the transcript, there's a reference to "I think he was watching it". That's a reference to you possibly watching the public inquiry?---Mmm.

10 And in the statutory declaration, had you clarified that no, that, in fact, was not the case?---I wasn't watching the, I, I was only, yes, I - - -

Yes. And that's something that you've actually stated in your statutory declaration, to your knowledge?---Yes.

But do you say that you did have a conversation with him sometime during the early stages of this inquiry where there was a reference to the fact that he had organised the meeting for you. Is that your evidence?---Yes, there, yes, there was.

20 And did he ask whether he was there and indicate to you that he did not recall that?---Yes. The essence of what he said is, yes.

And what do you say as to the words attributed to you by Mr Sidoti where he says that, "You organised it and then you stayed in your own office and you didn't come in because you just organised as stakeholders because they hadn't attended the Chamber of Commerce to the invite sent to them, sent to them"?---Yes, that's my understanding of what I said, yes.

30 Sorry. Are you saying that you did - - -?---That he - sorry.

- - - say to him that they hadn't attended in response to the invite sent to them?---Oh, no, I, I, I don't believe I referred to the invite, just that they didn't attend - - -

And is that because you had no knowledge of whether or not they had in fact been invited to attend that meeting?---I hadn't thought, thought about the invitation that deeply.

40 And when you had this interaction with Mr Sidoti, whether or not they had even been invited to the meeting, that was not something that was - was that not something at the top of your mind, or front of your mind?---Yes, it wasn't at the top of my mind, yes.

And then it goes on to say "And so that's why you organised the meeting, so you could be present and hear everything that went on at the meeting." So sorry, "so they could be present and hear everything that went on at the meeting." Now, do you say then that the reason for the meeting being organised was not because they had failed to turn up in response to an

invitation that had been sent to them?---Oh, I'm not aware, as, as we, as I previously confirmed, whether they were actually sent an invitation. They just weren't at the chamber meeting and that absence was noted.

Now, if we could go, if we could return to page 127. And I'll come back to what happened at that meeting that you've referred to in due course. Back to your statutory declaration, we were dealing with paragraph 4.---Yes.

10 THE COMMISSIONER: Can I just ask you, in relation to paragraph 4, when you said, "I have now been shown pages 1758 and 1781/1782." Who showed you those transcript pages, 1758, 1781 and 1782?---David Andersen.

Right. And on what occasion?---At the meeting at the Starbucks where I was signing this.

Oh, I see. And I think it's clear from what you've said, you had not seen those pages of the transcript in particular prior to that occasion?---No.

20 I see. Yes, all right.

MR RANKEN: So, turning then to paragraph 5.---Yes.

Do you see it says – is there anything in that paragraph that you wish to clarify or correct or you consider to be is inaccurate?---Sorry. So just going back to 4, on page 1758 it says in John's, Mr Sidoti's statement, he saw what answers I gave. I did not see those, which is what I, why I am saying, "except that I did not see anything about the answers he gave". Sorry, just to clarify that, because it's a bit obtuse the way it's written.

30 So what you're directing attention to is that part of paragraph 5 or are you directing your attention to the final sentence of paragraph 4, "I have not seen any of John Sidoti's evidence as part of ICAC"?---From the paragraph of, of, of 4.

Paragraph 4, the final sentence?---Yes. I just wanted to clarify that, that's all, because it's a bit wordy the way it's written.

40 And then if you go on to read paragraph 5, do you see at the end of that paragraph you return to the fact that you had not seen any of Mr Sidoti's evidence?---Yes.

What you say is, "I believe I saw John and had the conversation referred to above either after seeing or hearing of the evidence of one of the councillors of Canada Bay but before John Sidoti gave his evidence." Now, just pausing there, is it the case that you had seen or heard the evidence of one of the councillors of Canada Bay?---I believe so.

You had actually see their evidence?---Oh, no, no, no. I, I, I don't know how. It might have been via a, a report or something.

THE COMMISSIONER: Sorry, via what?---It might have been via a press report or something. I, I wasn't - - -

10 But, I think just if you focus for a moment on this one, the question really is did you tune in, did you see or hear the evidence of one of the councillors of Canada Bay, but given before John Sidoti gave his evidence. Did you actually yourself see or hear that evidence?---No. Not, not the actual evidence from this Commission.

It may have been a media report, that you saw to that effect, is that what you're saying?---Yeah, something, that's what I think. Yes.

20 MR RANKEN: And so is the critical word then in that sentence the "of" that appears before the comma, the "of" after hearing. You'd heard of the evidence but you hadn't actually heard that evidence and you hadn't actually seen the evidence?---Correct.

And so you had essentially heard a report, either read a report of it or somebody had told you of the effect of some evidence?---Correct.

30 And then you go on to say, "The conversation between myself and John was not made up as was suggested at transcript page 1782 with the one correction that I did not say anything about seeing the answers John Sidoti gave." Do you now say in light of what you've told us about the issue concerning invitations that that part of the conversation was also not correct?---Sorry. So the, so the two parts that are not correct is where I said "been invited" but it was actually that I believed it and that I did not see the answers he gave.

So you didn't actually tell him that they had been invited to that meeting? ---I didn't tell him, no.

So I just wanted to, so that's accurate?---So I think it was that I believed that they were invited but I didn't actually – yeah, I can't remember exactly whether I told him that, no. Correct, yes.

40 Because that's not something that you had direct knowledge of.---Correct.

Now, then turning the next paragraph, paragraph 6. Is there anything you wish to change in respect of that?---No. Obviously it says 2013. I think it was earlier than that now, now that I've thought about it.

So you thought about it further and in fact you were vice-president for a longer period but you - - -?---Yes.

- - - but you certainly were vice-president in that period though at least.  
---Yes.

So perhaps it's not incorrect but it's not the full extent.---Correct.

The full truth. Going to the next paragraph, paragraph 7. Is there anything in that paragraph that you would wish to correct or you now consider is inaccurate or - - -?---Well, it could have been amplified to say that there were other members of the community at the meeting as well.

10

So there's - - -?---So - - -

There's missing information from that?---Yes. It would probably explain it better that it was actually a wide range of people representative of the community at the meeting.

So this is talking about a meeting of the Chamber of Commerce that took place in early April 2014 concerning the Five Dock Town Centre Study amongst other things.---Yes.

20

And you say - - -

THE COMMISSIONER: You mention here that there was also a federal member of parliament present.---Yes.

Who was that?---Craig Laundry.

And just generally without going into detail at the moment, was there a wide range of topics - - -?---Yes.

30

- - - on the agenda and discussed at the meeting on that occasion?---Yes.

Thank you.

MR RANKEN: And you understand I'm directing your attention to a meeting of the Chamber of Commerce as opposed to, for example, a meeting of the council itself?---Yes.

40 And you say that in fact at this meeting of the Chamber of Commerce it wasn't just Chamber of Commerce members who were present and it wasn't just the representatives from the Labor Party and the Liberal Party state and federal member, but there were in fact local residents. Is that the situation?  
---I believe so, yes.

You believe so or you know so?---Yes, I know so.

And are you able to say how many persons who were not members of the Chamber of Commerce, and leaving aside the mayor and councillor and the

Labor, the Liberal Party state and federal members, are you able to say how many residents were present?---Feeling five or 10.

About five or 10?---As I said, it's a while.

Well, how many persons attended the meeting to the best of your recollection?---Probably the best I could, probably 30.

10 30. So if it was 10 that would mean that residents made up a third of the meeting. Does that seem - - -?---Sorry, residents and non-members of the, of the chamber. So there were business owners and landowners who weren't members of the chamber that also attended.

Well, how many residents?---Probably five or less than five.

Less than five residents.---Yes.

And are you able to recall who they were?---There were some representatives from the Pendium Apartments.

20

THE COMMISSIONER: Sorry, from the?---Pendium Apartments.

How do you spell that?---P-e-n-d-i-u-m.

Yes. And anybody else? Any other residents you recall?---Not that I can recall.

Right.

30 MR RANKEN: Apart from those residents of the Pendium Apartments were there any other residents in attendance?---I don't recall.

Then turning to paragraph 8.---Yes.

You state there that you recall "the meeting was controversial and the heated debate ensued about the future of Five Dock".---Mmm.

40 Is there anything about that statement you wish to correct or you now consider to be inaccurate?---It may be overstating the heated bit in that there was (not transcribable) discussion was on the floor mainly, the, the, between the attendees, so there were people wanting, the landowners wanting more development and the, those people from the Pendium wanting less. So that's - - -

Are you saying there was a difference of opinion that was expressed at this meeting as between those representatives of the Pendium Apartment residents - - -?---Yes.



- - - who I think you numbered might have been up to a total of about five?  
---Yes.

And apart from them, they're the only residents you can think of?---Well, there may have been other residents but that's, they're the ones that, at this point in time, I recollect.

And they were, they expressed a view that was against the idea that there might be further development in the Five Dock Town Centre.---Yes.

10

And - - -?---Was there – sorry (not transcribable)

And was there an opposing view that was expressed that was in favour of greater development?---Yes.

And as to that opposing view, were there differences of opinion that were expressed as to the extent, perhaps, of what development should be allowed?---Yes.

20

THE COMMISSIONER: So the meeting had an agenda.---Yes, it did.

A number of topics and speakers to address topics.---Yes.

And then was it in the later part of the meeting that it was, as it was thrown open for those others who attended, for example, residents to stand up and be heard and to say something if they wanted to, is that how - - -?---Yes.

General terms.---There wasn't, yes.

30

And the agenda I think you earlier said covered a range of issues.---It did.

Some, I gather, had a federal connection. That's why Mr Laundy was there, is that right?---Yes.

And the Town Centre Design Study, of course, had been through a public exhibition by the time of this meeting, is that right?---I believe so.

And overall was the meeting conducted in a business-like, cordial fashion or not?---Yes. Yes.

40

It was? Just you mentioned there were polar opposites. Some people wanted development.---Yes.

And do you recall whether there was one or more persons who spoke at that end of the spectrum?---It wasn't, there was a lot of people that spoke at that end of the spectrum. I, I, there - - -

And were there some residents who said, no, let's leave things as they are, more or less, so against development?---Well, the, the Pendium people were trying to preserve their views. The, the Pendium Apartment people were trying to preserve their views, 'cause they're the tallest building in Five Dock. And so if buildings were built around them, their views would probably be blocked, so they were quite animated in objecting to further development, and particularly higher, which was what was being proposed.

10 Anyway, the people from the Pendium point of view, they were allowed to stand up and say their piece?---Yes.

And anyone who was pro-development could stand up and address whatever pro-development aspect they wanted to be heard on.---Yes.

Is that right?---That's correct.

Is that right?---Yes.

20 MR RANKEN: So, but you told us earlier, just a short while ago that it, I think it might be exaggerating it to say that it was a heated debate.---It got a bit, there was a lot of friction, yes.

I thought you said that that is overstating it, to say that it was a heated debate.---Sorry, I, I'm trying to say that it wasn't, just like I disagree. It was emotional, and so I guess the word "heated" is an attempt to explain that.

30 But is those words "heated debate", were they words that you came up with?---It's probably, well, this was given to me drafted but it probably had my input in it.

So you didn't draft this actual document?---No, no.

It was provided to you as being drafted by someone else?---Yes.

And I'll come back to the circumstances in which that came about.---Ah  
hmm.

40 But do you now say that it's overstating it to say that the debate was heated?---When, when I look at it now, I, probably another word should have been chosen or more words inserted to actually explain what I've just explained about the parties having differing views, and it became quite emotional, yes.

The meeting of the Chamber of Commerce was principally a meeting, or a forum, in which the business community could discuss issues that were affecting it, correct?---Correct.

And to discuss, perhaps arrive at a position or positions that the business community had that they felt would assist, in particular, the revitalisation of Five Dock, correct?---Yes.

It was not itself a decision-making body?---No.

The persons who were members of the Chamber of Commerce could not make decisions about such things as the Five Dock Town Centre, correct?  
---Correct.

10

And residents who might attend a Chamber of Commerce meeting, they would have no, could have no expectation that any views they expressed at the Chamber of Commerce meeting would necessarily result in some change of the decision makers?---Oh, potentially. I mean, they're customers of businesses, so potentially there is some – there's interaction obviously.

And if we can then scroll to the next page.

20 THE COMMISSIONER: Could I just ask you – you've finished the paragraph, have you?

MR RANKEN: I had, yes. Sorry, Commissioner.

THE COMMISSIONER: Could I just ask you, as I understand you were presented with this statutory declaration by Mr Andersen at the meeting you've spoken of?---Yes.

30 Did you ever sit down and write out the words we see in paragraph 8 either on a piece of paper or a document and then made that available to whoever drafted this statutory declaration and/or were you ever asked a question to which you provided a response to the person asking the question, "The meeting was controversial"?---Probably.

And "The heated debate ensued about the future of Five Dock." What was it? Were these words your words, in other words, or were they words put before you by somebody on your behalf?---There were discussions earlier than my receipt of this with Mr Sidoti's solicitor and there may have been those words or that tenor communicated to somebody.

40 So what I want to know is whether those words have ever been written by you on a briefing document, for example, or a conference document that you had to explain what you recall about the meeting?---I'm not sure.

Or were these words not the words you actually wrote yourself, either in preparation of this statutory declaration or in any other circumstance?---I don't recollect. I didn't type those words but I don't recollect any more than that.

Do you recall drafting those actual words or not, is my - - -?---I don't recall, no.

So what's the situation, that these words came about in some way other than you writing them out or what do you say? Or dictating them?---There were, there were discussions with Mr Sidoti's lawyers, Mr Andersen and Mr Sidoti's sister and elements of what I said were included in this document but I didn't type this document. This was presented to me.

- 10 So what I understand you to be saying, that tracking back to how this statutory declaration of 12 May, 2021, came into existence, there was an occasion or occasions in which the subject matter for a statutory declaration was discussed by you?---Yes.

With the persons to whom you just made reference, correct, is that right? ---Yes.

That includes a solicitor?---Yes.

- 20 Do you know the firm?---KPL.

KPL Lawyers?---Ah hmm.

And includes discussions with Ms Andersen?---Ms Andersen, yes.

And discussions with?---David Andersen.

David Andersen.---Correct.

- 30 And insofar as you had discussions with Ms Andersen about matters to be raised in the statutory declaration - - -?---Mmm.

- - - were those discussions face-to-face or in person or by email or how was it - - -?---I believe - - -

- - - how did you discuss such matters with her?---I believe they were via email and phone.

- 40 What about Mr David Andersen? How was the information flow, that is, the communication between you and him concerning matters related to the preparation of the statutory declaration conducted?---I believe it was via phone and then he dropped off some papers to my home, I believe.

The reference to the papers being dropped off - - -?---Yes.

- - - these are papers not the particular statutory declaration you signed - - - ?---No.

- - - but other papers?---Yes.

You might be asked about those shortly. I'll leave it at that at the moment.

MR RANKEN: While we've still got paragraph 8 up on the screen, can I ask if you have a recollection of when it was you first saw those words used to describe this meeting in a documentary form? Was it in the context of this statutory declaration or in the context of some other document?---I haven't - - -

10

I don't want you to look at any other document now.---Yeah.

But do you have a recollection as you're in the witness box - - -?---There was - - -

- - - of seeing the words "the meeting was controversial and the heated debate ensued"?---I, I don't recall, I don't recollect when I first saw them.

Is it possible that you may have first seen them in an earlier draft of this statutory declaration?---Yes.

20

Do you have a recollection of seeing them in any other document?---No.

Some other earlier record of - - -?---Not that I recall.

- - - a version of events or - - -?---No.

And if we could go to paragraph 9. In relation to paragraph 9, there are two sentences there. Now, are either of those sentences inaccurate or incorrect or you wish to correct them?---No, well, the same theme runs through the response about the invitation, where it was a belief that they'd been invited rather than actually knowing that they'd been invited.

30

So where you say "I also recall that they had been invited to the meeting as it was an important meeting about the town centre" is this the situation? You actually don't have any recollection of the Liberal Party councillors having been actually invited to that meeting?---I don't. I, I, I just expected them to be there because there was a Liberal federal member, a Liberal state member and the mayor present. And it was a big meeting, with a lot issues happening. That's all.

40

THE COMMISSIONER: So, to be precise about it, paragraph 9, second sentence commencing "I also recall that they had been invited" that is wrong, is it?---Correct.

You don't have a recall to that effect?---I believed that they'd been invited but I don't have a proof that they were.

Well, you had no recollection as to whether they were or not?---Well, I didn't, I, I guess I didn't know whether they'd, they'd been invited or not, so it's, yes.

I understand. You've earlier addressed that point, yes.---Yes.

MR RANKEN: And could we then go just briefly go back to page 64 of the bundle, which was the - - -

10 THE COMMISSIONER: Just before you do. You were aware of the Five Dock Town Centre Study that the council had been working on for some time? I'm just asking you this at a high level now.---Sure.

You were aware in 2013/14 of the fact that the council were developing this Five Dock Town Centre Study with a view to reinvigorating the town centre, in particular?---Yes.

20 In fact, I think you did participate, did you not, in some discussions with council yourself along with other members of the Chamber of Commerce about the study?---Yes, it has, yes.

And who did you deal with, when you were discussing the Five Dock Town Centre Study, who in council did you deal with?---Well, it's been reminded to me this week via documentation - - -

I'm sorry?---It's been reminded to me this week via the documentation, Commission - - -

30 Just a name or two. Do you remember the - - -?---Stephanie Kelly.

Who?---Stephanie Kelly, Tony McNamara.

Mr McNamara was what position with council?---I think he was the Head of Planning.

Head planner. And the lady you referred to?---Stephanie Kelly is Manager of Economic Development and - - -

40 And I think you've said before you were aware of the fact that there was a public exhibition of the study.---Yes.

And did you yourself examine the material on public exhibition?---I did.

And formed some views about it?---Yes.

And wrote about it - - -?---Yes.

- - - to council?---Yes.

And you and others in the Chamber of Commerce expressed views - - -?  
---Yes.

- - - back to Ms Kelly and others about what you thought of it?---Yes.

Is that right? Is that right?---We did, yes.

10 And did you and, along with your colleagues at the Chamber of Commerce,  
make observations to council officers as to what you perceived, you and  
your colleagues perceived to be pluses, benefits of the scheme?---Yes.

And you also raised issues that you wanted, you and your colleagues wanted  
to raise, which the scheme may not have expressly dealt with, or that you  
would want to have discussions about to be heard on?---Yes.

20 But generally the purpose of the study was to develop a proposal that would  
reinvigorate what was seen to be a town centre that had slipped back and  
needed to be reinvigorated, is that right?---Yes.

All right. And did you form a view and express it to officers of council that  
you thought this scheme was going to, if implemented, move things in the  
right direction towards reinvigorating the town centre, including  
encouraging development?---I believe so.

Don't want to put words in your mouth if you didn't. You just say so. But  
did you see it as a positive move - - -?---Yes, of course. Some changes - - -

30 - - - that this would be something that would be required to reinvigorate the  
place, get development moving?---Yes. It was about trying to get some  
mechanism to create (not transcribable) future.

And you saw the detail of that in the public exhibition as to what was  
proposed.---Yes.

So though there were issues you wanted the council, you and your  
colleagues wanted the council to address and look at, you saw this study as,  
what, as a move in the right direction?---Yes.

40 And did you form the view that if it was implemented, it might be effective  
in achieving the objectives of renewal or reinvigoration of the town centre?  
---Yes, it would, it would start some reinvigoration, yes.

When did you form that view? Was it before or after the public exhibition?  
Or both?---Both. It was the hope that it would achieve some reinvigoration,  
yes.

Sorry?---It was, it was a vehicle for achieving some reinvigoration, yes.

You knew who the council had contracted to assist in the development of this fairly major project?---Yes. Yes.

Do you remember the names of the consultants they used?---I think Arup. Arup was mentioned.

10 A-r-u-p?---(not transcribable) and there was a, I think three-letter company, MG Planning or, I'm not sure. It was a smaller company. And I think they - - -

Different, four (not transcribable) consultants.--- - - - worked in collaboration to develop the - - -

So overall what was your assessment of seeing what was proposed following public exhibition as to whether council should continue on with it or abandon it?---I guess I was disappointed that the brief was about keeping it a village, but I thought it should be bigger than that.

20 So you saw aspects of it that could be improved?---I thought so, yes.

But overall did you think this was the model or study that was going to, if implemented, achieve the objective of reinvigoration?---With some improvements, yes. With some, yeah, it was, the plan was a basis for discussion, so they're put out there to actually get feedback and develop a final plan.

30 But what was your overall view of the content of the - - -?---As, as I said, I believe - - -

- - - the study in terms of its effectiveness?---The, the mechanisms used within the study were fine, but the actual outcomes I believe were, were aiming too low.

But overall did you see it as worthwhile or not?---Well, it's a process you go through, so it's worthwhile doing, yes.

40 Worthwhile in terms of achieving the objective (not transcribable)?---Again, finding what the objective is. If it's keeping it as a village, it was going to achieve that, but my hopes were that it was bigger than that.

Coming back to the statutory declaration. In paragraph 8, you looked at the first sentence. In the second sentence you talk about issues of FSR and heights were raised.---Ah hmm.

And the proposals in the Five Dock Town Centre Study was seen to be ineffective to achieve desired revitalisation of Five Dock. Firstly, are those words your words, did you draft those words for the purpose of the statutory



declaration?---I think the same comments that I made about the other clauses apply to that.

I'm sorry?---So, so it's which one?

Sorry, I'm drawing your attention to the second sentence of paragraph 8. Have you got it there?---Yes. I believe the - - -

10 Were those words your words in paragraph 8 or were they - - -?---No, no. They're an essence of what I was feeling but as I said this was drafted over a period of time. I'm not sure whether they're my exact words but the essence of what it says was what I felt.

But what do you say as to the accuracy of the statement there, that the proposal in the Five Dock Town Centre were seen to be ineffective to achieve desired revitalisation of Five Dock. Is that an accurate statement of your - - -?---It was probably my, my - - -

20 Yes, just let me finish. Is that an accurate statement of your opinion as at the time of swearing this statutory declaration?---Yes.

It was?---No. It, it, I believed it was ineffective.

I'm sorry? You - - -?---I believe it would have been ineffective. I, I thought - - -

That it would have been an effective means of revitalising the town centre? ---Yes.

30 Well then does that second sentence, paragraph 8, require an appropriate change or adjustment to reflect your - - -?---Sorry, "The issues that were raised in the proposal were seen to be ineffective to achieve the" – that's what, I'm agreeing with that statement.

Agreeing with it, ineffective?---Yes.

MR RANKEN: Yes, I think, Commissioner, there may have been some - - -

40 THE COMMISSIONER: Yes. I'm sorry, Mr - - -

MR RANKEN: You may have been at cross purposes. I think Mr Haron did say that he agreed that it was ineffective.

THE COMMISSIONER: Ineffective, all right.

MR RANKEN: He considered it to be ineffective.

THE COMMISSIONER: All right.

MR NEIL: That's my recollection also, Commissioner.

THE COMMISSIONER: Okay, all right. Yes, Mr Ranken.

MR RANKEN: Sorry, Commissioner, I do note the time.

THE COMMISSIONER: Oh, yes. I will take the adjournment. I'll resume  
in 30 minutes, Mr Haron. We'll resume, if you could be ready to go again  
10 in 30 minutes time from now, if you would. I'll adjourn.

### SHORT ADJOURNMENT

[11.33am]

THE COMMISSIONER: Yes, Mr Ranken.

MR RANKEN: Thank you, Commissioner. Now, Mr Haron, we were  
dealing still with the statutory declaration that you made on 12 May, which  
20 is at pages 127 to 128 of the bundle. If we could bring that document up  
now. And if we can go back to the top of that document, that page, where  
there's handwriting. I want to show you another copy of this document. I  
wonder if my instructor could bring up the separate copy. Now, Mr Haron,  
do you agree that the document that you now see on the screen before you  
is, or what that part of it you can see, appears to be identical to the previous  
document but for the fact that there is a black mark redacting some detail?  
---Yes.

30 One detail, and that is the handwritten, some handwritten material that  
appeared on the previous, correct?---Yes. Ah hmm.

And if we scroll further down, onto the second page, there's also a black  
mark across your signature.---Ah hmm.

And across the signature of the authorised witness at the bottom of the page,  
correct?---Yes.

And a black mark across some details relating to a driver's licence.---Yes.

40 But do you agree, then, but for those redactions, if I could use that term, that  
is an identical, it's an identical copy of the statement that, the statutory  
declaration that I've been asking you questions about so far?---I believe so.  
Without seeing them, but, yeah, I believe so, yes. Yes.

I think given the significance of this statutory declaration to this resumed  
public inquiry, I tender that copy, that redacted version of it, as a standalone  
exhibit. And that will become Exhibit 46, Commissioner.

THE COMMISSIONER: So I understand that the redactions that have been made are to protect private information about addresses or numbers and that sort of thing?

MR RANKEN: Yes, they are effectively to give effect to the direction that you have already given in this resumed public inquiry under 112 of the ICAC Act.

10 THE COMMISSIONER: Yes, all right. Okay, very well. The copy of the statutory declaration of Mr Haron declared at Sydney on 12 May, 2021, will be admitted and it will become, I think it's Exhibit 45. I'm not sure about that.

MR RANKEN: 46.

THE COMMISSIONER: 46, is it? Okay. Exhibit 46.

20 **#EXH-046 – STATUTORY DECLARATION OF GLEN HARON  
DATED 12 MAY 2021**

THE COMMISSIONER: Just one matter, and it's only a small matter, but we noted earlier that the address that had been typed in before was the number, and it included the reference to your suburb as Five Dock, and then that was crossed out and it's been corrected because your address is not Five Dock, it was Abbotsford, is that right?---Correct.

30 Did you ever give to anyone who was involved in the drafting of the statutory declaration your address as Five Dock?---No.

You didn't?---No.

So that's an error, obviously.---Yes.

An error not made by you, though, is that right?---Correct.

Okay. All right, 46. Yes.

40 MR RANKEN: Yes, now I just wondered if we could bring that – if we could go back to the bundle and go to page 64, which was the transcript page 1758. And if you could scroll towards the bottom of that page, please. I had taken you to that part of it that contained what Mr Sidoti had attributed as words said by you in your chance encounter.---Ah hmm.

And I just wanted to draw your attention to what we see at about line 33 where the question was asked, "And you're saying that he said," that's you, "that he said to you just this month that the Liberal councillors had been

involved. Is that what you're saying?" And the answer is, "Yeah. That an invitation had gone to all elected representatives."

MR NEIL: Commissioner, I think my learned friend read out "involved" rather than "invited."

THE COMMISSIONER: Sorry, I can't hear you.

MR RANKEN: I did.

10

MR NEIL: I'm sorry.

MR RANKEN: I read out "involved," that's what appears in the transcript.

THE COMMISSIONER: I'm sorry, Mr Neil. Is that clarified or not?

MR NEIL: I thought my learned friend read – page 164, line 33, I thought my learned friend read out "You're saying that he said to you just this month that the Liberal councillors had been involved," where as if he's quoting, if my learned friend is quoting he should have read out that "the Liberal councillors had been invited".

20

MR RANKEN: I'm sorry. I'll read out the entirety as I read it on the transcript.

THE COMMISSIONER: All right. Yes, okay, Mr Neil. I see the point.

MR NEIL: Thank you.

MR RANKEN: This was the question and answer, and you have it before you, so please if I have misstated anything when I read it out - - -

30

THE COMMISSIONER: What page number is this?

MR RANKEN: It's page 65 of the bundle, but - - -

THE COMMISSIONER: 1758.

MR RANKEN: - - - in page 1758 of the transcript from the public hearing.

40

THE COMMISSIONER: This is 1758. You are now familiar with that number of the transcript, Mr Haron. The words before you now are, you're looking at page 1758 of the transcript. Let's go from there.

MR RANKEN: And it says at about line 33, "And you're saying that he said to you just this month that the Liberal councillors had been involved. Is that what you're saying?" And the response from Mr Sidoti was, "Yeah.

That an invitation had gone to all elected representatives.” Now, have I accurately quoted that passage of this transcript?---Yes.

As you read it on the page?---Yes.

MR NEIL: Commissioner, with respect, that can't be right.

THE COMMISSIONER: Sorry?

10 MR NEIL: With respect, that just can't be right.

THE COMMISSIONER: What can't be right?

MR NEIL: That my friend's accurately quoted page 1758, line 33.

THE COMMISSIONER: Yes. So this is the evidence of Mr Sidoti.

MR NEIL: Just pardon me, Your Honour, just pardon me a moment.

20 THE COMMISSIONER: There might be a little ambiguity in there, Mr Neil, but my understanding is that the question having been put in the terms that we see on that page, and response by Mr Sidoti, seems to – perhaps it's capable of being read two ways, but one way is that he's saying that that's what the other person said, namely Mr Haron.

MR NEIL: Look, Commissioner, I'll withdraw the objection. I might try and take some instructions later, and if I need to return to it, I'll raise it.

30 THE COMMISSIONER: We can come back and sort it out. If there's any doubt about it, please raise it.

MR NEIL: Thank you.

MR RANKEN: Just returning to that passage then. Having read that passage and had it read to you, would it be incorrect to say that you had said to Mr Sidoti during this chance encounter that an invitation had gone to all elected representatives?---As I've said, in clarifying my statutory declaration, I believe that it had gone - - -

40 There's one thing as to what was in your mind, but what I'm asking you to direct your attention to is the question of whether or not you said to Mr Sidoti that an invitation had gone to all elected representatives?---I don't know whether I would have said it that way.

Not whether you would have said it, but whether or not you did in fact say to Mr Sidoti that an invitation had gone to all elected representatives?---I, I don't recollect.

You don't have a recollection of actually saying that?---(No Audible Reply)

I'm not trying to be critical of you, I just want to identify - - -

THE COMMISSIONER: Look, let me clarify this. Have you not said more than once at no time even till now do you know for a fact that invitations were sent to the Liberal councillors?---That's what I - - -

10 That's I thought what you said. Am I right or wrong?---I, I can't - - -

Is that the position in terms of what's called state of mind, your knowledge, you don't know, still don't know whether an invitation or invitations were sent to the Liberal councillors to attend this meeting Is that right? Please don't let me put words into your mouth. I just want to clarify is that the position or not?---I don't know for a fact.

That's right. That's what I'm saying. Is that still your position?---Yes.

20 And has it always been your position?---I believed rather than I knew.

Yes. That's all right.---That's, I believed rather than knew.

That's all right. Okay.

MR RANKEN: What I'm asking you here, though, is you didn't say to Mr Sidoti in this interaction, did you, that invitations had gone out to all elected representatives?---I don't recollect saying – it was a wide-ranging conversation so I don't - - -

30 You're not the kind of person who would usually say something had happened that you did not have knowledge of?---Yes. No, I wouldn't. I wouldn't be - - -

So given that you did not know or have any knowledge as to whether or not invitations had gone out to all elected representatives, is it unlikely that you, is it the case that whilst you don't have a recollection, it would be unlikely that you did say something to that effect?---Probably.

40 When you say "probably", probably unlikely that you did?---Probably unlikely that I said that, yeah.

And you don't actually have a recollection of saying that?---Not at this, not at this moment, no.

And so is that another aspect then of the evidence at page 1758 of the transcript that you would now say is perhaps inaccurate in terms of what it says about the substance of your conversation with Mr Sidoti when you came upon him in the street?---I thought I clarified that before.

But I just want – because this is part of this - - -?---But, yeah, so it's - - -

You appreciate, Mr Haron, that in your evidence you don't actually provide your own narrative of what was said during the course of that conversation, do you, in the statutory declaration?---Could I have a look at that again?

If we could go to Exhibit 46. Would you like to read to yourself paragraphs 3, 4 and 5.---Yes, I rely upon that, 1758 to reply to that, yeah.

10

Exactly. So you don't - - -?---No, I agree with that.

You don't actually set out in form what your recollection of the - - -?  
---Correct.

What you effectively are doing here is accepting and saying you agree with the version that was given by Mr Sidoti?---Yes, I guess I have done that, yes.

20

And prior to signing this statutory declaration, did you ever write out the details of what your recollection, your own independent recollection of the conversation that you had with Mr Sidoti on this occasion?---I don't recollect if I did or not.

You never did?---I don't know. I, I, I might have but I don't recollect at this point today.

THE COMMISSIONER: Do you recall ever having done so?---I'm sorry?

30

Do you recall ever having done so?---I don't.

Either writing it down - - -?---I don't.

Writing it yourself or dictating it to somebody?---I don't recollect, no.

You can't recall doing that?---Not today, no.

40

MR RANKEN: Do you recall anybody actually asking you, prior to completing your statutory declaration, asking you in those terms, "What did you say? What did he say? What was the conversation?"---KPL may have when they came and interviewed me.

But you don't recall if they did?---I, no. Not today, no.

And other than what we see in this statutory declaration, have you seen any other version or any other document that sets out words that are said to have been said by you and words that are said to have been said by Mr Sidoti during the course of this chance encounter?---Not that I recall, no, only what

was published, I think, in the paper, probably right. Can't recall what that was.

But now since making the statutory declaration, having gone back and looked closely at the transcript - - -?---Yes.

- - - firstly, at the time you read the transcript and signed up to the statutory declaration, you did note that you had not said that you'd heard his evidence - - -?---Yes.

10

- - - or been listening to his evidence. Correct?---Yes.

And that was a matter that obviously was not correct?---Sorry? What - - -

That was a matter that was not correct even though it was on page 1758, the fact of you having listened to his evidence?---I, I didn't listen to his evidence.

Exactly.---Yes.

20

But that's something that you've noted was incorrect and you maintain that that was incorrect?---I did not – hang on. Sorry. I'm just - - -

I think we're talking at cross purposes.---Yes. I'm a bit confused.

Because where we're starting with is firstly the proposition that you have no recollection of ever writing out your version, independent recollection of what the conversation between you and Mr Sidoti was. Correct?---Not the conversation, no.

30

And you hadn't seen a copy of the transcript, that is, page 1758, in particular, until the day that you actually signed this statutory declaration - - -?---Correct.

- - - correct? And, effectively, this document had already been prepared with paragraph 4 in the form that we see it, despite you not actually having read that page- - -?---Yes.

40

- - - correct. And so you weren't actually in a position until such time as you sat down and were provided with a copy of the transcript to say whether or not that was actually accurate or whether or not you could say that the conversation had different terms?---True.

You have noted in the statutory declaration one matter that was not correct, which is the suggestion that you may have seen his evidence because you hadn't seen his evidence. Correct?---Correct. Correct, yes.



But you have subsequently also identified some other inaccuracies.  
Correct?---Yes.

And one of them is the notion that you might have suggested that the  
representatives were invited?---Yes.

Now, I don't need to have Exhibit 46 on the screen at this time. I now want  
to go back to some earlier events, earlier in time.---Sure.

10 And going back to the period in late 2013 and early 2014.---Yeah.

Now, I appreciate that's some time ago. Is that correct?---It is.

And until recently, had you had any real cause to turn your mind to those  
events in your recollection?---No.

And is it the case that do you have an independent recollection of specific  
events that occurred over the period?---Some of them. Some of them, yes.

20 Do you recall that there was an Urban Design Study that had been prepared  
by independent experts that had been engaged by the City of Canada Bay  
Council?---Yes.

And you mentioned one of them was Arup?---Yes.

And you were, I think, unable to nominate the other partner organisation.  
---Yes.

30 Can I suggest it was HillPDA?---Right. Of course.

Does that refresh your memory?---Yes.

So if I said that name immediately did it jog your memory? Is that the case?  
---It, it did, yes.

THE COMMISSIONER: What sort of consultants were HillPDA, do you  
remember?---Yes.

40 What was their field of - - -?---They're a planning, Sarah Hill, I think, is the  
principal. She made some presentations to us.

MR RANKEN: When you say "presentations to us", do you mean to the  
Chamber of Commerce or you specifically - - -?---On the website.

- - - or to you in some other context, a context where you were present but  
other people may have been present?---Yes, the, the latter. There were, yes.

Because during the course of the study, it had been undertaken over a number of months. Correct?---I believe so.

And, in fact, there had been various stakeholder workshops that were undertaken by the independent experts. Correct?---Yes, I attended some of those.

And you attended some of those?---Yes.

- 10 And the purpose of those stakeholder workshops were to get input from the relevant persons in the community who would have an interest in the form that any changes to the LEP might take and how the town centre might be revitalised?---Yes.

And there are a number of different stakeholders, would you accept?---Yes.

Some of whom might have different ideas and views about what sort of changes they would like to see to the town centre, correct?---Indeed.

- 20 And obviously the business community is one.---Yes.

Such group of stakeholders, if I could call it. And as far as, I mean, you were intimately involved with the business community through the Chamber of Commerce, correct?---Yes.

Is it fair to say that even amongst the business community there were differing views as to what kinds of things should be brought in to revitalise the centre?---Yes, very wide, yes.

- 30 Very wide views even within the Chamber of Commerce?---Yes.

So there was never any single vision of the business community?---There was probably, no, I guess not, not a formalised vision, no.

Not a formalised view?---Yeah.

What do you mean by not a formalised view?---There wasn't a logical set-out plan. It was more about particular areas and mechanisms.

- 40 And is it the case that one of the issues for the business community was the differing views as to the extent of development that might be allowed in particular areas of Five Dock?---Yes.

And in respect of, in relation to particular, the particular sizes of blocks, is that right?---Yes.

In any event, over this lengthy period of time, you had attended some of these stakeholder events. And is it those events that you're referring to

when you refer to Sarah Hill, of HillPDA, having made some presentations? Or have you got a recollection of some other context?---I think it might have been other events.

Was it council meetings?---It could have been. I, I can't recall the detail.

You don't actually recollect the details, but did she ever present at the council workshop? Sorry, not the council workshop, the stakeholder workshops.---I, I couldn't, I, I don't think so but I, I can't recollect.

10

In any event, you are aware that towards the end of 2013 quite a lengthy report had been prepared by - - -?---Indeed.

- - - Arup and HillPDA, correct? And that had been placed before the council?---Yes.

And then there was a decision by the council to have the report and the study placed on public exhibition for a period of two months over December 2013 and January 2014.---If you say so. I can't remember the exact dates.

20

Well, okay, you don't recall the exact dates.---But it was on exhibition. I remember viewing it (not transcribable)

You do recall it being on exhibition?---Yes.

And do you recall what the purpose was or what you understood to be the purpose of having it on exhibition?---To get feedback from the community.

30

And by community you mean not only residents but also members of the business community?---Of course.

And the Chamber of Commerce, did you meet to discuss what response the Chamber of Commerce might make?---We did.

Is that correct?---We did, yes.

Did you also attend meetings – I withdraw that. Can we bring up from the bundle page 3. This is an email from Stephanie Kelly to four persons.---Ah  
hmm.

40

And do you recognise the email addresses - - -?---Yes.

- - - and who those four persons are?---Yes.

And who are they? You don't need to say their email addresses, but if you could just identify - - -?---Joe di Giacomo, Anthony Natoli, me and Andrew Whitford.

And it's copied to Marjorie Ferguson and Paul Dewar, do you see that?  
---Yes.

And did you understand them to be employees of the City of Canada Bay Council?---Yes, I know that, yes.

In the planning department.---Yes.

10 And Stephanie Kelly, she was a person that the City of Canada Bay Council, with whom you in your capacity as Vice-President of the Chamber of Commerce had some contact from time to time, is that right?---Indeed, yes. Yes.

And why was that, that you had contact with Stephanie Kelly?---She was the Manager of Economic Development, I believe is the title.

You need to keep your voice up.---She, she was the Manager of Economic Development with City of Canada Bay Council.

20 So was it quite regular, your communications or contact with Ms Kelly?  
---Yes.

Would she attend Chamber of Commerce meetings?---Yes.

And would she attend every one or just - - -?---Most.

Most of those meetings?---Yes.

30 THE COMMISSIONER: To your knowledge, how experienced was Stephanie Kelly in her field?---She comes across very competent, delivered, has delivered many projects, community projects.

Has she worked for the council for long?---I think she's been at the council for, yes, quite a while. 10 years or more.

And you'd had dealings with her from time to time?---Yes.

40 And how did you find her in terms of competency and reliability and so on?---Great. Great. Steph's great, yeah.

MR RANKEN: And was she your main point of contact as far as the Chamber of Commerce was concerned with the council?---The most regular one, yes.

And how would you describe the relationship between the Chamber of Commerce and the City of Canada Bay Council?---Good.

It was a good one?---I believe so, yes.

One that allowed for frank exchanges of ideas and views about topics that affected the Five Dock Town Centre?---Yes.

And were there occasions where if there were issues that there might be meetings that were attended by particular members of the Chamber of Commerce in their capacity as representatives of that body?---Rare, rare, those meetings.

10 Would that only be in the context of some issue of particular significance if there was a specific meeting of that kind?---Yes. I, yes.

So other than those kinds of matters, the main contact, was it really in terms of her attending Chamber of Commerce meetings from time to time?---Or being invited to council, has been invited to council meetings a number of times.

20 Or members of the Chamber of Commerce being invited by Ms Kelly to attend council meetings?---I'm not sure whether Ms Kelly did that, to the mayor or we attended council meetings. So, so - - -

And the third gentleman that you mentioned, including yourself, Joe di Giacomo was the President of the Chamber of Commerce, is that correct?---Correct.

And Anthony Natoli, as at January of 2014, what position did he hold, if any, within the Chamber of Commerce?---I think he was the – I don't know. I think he was secretary, but I'm not sure.

30 And what about Mr Whitford?---He was just a member.

He was not a member of the executive of the Chamber of Commerce?---I don't recollect. He could have been but I don't, I'm not, not across that detail.

As you sit here today, you're not certain as to whether or not he held any particular office within the organisation?---No.

40 And this particular email is dated 24 January, 2014.---Ah hmm.

And do you see that the very first line refers to "Thanks for coming in to talk about the Five Dock Urban Design Study on 16 December"?---Yes.

Now, do you have a recollection of attending a meeting with Stephanie Kelly in the company of Anthony Natoli, Mr di Giacomo and Mr Whitford?---I don't actually recollect this meeting.

You don't have an independent recollection?---No.

Do you have a recollection of any meetings that you had with Stephanie Kelly about the Five Dock Urban Design Study that you attended in the company of Mr di Giacomo, Mr Natoli and Mr Whitford?---So, this, this meeting appears to have happened at council chambers but there were meetings at Five Dock Library.

Where the only attendees were yourself and - - -?---Oh, no, no.

10    Yourselves and Ms - - -?---I think there were, there were others. I, I don't recall this meeting, that's all. Yeah.

But would it not be consistent with general practice that on a matter of significance, such as the Five Dock Urban Design Study, such a meeting might be organised either at your request or Ms Kelly's?---Well, it appears it was. There's a record of the meeting here.

And you don't have any independent recollection, is that it?---No. Of this meeting, I don't, I'm sorry.  
20

THE COMMISSIONER: So this document we're looking at now on the screen records a meeting with Ms Kelly.---Yes.

And it's headed up Meeting with Five Dock Chamber of Commerce Executive.---Sure.

So the named persons constituted the executive.---Must have.

Included yourself.---Ah hmm.  
30

Andrew, that's Andrew Whitford, is it?---It is.

What was his position on the council?---As I said, I don't, I don't - - -

You don't recall?---Yeah.

What was his field of work?---He owns Whitfords. They're appliance retailers. They had a very large landholding in Five Dock.

40    He was a member of the executive, and Joe – what's his name?

MR RANKEN: Di Giacomo.

THE COMMISSIONER: Di Giacomo. Thank you. Did he head up the Chamber of Commerce executive at that time?---Yes. Yes (not transcribable)

What was his line of work, do you know?---He ran a learning centre, FDLC, Five Dock Learning Centre, so he trained people in computer skills and English and all sorts of other things. Basically a accredited training centre.

So the executive was meeting with Stephanie Kelly on this occasion, 24 January, 2014, in order to give feedback from the Chamber of Commerce perspective on the Five Dock Urban Design Study, it appears.---Yes.

10 You've seen this document before, I take it?---Recently, yes.

And, very good, so she records in the first paragraph, records her thanks for coming and "Appreciate the time that you've given to consider the study," she says. "I understand that you support many of the concepts of the plan." ---Ah hmm.

"And have some feedback about other elements that you are keen for council to consider."---Ah hmm.

20 So there was a consultative approach being taken, it seems, from this document, by the council on this study.---Yes.

And indeed over time, following representations made on various aspects, did the council agree to modify the plan, to change it, from having heard from various stakeholders?---I believe some changes were made.

Sorry?---I believe some changes were made.

30 So it wasn't as if it was fixed in stone as at 24 January, 2014, because subsequent developments did occur which led to some modifications. ---Well, that's what the purpose of the study is, to build on a base.

And then she sets out in the dot points the elements of the plan which she understood the Chamber of Commerce supported.---Yes.

And the document speaks for itself then on those matters. Okay, thank you. Yes, Mr Ranken.

40 MR RANKEN: Indeed, above those dot points in that first paragraph, Ms Kelly expresses or says, "I understand that you support many of the concepts of the plan." Do you see that?---Yes.

And that is not an inaccurate description of the position of the Chamber of Commerce, is it? The Chamber of Commerce did in fact support many of the concepts of the plan?---Yes, there were a lot, lot to it, yes.

And we have identified there some of the matters that are supported, being improved public domain, improving the gateways and creating a beginning and end to the centre, increasing the width and the height of the centre, and

increasing residential accommodation provided in the centre as it grows to the local market.---Ah hmm.

And then further down - - -

THE COMMISSIONER: Did you see all of those matters as relevant to achieving a revitalisation of the town centre?---Yes.

And its associated areas.---Yes.

10

MR RANKEN: And then if we scroll down, there are some particular elements of the plan that are of concern to your team. Your team, would you understand, reading this email, a reference to the executive of the Chamber of Commerce?---Ah hmm.

But if you had attended this meeting with those other members of the executive of the Chamber of Commerce, it was as representatives of that body, correct?---Yes.

20

There to represent and put forward the views of the business community as had been discussed and formulated during the course of meetings of the Chamber of Commerce?---Yes.

There's a reference to creating a special centre from Henry Street to Lyons Road and that the area needs a special approach to give it function, meaning and purpose. That's an area north, towards the northern end of the town centre, is that correct?---Yes.

30

And Henry Street is on the western side of Great North Road, is that correct?---Yes.

And its intersection with Great North Road is roughly in line with Barnstaple Road. Is that correct?---Yes.

So we're talking about an area that's north of Henry Street and north of Barnstaple Road?---Yes.

40

And one reason – sorry. The reference to “needs a special approach to give it function, meaning and purpose”, was there some particular purpose that you and your team had in mind for that part of the town centre?---I believe it was medical because there were already existing operators, substantial operators there.

And, of course, it wouldn't be possible to have such a purpose south of Henry Street, particularly on Great North Road, because you had, Mr Whitford had his large retail shop in that area, did he not?---Sorry? Two parts to that question. The purpose wouldn't be applicable south?



Well, Mr Whitford, he had property on the western side of Great North Road, did he not?---He did.

And his property was in the block that had Henry Street to the north?---It did or it does, yes.

And, of course, so there's his property.---Yes.

And it was quite a large landholding?---It is.

10

So that was not an area that was appropriate for a development of a medical centre if he was going to have his property there?---I, I'm not sure of what his plans were but, but I, I think it was based around the fact that there was already existing medical down that end and we were seeking a purpose for Five Dock, some sort of, creating some sort of magnet, 'cause you're competing against all the surrounding areas, and so the thought was - - -

So building on what was already there - - -?---That's what it was, yes.

20

Now I understand. The next dot point refers to "increasing the proposed FSR", that FSR being floor space ratio?---Yes.

And, essentially, you believe that "the proposed retention of the current FSR does not make it profitable to develop sites, in particular, that the current value of the retail in the area is not high enough quality to return the value of the redevelopment". So one of the matters that the Chamber of Commerce was keen to see was that there be some increase in floor space ratio to promote development. Is that right?---Yes.

30

And the next dot point refers to extend - - -

THE COMMISSIONER: Just before you move from that dot point. You yourself were at the time, this time, January 2014, a property owner in the area.---Indeed. Indeed.

Nothing wrong with that, I'm not suggesting, but, and matters such as an increase in the FSR, I take it, was something that you could see the advantage to yourself as well as others if they increase the FSR?---Yeah, there could have been, depending on the controls, yes.

40

Could have been. I mean, that's what you were interested, obviously, in seeing what the prospects for redevelopment might be for your property as, no doubt, others also were - - -?---Yes.

- - - interested in that issue?---Of course.

Am I putting it fairly?---Well, I was trying to take a broader view than the self-interest but - - -

Not suggesting there's anything wrong with it - - -?--- - - - yes, it, it, it would have been, under the plan there was no increase for me at either any of the, any of the opportunities.

But you were interested to know about what the FSRs would be under the new plan?---Of course.

10 From a personal point of view, as well as a member of the Chamber of Commerce?---Of course.

And that was one of the issues, as counsel has taken your attention to, in this feedback, as it were, or this record of the feedback that Mr Kelly recorded and, of course, as you earlier indicated, council were not taking a rigid take it or leave it approach. They were consulting - - -?---Yes.

- - - with people such as yourself and the Chamber.---Correct.

20 And, indeed, in May, that is to say, May 2014, council did decide to recommend an increase to both height and FSR beyond what the study had originally proposed. Is that right?---I believe so.

And you had correspondence with the council about that very matter because you wanted to know and you thought the FSRs and your heights were going to say as originally proposed and in May, the council, I think it was Mr Dewar or - - -?---McNamara, I think.

30 - - - some other council member wrote to you and made it very plain the council was recommending an increase of FSR and height for development?---Yes.

And that was obviously good news so far as you were concerned because it was satisfactory to you and probably other property owners.---It didn't improve anything on my life.

It didn't affect you?---No.

40 All right. But in any event, coming back to the second dot point in Ms Kelly's email, increase in the proposed FSR, there was proposed an increase in FSR and which was responding to, in part at least, representations from people such as the Chamber of Commerce?---Yes.

So with an increase in the height and the FSR that too would be another factor which would give the green light to redevelopment of and revitalisation of the town centre and neighbouring areas.---That was the hope.

Is that right?---That was the hope, yes.

That was the hope. And council indicated that they were onside now about that matter and they would be putting forward that proposal. Is that right?  
---Yes.

And they did, did they not?---They did.

The council did revise the heights.---To a degree, yes. They increased - - -

10 The FSR still increase.---Yes.

Which may have satisfied at least some of the representations that had been made about redevelopment potential to revitalise the town centre. Is that right?---Yes.

Is that right?---Yes.

20 So that in addition to the elements of the plan which you supported, and your colleagues from the Chamber of Commerce set out in the dot points by Ms Kelly, which we've looked at, is to be there was an additional positive element now because the FSRs and the heights were going to be increased. Is that right?---Yes.

All of those together, would you say, were signs of a plan that would revitalise the town centre and neighbouring areas?---To a degree, yes.

30 MR RANKEN: Well, this meeting was an opportunity for the council to put – sorry, for the Chamber of Commerce to put forward the ideas that they thought would achieve the best revitalisation of the Five Dock town centre. Correct?---Yes.

And so you took it on, no doubt you and your fellow Chamber of Commerce executive members took it upon yourselves to make sure you got all of your views across about those issues?---I would, yes. As I said, I can't remember this but, yes, I'm sure we were clear in what was, what we were thinking.

40 And there are two further dot points. Firstly, "Extend the widening of the Five Dock centre," and it goes on to say you "would like to see the same mechanisms used to include Waterview Street in the centre around East Street", and it says "street" again. Is that not a reference, because you are aware that under the plan, the Urban Design Plan that had been developed and was being recommended was that there would be an increase to the size of the core of the town centre?---Yes.

And that included expanding part of the town centre that was zoned as B4 mixed use to extend up to on the Waterview Street side, which is on the eastern side of Great North Road.---Yes.

Extending it up to Second Avenue. Correct?---I believe so. Barnstaple or Second.

THE COMMISSIONER: Mr Ranken, just to assist the witness and myself indeed - - -

MR RANKEN: If you could bring up Exhibit 24.

10 THE COMMISSIONER: - - - can you bring up a plan or - - -?---I should know the area well enough.

- - - map of this area so we can see for ourselves.

MR RANKEN: Yes. If you could bring up, in Exhibit 24 if we could bring up page 232 I think might be the best.

THE COMMISSIONER: Perhaps if you could enlarge that a little bit if that can be done. Thank you.

20 MR RANKEN: You can see that in the centre of the page, firstly there's an area that is bound by a hard blue line, a hard blue line. Correct?---Yes.

And that indicates, does it not, what was proposed to be the expanded area of the town centre under the plan?---Appears to be, yes.

Inside the boundaries of that there are some portions that have some dotted lines.---Yes.

30 And do they on your understanding represent what were the existing boundaries of the town centre if one was to go by the zoning as being B4 mixed use?---Oh, I'm not sure about that detail but probably, yeah.

But you understood that as part of the plan there was going to be this expansion of the core of the town centre in this way?---Yes.

And Waterview Street is on the eastern side of Great North Road.

40 THE COMMISSIONER: So we see Great North Road going right down the middle of this area, the blue line?---Yes.

And then Waterview Street is seen to be off to the right there?---Yes.

Yes, where the cursor is now.---Yes.

MR RANKEN: And right almost bang in the middle of the picture there's an area that has a light green shade to it. Is that Fred Kelly Place?---Yes.

Which is seen as a natural centre of the area, correct?---It is, it is.

And East Street, we can't see the words of "East Street" but is that on the western side of Great North Road?---Yes. Just to the left of, just to the left of Fred Kelly Place.

Just to the left of Fred Kelly Place.

THE COMMISSIONER: So where the cursor is now - - -?---That's where it is.

10

Is that the area referred to in the third dot point of Ms Kelly's email where she says, "We would like to see the same mechanism used to include Waterview Street in the centre around East Street"? So is that area that is recorded in her third dot point, indicated by - - -?---That's, that's wrong isn't it?

Say that again?---Well, East Street and Waterview Street run in parallel.

20

MR RANKEN: Yes, that's right. East Street and Waterview Street run in parallel.---Yeah, so that's a bit, I don't know, it's a bit confusing.

So is this the case perhaps, was the Chamber of Commerce confused about that in that there was already plans to expand the town centre around that area of East Street, because we see that it goes beyond East Street actually to West Street?---I, I can't recollect.

30

Is that the way it looks though to you?---Well, there was two expansions planned, on the left and on the right of Great North Road, or the east and the west.

So, if we could then go back to - - -

THE COMMISSIONER: Could I just – sorry to interrupt. The fourth dot point talks about "Incentivise the aggregation of sites. However, not at the cost of sterilising development." That's the fourth point she notes that your team, as she describes them, had raised.---Yes.

40

As the design plan was developed, it did, did it not, correct me if I'm wrong, make provision for the aggregation of sites?---It did.

And that being, the objective being to enable the possibility of development to higher levels if you got a collection of small sites all being amalgamated together?---It did.

That was a part of the Five Dock Urban – or became a part of Five Dock Urban Design Study, did it not, this aggregation concept?---It did.

So that was another plus, I suppose you would say, in terms of this Five Dock Urban Design Study being effective in helping to revitalise the town centre and neighbouring areas, is that right?---Yes. The challenge was to get the balance between the incentivising and the - - -

Well, it always is a balance, isn't it?---And, and making it not too big that nothing happens.

Getting an appropriate balance.---Yeah.

10

MR RANKEN: And in that way, that second dot point and that final dot point – that is the dot point concerned with increasing proposed floor space ratio and the need to incentivise the aggregation of sites – from your perspective, both as an individual and as a member of the executive of the Chamber of Commerce, they were linked, were they not?---Yes.

Those two issues, in that as far as what you had in mind in terms of how one might go about incentivising the aggregation of sites, it would be by perhaps providing for an increased floor space ratio for sites that had a greater area?

20

---Yes.

Because otherwise you might, if it was, for example, the same floor space ratio that applied across all sites regardless of their area, then there would be no incentive to aggregate the sites, correct?---Correct.

Sorry, was that correct?---Yes, that was the principle that we were - - -

Yes. That was the principle that you and, in particular, you and your fellow members of the Chamber of Commerce were agitating for, for want of a better word.---Well, council were aware of it as well, but yes. Yes.

30

No, I'm not being critical. I just want to understand that that - - -?---Yes.

- - - that the two are linked, and in your mind that was how one achieves, the incentivisation of aggregating sites is by having, in a sense, a bonus uplift, if you will, for sites that are on an area that is greater than, say, other sites. Greater than some minimal level, correct?---Yep. And then you get the right quality of building as a result of that is the next bit, which is the hard bit.

40

And does that, and when you're talking about that, are you talking about design aspects such as building envelopes and the like?---Yes, and spacing and view corridors and daylight, all sorts of things.

And the trick or the difficulty, as far as you perceived it, was to strike the balance right in terms of, firstly, the minimum area before you could get an uplift in floor space ratio, correct?---Yes.

And the extent of the uplift in the floor space ratio.---Yes.

Up to this point there had been a floor space ratio in the mixed zone of 2.5:1. Is that correct?---I, I believe, yes, I, I, take your advice on that, but I believe it's probably in the vicinity, yes.

And initially at least, the study was not recommending any increase to that existing floor space ratio.---I believe that's right, yes.

10 And that's what prompted this interest particularly in the need to increase floor space ratio and also linking that to incentivising the aggregation of sites.---Yes.

And then getting back to an answer you gave us some time ago now, is the reason, one of the reasons why those things didn't have any direct relevance to your own personal property interests was because you had a very, had a small site, is that correct?---Correct.

20 And you were never going to be in a situation where you would be able to aggregate with some other site.---I had a heritage item on one side and a block of apartments on the other.

Sorry, I missed the first part of your answer.---I had a heritage item on one side and a block of apartments on the other, so it was a difficult thing to aggregate.

That was not going to be something that was ever going to be feasible.---No.

30 And that's something that you accepted?---Yes.

But you could still see the benefit of there being increased floor space ratio for sites that might be over a particular area?---Yeah, it wasn't about me. It was about Five Dock generally getting a great result, yep.

And then just finally, after the dot points, there is a reference to "The planning team are also keen to test the economics of the plan on key sites. Can you please confirm the sites that you would like testing by the HillPDA team of land economists."---Ah hmm.

40 And then "Can you confirm the sites are", and there are four sites, is that correct?---Yes.

And is one of those sites in fact your property?---It is.

What was your property.---Yes.

And is another one of those sites – or might be two lots – associated with Mr di Giacomo?---Yes.

And was a third site associated with Mr Whitford?---Yes.

And then was the fourth site essentially the Uniting Church?---It was.

10 And essentially was that, had there, does that refresh your memory as to whether or not there was some discussion during this meeting that, about the planning team, that is the council's planning team, identifying sites where they could actually apply the economics about various things to do with floor space ratio, to do that kind of feasibility testing that you might expect to see what is, to get the balance right?---Yes, I don't remember this meeting, but I remember discussing this in the chamber, the executive, about trying to get some real testing so people could actually relate to it based on a particular site, and so those sites are all different sizes, from small, medium, large and extra large, so that we could actually get, or understand across the town centre what effect it would have if various sites were aggregated.

20 Yes, and I'm not being critical of the choice of the sites - - -?---No, no (not transcribable)

- - - but I'm just saying those sites - - -?---Yep.

- - - were sites that, amongst yourselves and the executive, considered were, or gave a good spread of the different types of sites that you might find, both in terms of their location within the town centre, correct? And also their specific size?---Quite (not transcribable) located, but yes, yes.

30 They are spread out across the - - -?---Yeah. They were representative of various areas and various controls, which is why they were chosen.

THE COMMISSIONER: Sorry, just before we go on. Do I understand that, as Ms Kelly had suggested, the council did arrange for HillPDA to do the testing referred to in that paragraph you've just been taken to?---That's what it says there, yes.

And made available the results of that testing to the public?---I believe so, I believe so. Yes.

40 Again, the council were consulting with stakeholders working through planning issues with a view to developing the new design for the Five Dock Urban Centre, is that right?---Yes.

MR RANKEN: All right. Commissioner, I - - -

THE COMMISSIONER: Is that a convenient time?

MR RANKEN: Yes, that will be a convenient time.



THE COMMISSIONER: Yes?

MR RANKEN: Yes.

THE COMMISSIONER: All right. We'll take an hour, so we'll resume just after 2.00, say five past 2.00. So, Mr Haron, if you would be good enough to be back here in time to resume at that - - -?---Of course, Commissioner.

10

Five past 2.00. Thank you. I'll adjourn.

**LUNCHEON ADJOURNMENT**

**[1.06pm]**