

INDEPENDENT COMMISSION AGAINST CORRUPTION

**RECORD OF INTERVIEW BETWEEN INVESTIGATOR KATE SOUTHAM OF THE
INDEPENDENT COMMISSION AGAINST CORRUPTION AND MR TONY
5 MCNAMARA CONDUCTED AT [REDACTED] ON THE 29 JANUARY 2020**

TIME: 10:36 AM

ALSO PRESENT: ANN-MAREE ROBINSON, INVESTIGATOR, ICAC

10 SOUTHAM: This is an electrically recorded interview between Kate Southam, Investigator with the Independent Commission Against Corruption and Tony McNamara. Also present with me is Ann-Maree Robinson, Investigator with the Independent Commission Against Corruption. This interview is being conducted at [REDACTED] [REDACTED] [REDACTED]. The time is now 10.36am on Wednesday the 29th of January 2020. If you could please, Mr McNamara say – state your full name and spell it.

MCNAMARA: Okay, it's Anthony Gerard McNamara. A N T H O N Y, G E R A R D, M C N A M A R A (spells).

20 SOUTHAM: And Southam is spelt, S O U T H A M (spells). Ann-Maree?

ROBINSON: Robinson, Ann-Maree Robinson, R O B I N S O N (spells).

SOUTHAM: So prior to this interview I explained that it's ICAC's policy to record interviews for accuracy and also in retaining the information. Do you give your permission to be recorded today?

25 MCNAMARA: Yes.

SOUTHAM: Could I please have your date of birth?

MCNAMARA: [REDACTED] [REDACTED].

SOUTHAM: And are you presently employed?

30 MCNAMARA: Part-time. I'm doing some part-time work. Consulting work, yes. Do you need to know who with?

SOUTHAM: That's okay and did you previously work as the Director of Planning and Environment at the City of Canada Bay Council?

MCNAMARA: That's correct.

SOUTHAM: And when did you start that position?

35 MCNAMARA: 18th of October, 2004.

SOUTHAM: And when did you cease in that position?

IN-CONFIDENCE

MCNAMARA: 1st of July, 2018.

SOUTHAM: Okay and could, just for the sake of this interview, when I say Council I mean City of Canada Bay Council.

MCNAMARA: Yeah.

5 SOUTHAM: It's just a bit shorter to say and what did your role as the Director entail?

MCNAMARA: Director of Planning and Environment. So looked after statutory planning, strategic planning, building certification, building control. That is non-compliant buildings. Traffic, also parking control. So ordines control around the city, base contract. We issued certificates, building certificates on properties. The old 149 certificates. Most of the regulatory works in the city I suppose. The health – health inspections of like hairdressers, tattooist, that sort of premises. We did the dump rubbish council clean ups, those sort of regulatory functions. There's a lot more but they're the – they're the major issues we cover.

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15 SOUTHAM: And obviously I appreciate the number may have changed in the time that you were the Director but roughly how many staff reported to you?

MCNAMARA: It was usually in the order of 50 to 60 people.

SOUTHAM: And who did you report to at the Council?

MCNAMARA: To the General Manager.

20 SOUTHAM: And during that time was it the same person?

MCNAMARA: When I started it was Michael McMann. He was replaced by Gary Sawyer and Gary Sawyer was the General Manager through - to the time that he retired which was about six months before I retired and then it was Peter, can't think of his last name now. He'd be devastated.

25 SOUTHAM: And – and do you remember roughly when Gary Sawyer started as General Manager?

MCNAMARA: Yes. He started from memory about Easter 2006.

SOUTHAM: And as I've indicated to you previously, the purpose of this interview is to ask you some general questions specifically around the redevelopment and the associated planning documentation for the Five Dock Town Centre and your level of involvement in that. If you could just start by explaining to us in general terms what that piece of work was and what your role was in that?

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MCNAMARA: Okay.

35 SOUTHAM: Just generally speaking.

MCNAMARA: Okay, the – it was a strategic planning project. The Council had concerns that Five Dock Town Centre was not going well economically. Not a lot of new business going on. Got a number of empty shops, place looked pretty tired. The last time money had been spent, big money had been spent

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by Council was before I started. I think it was about 2002-2003. The works at that time were doing some footpath widening, footpath renewals. The sort of outdoor dining scenario and some lighting but it didn't really seem to really enhance the performance of the centre. So the Council was concerned that action was necessary and they could see it was necessary from a planning view point, a strategic planning viewpoint that something structural had to be changed to get that centre moving. So what we did at that time was – we got some, the approach that we took which was fairly I suppose standard strategic planning approach. We had some economic assessment. Plus some urban design assessment undertaken. So the – the – which involves an analysis of what – what was the nature of the controls on the centre. Were they enhancing or inhibiting performance of the centre. The – the work came out at the time that the planning controls were better suited to a commercial centre. The – and it's – it comes down to land use controls, floor space ratio and heights. It's a sort of a combination that you gives you a built package if you like. Generally if you've got a centre which is more focused on commercial development, then you end up with bigger, fatter floor plates if you like. Often lower buildings, because commercial, it's not a CBD location. It's a town, village centre almost. Big village but there's always the argument is it a village, is it a town but it's – it's kind of in that – in that area. So you had ground floor retail. You had limited commercial. The interests these days is more about residential in these centres than – than commercial 'cause a ten – there's a tendency for banks to close up and there's not that much sort of, you know, solicitors and – and accountants who want first floor and above. So the controls were really designed to give you lower squat buildings. They did permit – it's a B4 business centre so that allows residential as well as commercial but the argument was the built form of the commercial building – the buildings that were being developed which were usually mixed use were not – were not great. That's – that's – that's one argument that came out of that study. There's also the argument, we were getting sort of, we don't really – we didn't really need a lot of increased floor space ratio. It was generally 2.5 to 1 across the centre. Now 2.5 to 1 it's not – it's not always that straight forward understanding what floor space ratio means. You sort of quickly get it but then there's many – many permutations depending on what height you could go to and there's – there's a sort of a philosophy that bigger must be better and let's go for three to one. Let's got to four to one as opposed to 2.5 to 1. The – when it was looked at by the experts the argument came back that most of the centre was not even at 2.5 to 1. It was well below it. 2.5 to 1 would give a very enhanced return on the centre. The problem you had was usually a capping on the heights and that was from memory usually about 3 to 4 storey and the argument was if we kept the floor space ratio 2.5 to 1, allow buildings to go to five storeys or even in some cases where you have bigger sites, a six storey maximum. Then you get buildings which are a bit slimmer, they're better – it's a better envelope suited to residential development and you will – you will encourage new development which will be some retail – maybe some commercial and then the rest probably residential. So that's – that's a good thing and a bad thing. You can turn a centre purely into residential if you over do it. So the economic analysis was look at – sorry the urban design controls were more or less along those lines that I've just outlined. The commercial argument was contain your town centre down around the Fred Kelly Place, around the, if you like the southern end of the centre. You

probably need another key anchor such as another supermarket in the town and look at making sure that parking is accessible because there's a limit to how far people will walk and the town centre itself if you measure from one end to the other is about 800 metres which is too long for a long strip centre. Nobody walks 800 metres. Parks their car and walks that distance. So the argument being focus on the town centre. Look very closely at your building form controls and look at – look at the mix of development that you get in the town but understanding that in the – in the current market the big economic driver is residential. That's – that will enhance development of the town but be careful that you don't over do it or you'll end up with less business and the problem there was it is a – it is a very viable business centre. We wanted to keep the business that we've got and probably enhance what's there as well. Okay so that's kind of a quick summary of what that – what the work was all about and then we proceeded to put that – put that work on exhibition. We – it was tested through – going through public meetings. We looked at very very detailed work actually. A lot of getting building envelopes. So if you're familiar with building envelopes they're not necessarily designing buildings but it's – what does this thing look like. Like what – what – what lump of a building would you get and then testing what sort of shadow impacts does that have because there's residential neighbours all around it. Low density. There's – there's – there's a built form that you – you try not to create big canyons on your main streets. So the idea being you can have buildings at street level. I think from memory the recommendations was don't go above four storeys and then set back above that. So that you end up, they call it human scale. So that you've got, effectively what it means is, say you've got sunlight coming down to your footpaths, it doesn't create those dark canyons that you get in the big tall cities. So it's overshadowing. It's building forms and also there are a number of heritage items through the town and the idea was respect those. They're a key element of that town centre and you don't want great big lumps of building next to them that really detract from – from those heritage values. So that's – yeah they were fundamentals and we also – another element came out of it was to look at – where is the parking of the town. It's a little centre where a lot of people walk there but a lot of people also drive. It has got plenty of parking even though everybody will tell you there's never enough parking in these centres but there is plenty of parking. You can always find a parking spot there and there's really no paid parking there but the argument was you can encourage more development. Get a new supermarket in the town to compete with the one that's there which is now Coles. Make sure that you've got enough public parking. Probably need to have tiered level public parking and condense it or focus it more towards the southern end so that people have a choice of where to park and where to shop. That they're not travelling, well not driving between car parks to do their business. So yeah we followed through all that pretty well and that was – that was pretty much the elements that we recommend going forward to council.

SOUTHAM: Were you and maybe this isn't the correct terminology but were you sort of the project lead or responsible for researching and implementing that project?

5 MCNAMARA: Well my Strategic Planning Manager who was Marjorie Ferguson was the key person on that. I worked very closely with Marjorie but when you're Director you're doing everything – like you're doing a dozen different things a day and you don't have the time really to focus on a project like that. Marjorie is a busy person too but – and a very – very smart lady and she – she – her – it was her – a key project for her to focus on.

SOUTHAM: And Marjorie Ferguson left I believe Council well before you did. Is that correct?

10 MCNAMARA: Yeah a couple of years before, yeah. I'm trying to think what year now, probably about 2015 or '16.

SOUTHAM: And when – who replaced her in that role as the Manager of Strategic Planning?

15 MCNAMARA: Actually it was Paul Dewar. Paul was a Senior Planner, worked under Marjorie. Again he's a very smart sort of fellow there and it was advertised widely. He applied for it and won it in a competitive basis.

SOUTHAM: So I want to show you a document now which is an email. We can just go to that first. So it's an email thread between you and a couple of other people but the top one is from Gary Sawyer to you on Tuesday the 20th of May 2014 at 12:55:08. I wondered if you would look at an email at 7.43am. So the bottom one, so the first email in this thread is from Helen McCaffrey to Marjorie Ferguson and you're cc'd in on it and the subject is Five Dock and it's also from the 20th of May at 7.43am. So this is the top one but if you just have a look at the bottom one. I'll just put this here.

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MCNAMARA: Sure.

25 SOUTHAM: So if you just read the bottom one just in a minute.

MCNAMARA: Oh sorry.

SOUTHAM: So I believe that email – if you could just explain to us just for the record who Helen McCaffrey is?

30 MCNAMARA: Yeah so Helen McCaffrey is a Councillor and she was actually Mayor for a period of about 15 or 16 months. That was during that time that Angelo Tsirekas who was the Mayor and currently is the Mayor stood down from Council so he could contest the federal election for the seat of Reid. So he went off Council for that period.

SOUTHAM: So in the email it advises that the Chamber of Commerce wanted I believe that's a floor space ratio of 3.5 to 1 –

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MCNAMARA: Yeah.

SOUTHAM: - and she asked whether that can be achieved anywhere with the height of 27 metres. Could you just explain to us what the role of the Chamber of Commerce in the Five Dock Centre changes were or what they are?

40 MCNAMARA: The Chamber of Commerce obviously, you know, represents the owners and tenants within a village centre, within the Five Dock village centre.

5 We – we – during – during the process of doing the study and the
consultation we welcome submissions from the Chamber and anybody
who, you know, could make a valid contribution to this. There was a lot of
discussion about what's the right floor space ratio and as I mentioned
before the argument was we've got 2.5, if that doesn't work let's make it
bigger, that'll work and so there's also the question is how much height
and there was an argument there. We should be 8 storeys. There's no magic
about 8 storeys but it's just a big building really and the thought was it can
go big. Five dock is on a ridge. That southern end is on a ridge and a
10 building of 8 storeys will have views of the Sydney CBD. You can see the
Harbour Bridge and Centrepoint Tower. So they're seen as iconic views.
So if you can get those sorts of heights those units are usually quite
valuable in Sydney. So that's where the argument went to. There was a
discussion on the Council too about Five Dock is full of little narrow
15 allotments with little old shops on them and nobody is ever going to sub –
nobody's going to develop those and they're very hard to develop to
anything more than 1 to 1. 1.5 to 1. So there was a philosophy, get bigger
blocks and discussion was around the 1500 or bigger. Make a requirement
that if you can amalgamate land to get bigger blocks, big 20 metre frontage
20 you will attract bigger developments to the town. So this was a serious
conversation that went on for a while. It wasn't – it wasn't dismissed but
it wasn't sort of taken on board immediately. The conversation with
particularly our urban design people was be careful what you wish for
because you end up with a lot of big floor plate buildings. You'll end up
25 with a lot of big residential buildings. Minimal – minimal retail and they
put an argument, which I think is very valid that those – they call it the fine
grain of a small shop in High Street will be lost. You'll end up with either
big display windows or big blank walls. You'll lose a lot of character if
you go for big floor plates everywhere. So you know they're all – they're
30 all valid views but the prevailing view came about, we do value that small
fine grain shop fronts. If people want to – if people want to amalgamate a
few sites to build a bigger building there's nothing to stop that. There's no
law against that but the argument being, try to retain those small fine grain
shop fronts and we – we – we finally prevailed that 3.5 to 1 and the 8
35 storeys is just excessive and will ruin the character that Five Dock has got.

SOUTHAM: The - the Five Dock Chamber of Commerce, did that represent commercial interests in the Five Dock Town Centre?

MCNAMARA: Yeah, yeah.

SOUTHAM: Or did it extend more broadly than that?

40 MCNAMARA: Well look we never saw them as a very strong if you like lobby group but they were representative but it was usually commercial land owners there. They didn't – that's – that's what we saw them, yeah.

SOUTHAM: Do you recall who the executive of the Five Dock Chamber of Commerce would have been or any of the sort of figure heads or the senior people
45 who were part of that group?

MCNAMARA: Look I – I didn't have a real lot to do with them. I think there's a fellow there named Joe DiGiacomo, had a bit to do with him from time to time.

He was an owner of land on – more toward the northern end. He owns a commercial building.

SOUTHAM: I believe there was also somebody in the Senior Management called Glen Haron. Does that ring a bell to you at all?

5 MCNAMARA: Oh I know Glen, yeah sorry, yeah he's a pretty active sort of a person. He used to have a business at Drummoyne. Then he moved down to Five Dock and then I think he sold up, yeah.

SOUTHAM: You mentioned that Joe -

MCNAMARA: Joe DiGiacomo?

10 SOUTHAM: - he owned a business – was that on Great North Road?

MCNAMARA: Correct, yes.

SOUTHAM: Do you know if Glen Haron owned any properties personally or through some - any sort of company arrangement in Five Dock?

15 MCNAMARA: Yeah Glen owned property. I'm just trying to think of what street it was, I think it was Fairlight or Ramsay. One of those, it run off – ran off Great North Road.

SOUTHAM: Would it have been fair to say that the – any proposed changes including any increases or increased floor space ratios or heights might have personally affected either Joe or Glen Haron?

20 MCNAMARA: Well if we went for a blanket 3.5 to 1 that could have helped. I don't recall the areas of land that they had. So if it was a requirement that you amalgamate the 1500 square metres, I'm sure Joe would have had to amalgamate with other properties. I can't recall how big Glen's was but I don't still think it was 1500. That's a pretty big lump of land in a shopping centre. So at – they'd need – they'd need to amalgamate with other properties from my recollection to benefit from it.

25 SOUTHAM: So I want to ask you some questions about this email which is from you from Helen McCaffrey and you've included Paul Dewar and Gary Sawyer on it and the subject is forward Five Dock and it's from 9.48am. Just have a look at this email. I believe it's your response to Helen McCaffrey's questions.

30 MCNAMARA: Looks very sensible to me.

SOUTHAM: I was just wondering - so in the email you say under number one, it was pretty clear from the work shops that Councillors want to see incentives to amalgamate blocks in Five Dock. Were those Council workshops?

35 MCNAMARA: Correct.

SOUTHAM: Did you generally attend those?

MCNAMARA: Yes I did, yeah.

SOUTHAM: Could I just ask, which councillors at the time wanted to see the incentives to amalgamate blocks, if you remember?

MCNAMARA: The – the person that I recall making some strong comments on that was Councillor Neil Kenzler. He seemed to have a strong view on that.

5 SOUTHAM: As in that he wanted to see the incentives for amalgamations?

MCNAMARA: Yes, correct. My recollection was that – look I – I better withdraw that comment there. I noticed that Councillors Fasanella and Megna always noted a conflict of interest and did not attend these Council items there.

10 SOUTHAM: When you say they noted a conflict of interest and they didn't attend the items do you mean in work shops or in council meetings?

MCNAMARA: They didn't attend the council meetings and I – I just can't recall whether they attended the workshops or not because the membership – attendance, sorry, at workshops is not recorded and I – I think – I think they may have attended some of the workshops but I – I just haven't got a note of that and I haven't got a 100% recollection but I feel that there were some views expressed that the current controls were not being successful in generating additional development but I also recall that they were reminded that don't get involved in these issues because you've got – you've already nominated a conflict of interest so you shouldn't be involved. So that's really as far as it goes here but there's no minutes kept from those workshops so yeah there's no – no records of their attendance or comments but it was primarily as I recall Neil Kenzler was making those – that case for – he wanted to see bigger – bigger developments and it's kind of a simplistic view. Current controls don't work so add an economic incentive and then they will work and as I mentioned here the view is you can over value the sites by - by adding – by creating too much potential. The values go up. People say well it's overpriced now so I'll – it stops development by going too far with these controls. They have a negative impact.

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30 SOUTHAM: I don't – I don't believe that the initial urban design study that was commissioned by the Council in the 2014 period proposed any sort of amalgamation bonus provisions?

MCNAMARA: No.

SOUTHAM: Is that your understanding?

MCNAMARA: That's my understanding.

35 SOUTHAM: So do you – where did that idea come from?

MCNAMARA: It came from the councillors and there was a strong push to say we – can we do this and how would you do it. So as public servants you'd try to put it forward that this is the approach you would have to take on that but you can see that we also caution that it's not necessarily a truism that gives you the result that you want but -

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SOUTHAM: Because then there's some emails from Helen McCaffrey on the 20th of May at 7.43. She's mentioning amalgamations. That's not to say that she

– she had a particular view on it either way or was the instigator of it but I’m just wondering if you have any idea where the idea for amalgamations and bonus development criteria came from in terms of which councillors because presumably not all of them thought of that together?

5 MCNAMARA: No, some were pretty neutral on the whole idea. I thought the - from memory as I mentioned Neil Kenzler was very strong on that and from my recollection the Five Dock Councillors particularly Tony Fasanella thought this would be a very a – a worthwhile exercise. That it would generate new developments.

10 SOUTHAM: You mentioned that the Council workshops that were attended by Councillors, they’re not – the attendance – the attendance isn’t taken. They’re not minuted, is that correct? Is there a record kept of what was discussed or anything like that?

15 MCNAMARA: There actually is, you’d need to address the – you’d have to get into the Council records on that because they do keep – there was an agenda.

SOUTHAM: I have seen council workshop agendas.

MCNAMARA: Yeah.

20 SOUTHAM: That – but that would be the extent.

MCNAMARA: There’s an agenda and then what comes out of an agenda is discussed at the Council Executive, usually the same week or the following week to run through what came out of the workshop and then what actions will follow.

25 SOUTHAM: And you mentioned that you are not specifically aware whether Councillors Megna and Fasanella attended workshops where the Five Dock Town Centre was discussed.

30 MCNAMARA: No, look I just haven’t got a clear recollection of that. I - my – my recollection was that Tony Fasanella was supportive of the concept and that could have come from more general discussions but I just can’t recall them – I just haven’t got that clear definitive response, yeah.

SOUTHAM: In terms of the Councillors leading or putting forward suggestions that were later implemented in the Five Dock Town Centre, did that happen very much as far as you recall?

35 MCNAMARA: The – the major issue that came forward, so going back a little bit. I think the – the reports and the minutes that you’ve got have - document the process quite thoroughly because there was a lot of interaction with Council as – as things went on exhibition and so forth. Clearly this issue about the more floor space ratio and greater height was one that was promoted more by Councillors and certainly not by staff and it was pushed back by staff as you can see. Supported by expert opinion and ultimately

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that prevailed. The left field issue that came up was the three additional sites to the north of –

SOUTHAM: We will get into that

MCNAMARA: Well that – that was prompted entirely from Councillors.

5 SOUTHAM: Okay and just from your recollection are you –

MCNAMARA: - I'm sorry so when you say entirely by Councillors I think there was some – some – some response on some of the sites in support of those arguments there which – which was not supported in the response report but it was promoted to pursue it by the Councillors which lead to further – further
10 consultant studies.

SOUTHAM: Just in terms of your recollection and as I said we will get into it in more detail but which Councillors were particularly interested in looking into further sites?

MCNAMARA: The three extra sites? That was prompted from memory by Councillor
15 McCaffrey. Councillor Ahmed and I think Councillor Cestar, early days.

SOUTHAM: And presumably Councillor Megna may or may not have had a view on that based on his –

MCNAMARA: I don't recall him having any view on that one at all, no.

SOUTHAM: Okay.

20 MCNAMARA: No.

SOUTHAM: I wanted to ask you about this top email in this thread which is from Gary Sawyer to you on 20th May 2014 at 12:55:08. You just have a look at that the top one. So in the email Gary Sawyer has said 'Bruce has advised that John Sidoti asked him about this parents property and maybe attending tonight to address Council'.
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MCNAMARA: Right.

SOUTHAM: 'You may wish to read up on the site he will be speaking about so you are familiar with the issues he will raise'.

MCNAMARA: Sure.

30 SOUTHAM: 'Bruce has more detail if you need it'.

MCNAMARA: Yep.

SOUTHAM: Could you just clarify just for the record who Bruce was?

MCNAMARA: Bruce Cooke, he was the Director of Corporate Services and he retired roughly the same time I did.

35 SOUTHAM: Is there any reason why John Sidoti would have approached Bruce for something like that if that's true?

MCNAMARA: Because Corporate Services, the – well it was the division of Council that kind of managed meetings and there was on our website if you want to address a council meeting you have to lodge a submission of interest and it came through that area there. So Bruce is Director. His Manager, I'm trying to think who that would be but the Manager of the time would have been the one to record that and then particularly if your local member is – or state is interested in attending. That would – that would excite a bit of interest I suppose. So Bruce would have directly notified the General Manager and then Gary would have advised me just so that we all look like we know what's going I suppose, yeah.

SOUTHAM: Just out of curiosity so John Sidoti was the Local Member for -

MCNAMARA: Drummoyne.

SOUTHAM: - Drummoyne and do you recall when he first was in that role?

MCNAMARA: He's been – oh look I can't tell you what date. I'm sure he's had a couple of terms in there now.

SOUTHAM: Was he the local member when you started with the Council?

MCNAMARA: No, no, he was – he didn't have any elected role then. He was managing family business which was I think called Mediterranean House on Great North Road.

SOUTHAM: Was there any policy or procedure and I'm not saying that there was but was there any that you're aware of about if the local Member in this case John Sidoti contacted someone at Council that a certain level of staff had to correspond or deal with him? Like was there any sort of policy or process about how any communication with the local Member would be handled within Council?

MCNAMARA: I'm just trying to think about that. I think there was – there was a general policy that letters to – letters to Members of Parliament would be issued by the General Manager. That was a general principle there. Where the variation of that occurred was John Sidoti would follow up all sorts of parking tickets and stray dogs which my area was looking after. So my Manager who looked after that area tended to respond to those without having to go through the General Manager. They were seen as more procedural matters. So that the – the Local Member is following up a – like a – an electorate sort of request and my Manager was responding. That sort of mechanical thing. No politics in it, yeah.

SOUTHAM: Was there any – so – and once again I'm not saying this is the case but was there anything that – saying that some sort of expectation that – to communicate directly with him or his staff you had to be at a Director level or anything like that, as far as you're aware?

MCNAMARA: Well it was – it was either Director or General Manager, primarily General Manager.

SOUTHAM: Was that written anywhere or was it just sort of an expectation?

5 MCNAMARA: That's a very good point. I can't recall any written direction on that. It was something that – I'm sure it did come from the General Manager early days. It was often, if I can say it, a little bit of animosity between the – our Mayor and the Local Member that was the case with the previous Local Member. It just seemed to be one of those political arguments that never ends for no particular reason. So the thought was communications must be kept at that highest level.

SOUTHAM: And Bruce was at a Director level?

MCNAMARA: Absolutely.

10 SOUTHAM: At that time, yeah.

MCNAMARA: Yeah.

SOUTHAM: So are you able to tell us when you first met John Sidoti in any capacity?

MCNAMARA: Oh would have been probably soon after I started with the Council 2004 or '05 and it would have been as a result of the fact that he was a local – a local person managing that business down at Mediterranean House, yeah.

15 SOUTHAM: Did you also understand and I'm not entirely clear on the timeframes, was he also involved with the Five Dock Chamber of Commerce at some point. Does that sound familiar?

MCNAMARA: Look I don't know. I couldn't answer that.

20 SOUTHAM: I believe he became the Member for Drummoyne in around 2011. So did you know – so you knew him before then just in terms of somebody who was – who was involved in a local business in the Five Dock area. Is that correct?

MCNAMARA: He was the Mayor of Burwood before that. So knew him in that capacity as well.

25 SOUTHAM: Okay.

MCNAMARA: I think he only did probably one term as Mayor of Burwood.

SOUTHAM: In your role generally at the Council as the Director, how would you describe the level of general contact you had with Mr Sidoti, John Sidoti, regarding Council matters. Did you have a lot to do with him, not too much?

30 MCNAMARA: Oh look personally, not a great deal to do with him but he had a lot of contact with my area because as a Local Member he would see constituents on I guess a weekly basis and they were always going to him about parking tickets and about other matters that my division looked after. So he would often support them, send a letter through and we had to respond to that.

35 SOUTHAM: In – specifically in relation to this email on the 20th of May 2014 what can – do you remember that email at all?

MCNAMARA: Um –

SOUTHAM: Just wondering what – what – if anything you can tell us about it?

MCNAMARA: I – I really haven't got a great recollection of it. My - the only thing that I can think of is I don't recall him ever addressing Council. So I just can't recall him actually turning up. If he addressed the Council I think it would be in the minutes.

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SOUTHAM: So I've got those printed so we can discuss that.

MCNAMARA: Sure but I just can't recall him ever standing up and addressing the Council about his parents properties.

SOUTHAM: It's – it mentions his parents property. What would you have understood at that time for that to be?

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MCNAMARA: I understood it to be the Mediterranean House. This is going back to 2014.

SOUTHAM: That's correct.

MCNAMARA: Yeah that's – that's all I understood him – that's all I knew of at the time. I didn't go and start to look for any other properties he might or might not have owned.

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SOUTHAM: And was that – what – what sort of a business was that?

MCNAMARA: It's a reception centre. It's based on Great North Road and yeah they just have functions there, weddings, that sort of things.

SOUTHAM: Would that – would that property be affected by any changes that would have occurred or did occur at Five Dock Town Centre?

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MCNAMARA: The –

SOUTHAM: It was within the area, is that correct?

MCNAMARA: Definitely within the area, definitely within the study area and I think the – the zoning didn't – wasn't proposed to change. The floor space was not proposed to change by – as I recall the height probably was proposed to change by about a metre which could have allowed from a four storey to a five storey development. If they'd yeah put in a re-development proposal and from memory the fifth storey would be like set back so that it wasn't like a vertical wall up from the street. It would be four storeys up and then a sort of a set back central floor.

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SOUTHAM: Do you recall if you spoke to Bruce at any stage about this request from John Sidoti?

MCNAMARA: I just can't recall that. It's six years ago. I just can't recall.

SOUTHAM: As far as you're aware was that taken on face value the – the first time that John Sidoti had approached anyone from Council to want to speak at a Council meeting regarding his parents property or what might be happening at Five Dock?

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5 MCNAMARA: I would think so. I – look to be honest I could never recall John ever speaking at a Council meeting but certainly that report was around – was around 2014. So it would have been prompted by the study and the fact that it’s gone on public exhibition. So he was – he was – he would have been entitled to speak if he wished but I – as I say I just can’t recall him ever speaking.

SOUTHAM: Did you have any understanding about the ownership of that property. I mean it says in the email, his parents property, whether or not that – that is true or not?

10 MCNAMARA: I’ve never researched who owned it. Whether it’s a company name or whether he had a personal interest in it. No I didn’t, I didn’t do that.

SOUTHAM: Okay, did – did John Sidoti ever approach you directly to discuss the Five Dock Town Centre as far as you recall?

15 MCNAMARA: No, he’s never – never approached me directly to talk about it. No I can’t recall ever him – him ever doing that.

SOUTHAM: Did – did you understand that during the 2014 period when the urban design study was being looked into or more generally did you understand that the staff who were more as you say closely involved in that work at Council did they have any awareness that the – that any proposed changes in terms of the boundary of the Five Dock Town Centre might have affected the local members family or him or whether or not that was a factor in – whether the staff were aware of that?

20 MCNAMARA: Change in the boundary of the study area?

SOUTHAM: No, in terms of when the work was being done –

25 MCNAMARA: Yeah.

SOUTHAM: - in terms of any proposed changes for the Five Dock Town Centre.

MCNAMARA: Oh okay.

SOUTHAM: Was there an awareness by the planning staff that might have affected the local member’s family or –

30 MCNAMARA: I would have believe they would have known that Mediterranean House was part of the study area. They – they sort of know a lot of stuff these guys when they work around the area for a long time. So I think they would have been aware of that, yeah.

35 SOUTHAM: Do you think while the changes were being contemplated at Council Meetings and workshops that the Councillors who attended the meetings might have been aware that that – that the changes to the Five Dock Town Centre may have involved changes to properties that were connected to the Local Member or his family?

40 MCNAMARA: I believe so, yeah. I think they were very well aware of who owned what properties around the place.

SOUTHAM: Why – why do you say that?

MCNAMARA: Well you've got, particularly Councillors Megna and Fasanella. They have personal interest in commercial proprieties. They know – they all know each other pretty well. Don't take this the wrong way but the Italian community are pretty tight down there and they would have well known what properties he owned and that were – they were pretty good at taking on board the reports that we provided and also the reports – sorry the consultants reports and also our reports in response to those. They did pay attention and they did focus on what – what information they were provided with.

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SOUTHAM: And you sort of already covered this in one of the answers that you gave but just to ask it more specifically, as you say you have no specific recollection of him attending - John Sidoti attending a Council meeting to discuss his parents properties.

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MCNAMARA: No.

SOUTHAM: Which is sort of indicated generally in the email.

MCNAMARA: I recall him – he has attended meetings but I couldn't give you details but I don't recall him ever addressing the Council.

SOUTHAM: Did you – would you have had any concerns about what was proposed in the email from Gary Sawyer in terms of – would have had any concerns if John Sidoti had attended a Council meeting and –

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MCNAMARA: Addressed the Council?

SOUTHAM: - and addressed the Council regarding his parents property?

MCNAMARA: Not at all, no. He's entitled to do it, yeah.

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SOUTHAM: So, if we just go to these minutes which you've alluded to before from the 20th of May 2014. It's a meeting with Council. Page five of the minutes is the item 3 which is the outcome of exhibition of the Five Dock Town Centre Urban Design Study.

MCNAMARA: Yeah.

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SOUTHAM: And it also lists four people who attended to speak and it also records Mr G Haron representing Five Dock Chamber of Commerce.

MCNAMARA: Okay.

SOUTHAM: There's no recording of a John Sidoti attending -

MCNAMARA: No.

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SOUTHAM: - and then as you say the –

MCNAMARA: Well you don't recall who attends these meetings anyway.

SOUTHAM: Well who addressed the Council I should say.

MCNAMARA: Only who addressed, no.

SOUTHAM: Yes, and the matter was deferred at that stage.

MCNAMARA: Yep.

5 SOUTHAM: So as you say it doesn't appear on the reading of the minutes that he addressed Council.

MCNAMARA: No, I don't believe so. No, again I've got no reason. Understanding why I didn't speak to him about it. I was expecting on that advice he would have turned up and spoken but if he chooses not to that's his business. Yeah, that happens.

10 SOUTHAM: So I want to ask you some questions about an email from the 2nd of October 2015. So it's also in a thread. This one is from Tony Pavlovic. Is that how you pronounce it?

MCNAMARA: Pavlovic, yeah, Pavlovic is how he says it, yeah.

15 SOUTHAM: To you and it's also cc'd Marjorie Ferguson. It's from Friday the 20th of October 2015 at 1pm and the subject is John Sidoti. It's a very short email but if you could just have a look at it, it's just there.

MCNAMARA: Yeah, yeah, okay. Sure.

20 SOUTHAM: So the email itself says Ton, I'm assuming T O N (spells) 'as discussed John presented to the counter today wanting to organise an appointment with Paul Dewar re Five Dock. He said he wanted to meet next week with Paul together with his consultant planner. I said I will pass the message on to you and Marj, cheers'. Could you tell us what you – if you could explain that email to us.

25 MCNAMARA: I can't tell you a lot more than what's there. Tony Pavlovic had a lot more to do with John Sidoti than I did on a – on an operational basis as I've mentioned. Mostly due to all these letters that would come through with a representation from the Local Member. The – at that point Paul Dewar, I can't recall exactly – Marjorie must have still been with the Council at that stage and the – the reason for that meeting would be a conversation. It may well have been about the study but I couldn't tell you any more than really

30 what's the detail of that – of that email.

SOUTHAM: Paul Dewar at that time would have been a Manager or a Senior Planner?

35 MCNAMARA: He would have been a Senior Planner so he would not have been talking about a parking matter or a stray dog. He would have been talking about the planning studies. That would be my understanding of why he would want to talk to Paul. There'd be no particular other reason for it.

SOUTHAM: Would there be – would it have been appropriate for him to have met with Paul Dewar or would it have – given that he wasn't a Director or is it likely that other people would have been involved?

40 MCNAMARA: Well I'd leave that to Marjorie to sort out. The – what I take there, John Sidoti was attending with his consultant planner which would have been

5 somebody from Pacific Planning I think the company was called. I have met his – he had a couple of people that represented him and I can't recall the – the main consultant that turned up but my – my assumption is that the consultant had a position to put forward and I'm sure he put forward a formal submission to Council and John as the owner or his parents, representing his parents would have been in attendance at that meeting but I can't – I wasn't at that meeting to the best of my knowledge. So I don't know anymore than that.

10 SOUTHAM: Did you understand that John Sidoti personally owned any property in Five Dock or did you – did you think that it was more that he was representing a family interest?

MCNAMARA: I always understood it was his family business and that his parents owned the Mediterranean House.

15 SOUTHAM: Okay, so was your – you mentioned Pacific Planning in terms of consultants that they – that someone engaged. Do you have any understanding who they represented? Did the consultants in terms of like whether it was John Sidoti or the family more generally or a business that might have been connected to the family?

20 MCNAMARA: Um, no look I can't give you great detail of that. It was – it became clear later on that there was more than the Mediterranean House. It was – there were other properties involved. There was one that came through to Second Avenue as I recall. Either – I think it was two properties on Second Avenue and that's where the planning argument was developed by the consultants. So yeah there was three properties involved in total. I personally didn't research who owned what. You know you have a lot of these conversations and people declare what properties they're putting forward submissions on and provided you're reasonably familiar that they're – that they're representing the owners interest as opposed to trying to you know go behind the owners I suppose. Generally we give them information which is public information. Yep.

30 SOUTHAM: Did you have any concerns or have any discussions internally with the planning staff in Council about the fact that John Sidoti was – had a consultant and was approaching Council in order to have meetings to talk about Five Dock but he was also the Local Member representing a constituency?

35 MCNAMARA: Look there's – there's two thoughts on it. As a land owner I feel okay you can put forward your argument. I think we made – the only – I didn't really talk to John directly about this. I did speak to his consultant and indicated to him what our position was. Didn't really care who owned it. We knew who owned the three properties as it – as they became but just made it pretty clear I suppose that we were pursuing this professionally and I thought that message was pretty well received by the consultant. That he wasn't trying to use any other sorts of influence to – to come up with a different decision. He was simply putting forward a planning position on it which he'd be entitled to do and others would as well around the Town Centre. So that's – that's how it was approached. So I wasn't uncomfortable. I'd hate to think that a person was excluded from having

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5 an opinion put forward. I'm happier to have a consultant put it forward than a person directly. It's just that sort of, if you like, an appearance of influence that can come from an elected person making their own representations. It's – it's – it's yeah it's appearances but it can – probably look like whether they are or whether they aren't it can be read as they're trying to use some influence that they shouldn't be doing. So that's why I'm always happier if their consultant puts forward the case, articulates it, particularly in writing and then they – they receive a response. We feel with – we're dealing with them as fairly as – as – as we can do when as we must do.

10 SOUTHAM: And in terms of as you say putting forward submissions to Council for consideration amongst many other submissions in terms of what the future LEP or any of the changes look like, did you – did you or anyone at Council have any concerns in terms of the level of direct access for want of a better word that John Sidoti would have had to Council? I'm just more wondering in terms of whether or not other parties within the Five Dock Town Centre would have been able to have that level of direct access to Council's planning staff?

15 MCNAMARA: Look anybody who wanted to come up and make a – a – an appointment with our Strategic Planning Group would have been – would have been given that opportunity usually by appointment. Usually with somebody present and usually some notes would be taken and recorded so that – that's always – always critical that conversations are – are held in an open and transparent fashion. People can – can get their submissions I suppose better informed by having those conversations but you don't want to create the impression that there's – there's two levels of information. One for the insiders and one for the – for the rest and in this particular area you've got to be extraordinarily careful. There's too – yeah there's too many dollars involved.

20 SOUTHAM: Are you aware if – so you've mentioned that and correct me if I'm wrong that you recall that you may have attended some meetings with the consultants at some point specifically Pacific Planning?

25 MCNAMARA: I have done, yes. I've had either one or two meetings with them. Originally there was a fellow named Matt Daniels, was with that company. The – the younger bloke I just can't recall his name now.

30 SOUTHAM: Would it have been James Matthews?

35 MCNAMARA: I think it was actually, yeah, James Matthews. Sounds pretty familiar, yeah.

40 SOUTHAM: Did John Sidoti attend those meetings or was it just the consultants as far as you recall?

MCNAMARA: I think I recall one meeting with John but again I just don't have all these records. So I can't give you any more specifics than that.

SOUTHAM: Okay. Are you -

MCNAMARA: Yeah. Sorry can I offer you a cup of tea or coffee?

SOUTHAM: No, I'm alright thank you.

ROBINSON: No, I'm fine.

MCNAMARA: You sure.

ROBINSON: Thank you, yeah. If you want to make one for yourself.

5 MCNAMARA: That's okay, that's okay, that's okay.

SOUTHAM: If I wanted to – I just wanted to ask you about this email which is from the 6th of October 2015 at 9.26am and it's from Gary Sawyer to you and the subject is John Sidoti. It just goes from there a little bit over the page.

MCNAMARA: Okay.

10 SOUTHAM: Okay and then there's another email in that thread a bit further up from the 6th of October 2015 at 9.20, 9.28am where you've emailed Marjorie Ferguson that response from Gary Sawyer the General Manager. Did you see that?

MCNAMARA: So the top here. Is that the one?

15 SOUTHAM: Yes so you've said 'Marjorie response from GM'.

MCNAMARA: Yeah.

SOUTHAM: I'm assuming in that context that means General Manager.

MCNAMARA: Yep, General Manager, correct.

SOUTHAM: 'Can we please discuss'.

20 MCNAMARA: Right

SOUTHAM: Are you able to tell us anything about that?

MCNAMARA: I can't tell you what conversations happened between Angelo and John Sidoti. Angelo being the Mayor of course.

SOUTHAM: You mentioned that occasionally their relationship was a little bit –

25 MCNAMARA: Oh look they seemed to have a sort of an ongoing, I don't know, political competition going on. I don't know whether that's all show because one's Labor and one's Lib. Sounds – I think they also had – by the sound of it they also had other conversations going on and Angelo's response there sounds pretty good to me that we're doing this on the basis of proper

30 planning. What – what Sidoti asked Angelo I don't know. It's clearly about the issue in Waterview Street and that the Sidoti property that – the Waterview Street – the Mediterranean House properties on Great North Road. The two properties to the further south I think from memory one is B4 and the other one is R3. I think, I just – I'd need to look at that. What

35 – so the Diane there is Diane Griffiths from GL Studio and the argument being - put forward an argument there and we'll get Diane as our Urban Designer to consider their – their proposition and I guess that's – Gary sent

5 it to me. I said to – I'll send it off to Marjorie and ideally I said I can't see if there'd be any great point of dispute there with the issue but it's good that Marjorie knows because it probably means that there will be some sort of report or submission that has to be prepared and I normally sort of delegate these things for people to do.

SOUTHAM: Did you at the time have any concerns about what Gary Sawyer had said in terms of his – his opinion about it?

10 MCNAMARA: No, no, I think Gary was entirely supportive of staff as to how we were approaching this whole matter there. It was pretty clear that John Sidoti wanted more development there. The – the original submissions that came forward were why doesn't the B4 extend on the western side of Waterview Street and I wasn't aware that Sidoti owned any properties at all on the western side but what it – what it would mean is if they had the whole block being B4 then you could probably achieve higher yields on the Great North Road side but when you – when the zoning stops mid block and you've just got two storey development, residential on the – on the western side of Waterview it constrains what you can do on the Great North Road properties.

15 SOUTHAM: Why – why do you say that it was pretty clear that John Sidoti specifically wanted greater development opportunity or changes to the Five Dock LEP?

20 MCNAMARA: That was – so I understand that was the submission from James Mathews. I'm pretty sure they wanted seven or eight storeys on that – on that Great North Road frontage and - so the argument was coming what's wrong with having development, B4 development on the western side of Waterview. It – it – as you can see on the zoning maps that eventuated we've got some areas for 7 storey along Great North Road on that – on the eastern side of Great North Road but that particular lot between Second Ave and Barnstaple maximum of five and the – the reason that it doesn't go anything further than that is because it's immediately backing on to R3 land which currently – sorry at the time you were allowed two storey and I think it's since been varied to about 3 storey along there.

25 SOUTHAM: You've mentioned – we've discussed a little bit particularly in that previous email, contact that John Sidoti had with Council staff seeking a meeting.

30 MCNAMARA: A meeting with Paul Dewar.

SOUTHAM: Are you aware whether John Sidoti ever met with Councillors to discuss the Five Dock Town Centre privately without Council staff attending?

35 MCNAMARA: I – I haven't got any records of the subject. I suspect that he met with the Liberal Councillors.

40 SOUTHAM: What makes you suspect that?

MCNAMARA: Because they put forward this proposition that we should investigate three more areas including the western side of Waterview Street and that was never our recommendation. It just came about at their instigation and I

think – I think the real interest was in the western side of Waterview and I think the other two sites were more to make it look like we're broadly interested in – in expanding the areas of investigation.

5 SOUTHAM: And which Councillors, you mentioned Liberal Councillors, which Councillors would you have said?

MCNAMARA: Let me just have a look at my notes if you don't mind.

SOUTHAM: No, that's fine.

MCNAMARA: This is an issue that came up –

10 SOUTHAM: I should just say is it ok - is it permissible that at the end of this interview to either take or take some photos of your notes. Is that alright or would you – are they more for your record?

MCNAMARA: Well they're really only little notes that came off those reports and minutes. They're nothing more than that.

SOUTHAM: Okay.

15 MCNAMARA: So I don't see any value quite frankly.

SOUTHAM: Okay.

20 MCNAMARA: That's all they are. They're not personal recommendations. I noticed here on the third of November 2015 there was a resolution that came out in two parts and the first one was look at it, floor space ratio 2.7 to 1 plus seven storeys on some identified sites and b, to investigate three extra sites, western side of Waterview, the east and west of Henry Street and the 42-50 Ramsay Street which is currently B1 neighbourhood zone. So that was moved Kenzler and McCaffrey. So I think that's – that – Kenzler is a Labour, McCaffrey is a Lib and it was opposed by Cestar Tyrrell. Tyrrell's a Green, Cestar's a Lib so it's – I'm not quite sure why Cestar refused it but certainly it was – it was a question that McCaffrey put forward as a – for us to go out and do that work. So as far as I'm aware her motivation for doing was some sort of request along the way that we should – should expand our area of investigations.

25 30 SOUTHAM: And you mentioned that – that proposition wasn't something that was recommended by the design – the people that were engaged to do that work in terms of the design and economic analysis?

MCNAMARA: That's correct.

SOUTHAM: That wasn't a suggestion by Council staff?

35 MCNAMARA: No.

SOUTHAM: That came from one of the meetings in terms of investigating additional areas. Is that correct?

MCNAMARA: That's correct.

SOUTHAM: Did that come from a workshop, a council workshop?

MCNAMARA: No, as far as I recall it just came up and at that time as a part B resolution which I don't know what conversations had occurred between Councillors, it was certainly not discussed with me before. It was just - came up basically as an extra motion on the night.

5 SOUTHAM: And you mentioned that you thought it was possible that John Sidoti might have met with the Liberal Councillors previously to – to that meeting?

MCNAMARA: Well I'm suggesting that it's possible because I can't think of any other reason?

10 SOUTHAM: But do you have any – but is that more a suspicion than anything else?

MCNAMARA: Um –

SOUTHAM: For instance did you ask any of the Liberal Party Councillors about it?

MCNAMARA: I thought – I did ask a question at the time what's - why is this and I thought they were very uncomfortable with that proposition but they – I felt that there was some pressure.

15 SOUTHAM: Did they give you an explanation?

MCNAMARA: I think it was assumed I knew what the reason was. It was coming from Sidoti basically because –

SOUTHAM: Did any of them say anything to that effect?

20 MCNAMARA: I didn't record anything down there. I just had the message – I had the impression from Councillor McCaffrey that she'd been asked to put forward that by Sidoti.

SOUTHAM: But she didn't say that would that be correct?

MCNAMARA: I can't – I can't say she put it into words.

25 SOUTHAM: You mentioned that you thought some of the Councillors looked uncomfortable when the question was asked. Would that have been at that meeting do you think?

MCNAMARA: Definitely I thought she was uncomfortable. I thought – I thought Cestar was opposed to it and I don't know what in-fights they had in the Liberal Party but because it was an initial investigation if it was, at face value, there'd be no particular reason if somebody comes up with have a look at some more sites why wouldn't you. I had the feeling that Cestar had a bit of an issue with Sidoti and decided she wasn't going to go along that – that path.

30 SOUTHAM: What – and you've mentioned that Councillor Megna and Fasanella weren't – didn't participate in items about Five Dock Town Centre?

MCNAMARA: Correct.

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SOUTHAM: What about Councillor Ahmed?

MCNAMARA: Yeah he always participated. He didn't have any conflicts of interest.

SOUTHAM: Do you have any recollection that he attended that meeting or looked uncomfortable or otherwise?

5 MCNAMARA: Eh –

SOUTHAM: I just mean because he's – my understanding he's the remaining Liberal Party Councillor.

MCNAMARA: That's right. Yeah.

SOUTHAM: At that time.

10 MCNAMARA: I couldn't tell you whether he attended or not. I'm sure it's in the minutes.

SOUTHAM: Okay.

MCNAMARA: And in the Council records there, yeah.

SOUTHAM: I just wanted to show you this email which is from the 27th of October 2015 and it specifies a time between 5 o'clock and 5.30. The organiser is Angelo Tsirekas and the required attendees are Marjorie Ferguson, yourself and – and an email address of HMiller@ [REDACTED] and the title of the meeting which is specified as resource GM's meeting room is Helena Miller, John Sidoti, MG planning, Five Dock LEP amendments. Do you have any recollection of who or what MG Planning was?

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20 MCNAMARA: The name Helena Miller is pretty familiar. I'm just trying to think.

SOUTHAM: I should just reinforce that Pacific Planning was subsequently engaged. So you are correct that they were a consultancy involved but this is a little bit earlier.

MCNAMARA: Okay. I just can't place MG Planning at the moment. No, look I'm a bit sorry I just can't recall on that one.

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SOUTHAM: Do you have any recollection of that meeting around that date? If you don't that's fine. I just thought I'd ask.

MCNAMARA: It's Tuesday October 27th 2015. No I just can't place it now sorry.

SOUTHAM: Right.

30 MCNAMARA: Can I just get a glass of water, can I get you a glass of water?

ROBINSON: No, I'm good.

MCNAMARA: Are you sure?

SOUTHAM: Yeah that's fine.

ROBINSON: Thank you.

SOUTHAM: Do you have anything you want to ask at this stage?

MCNAMARA: No I don't. Not at the moment.

5 SOUTHAM: So I want to show you another document now which is an inter-office memo. It's addressed to Councillors from the Director of Planning and Environment and the subject is zoning of land between First and Second Avenue Five Dock and the date is the 29th of October 2015. It's quite a long document and there's a number of attachments I believe from the Studio. If you just have a cursory look at it.

MCNAMARA: Yep.

10 SOUTHAM: As I'm not going to ask you specific questions about particular – if you just have a look under the heading zoning.

MCNAMARA: Yep.

SOUTHAM: So just let me know when you've had look through the zoning part.

MCNAMARA: Sure. Okay.

15 SOUTHAM: So it says in that particular section throughout the exhibition of draft plans for the Five Dock Centre, various submissions were received arguing for and against the rezoning of the land between Barnstaple Road and Second Avenue on Waterview Street.

MCNAMARA: Go on.

20 SOUTHAM: You – which is – which would accord with what you were saying previously that there was some submissions –

MCNAMARA: Yep.

SOUTHAM: - before it was introduced as an additional area. Is that correct?

MCNAMARA: That's correct, yeah.

25 SOUTHAM: And then you've – the inter-office memo has outlined reasons why that wasn't supported at the time.

MCNAMARA: Yeah.

SOUTHAM: It also advises in that memo in relation to the local heritage item which was at 39 Waterview Street.

30 MCNAMARA: Yes.

SOUTHAM: That the Councillor's heritage advisor stated that the modifications to that particular house and the changes to the original setting of the house did not provide sufficient justification for a change in zoning to B4 mixed use? I think it might be a bit later on in the memo.

35 MCNAMARA: Yeah, yeah.

SOUTHAM: I'm just wondering in general how bound were the Councillors when they were voting on changes to heritage items to adhere by any advice that the Council's Heritage Advisor gave?

5 MCNAMARA: I think the – they're not bound. It's – the advice is correct advice. We have a, had, when I was with the Council we had a planner who was not a staff member. He's a consultant person that gave this advice. The – the – this – the item in particular is a local heritage item. So it's not a state or national. It's a local thing. It's a house. It has character. It's – the difficulty with it was that it's not a – it's not a sort of an intact property. It looked quite a nice looking property. It was in good shape. It wasn't tumbled down or anything like that. It was a single item. There's always a problem when you've got a street full of just ordinary houses that potentially have some development. Being an R3 zone then you have a single item on its own. The owner Mr Durkin looked after it very well but it sort of creates an issue that, the broader issue is, to respect a heritage item you generally don't encourage development right up next to it and at the back of it. So they call them orphan items and they're not just orphan they're difficult to deal with at times and so the question is should it be retained and everything around it sort of future development respected or is it something that if it went what harm would it do.

10 SOUTHAM: So there's – there's a number of dot points here.

15 MCNAMARA: Yeah.

SOUTHAM: So one being in terms of reasons not to expand the Five Dock Town Centre.

25 MCNAMARA: Yeah.

SOUTHAM: So one being the local heritage item and that – under zoning dot one that part of the western side is proposed to be re-zoned but that the – the – this part of Waterview Street between Barnstaple Road and Second Avenue is further away from the core of the centre and there are no significant public benefits arising from it's rezoning.

30 MCNAMARA: Exactly, yeah.

SOUTHAM: And that there was also, it's point three, a two storey residential flat building that had been strata sub-divided and that's difficult in terms of re-development.

35 MCNAMARA: It's hard – hard to redevelop yeah.

SOUTHAM: And that the area wasn't identified in the original urban design study?

MCNAMARA: Correct.

SOUTHAM: Did you think that those were good reasons at the time?

40 MCNAMARA: Well I did. The reason for that is, you can get into – these like little specific arguments all the time and I thought as Director, it's my duty to sort of go back to the broader issues here of what we're trying to deal with because

5 when you get into these little arguments and a lot – side by side basis, it almost becomes a – it almost becomes personal after a while. Why can't I get something out of this, everybody else is getting something, what's wrong with me. Why are you doing it. The point of my email was trying to take – kind of re-educate this because these things go on for years and they – you sort of forget where you started. The whole point of the exercise was not to make the whole centre bigger and better and compete with Burwood. It was to make it hopefully a more economically viable centre and one of the core principals was concentrated in that southern end around 10 where the major retail centre is. This was outside that area. It was on the periphery. It just didn't – there was no particular need for it. It's not illegal for Council to expand it out there but you know I see it as, if the Council wanted resolve to do it, we'll do it because they had that power but if they're asking for advice on it I'll give them straight advice and that's – 15 that's kind of what I did.

SOUTHAM: I want to talk to you about a draft – well this is titled draft resolution Five Dock Town Centre and it's an email from Paul Dewar to you on the 30th of October 2015 at 15:49:02 and there's an attachment to it which is called 20 draft resolution further rezoning investigations. Just have a quick look through that.

MCNAMARA: Okay, sure, yeah.

SOUTHAM: Do you have any recollection why Paul Dewar prepared that draft resolution?

MCNAMARA: It would have – what was that date again sorry?

25 SOUTHAM: This is from the 30th of October 2015. So just prior to the Council meeting on the 2nd of November.

MCNAMARA: Oh it was – it would have been asked to – this was going to come up at the Council meeting. So to get the form of words right would have been asked to put those words together.

30 SOUTHAM: And there's another – and I believe based on this email from you to Helen McCaffrey on Friday 30th of October 2015 at 15:53:15 that you've provided a copy of what Paul Dewar had drafted to Helen McCaffrey.

MCNAMARA: Oh okay, alright, so – sorry I said it came up at the meeting. She's foreshadowed it just prior to the meeting.

35 SOUTHAM: Do you have any recollection about that, now that I've shown you those emails?

MCNAMARA: Only what I said to you. I think this came out of a Liberal Party Meeting somewhere that she was prompted to say we want to – I think the intention was to include the land on the western side of Waterview Street as B4 and the other two areas were just thrown in to make it look like we're been fair and reasonable and spreading the joy. 40

SOUTHAM: Do you remember Helen McCaffrey approaching just because you and Paul Dewar have been involved in this prior to – when I say I involved in

5 a draft resolution to that effect about additional sites, do you recall her as in Helen McCaffrey or somebody else coming to either you or Paul Dewar and saying this is what we're looking at doing, could you – because presumably that didn't come from nowhere. She would have requested it or someone else would have.

MCNAMARA: Look –

SOUTHAM: And it would have been prior to the meeting just based on the dates and the –

MCNAMARA: Yeah clearly it was prior –

10 ROBISNON: I need to change the batteries on mine. Do you want me to –

SOUTHAM: Oh yes if you wouldn't mind pausing yours and changing the recording. Just for the purpose of the recording we've got a second recorder going. So we'll leave this one on and if you just change it that's alright we'll just resume and the time is currently 11.55. So we'll just keep going for the

15 sake of the battery.

MCNAMARA: Okay. No look I – I just have the recollection of a conversation that – and it came from Helen that this – this was the – effectively she felt under pressure to put forward that motion to council. I don't believe I've got any notice to that effect.

20 SOUTHAM: Is that prior to this – was that around the 30th of October 2015?

MCNAMARA: Sure. That's what prompted the –

SOUTHAM: No, but the conversation that you're mentioning in terms of whether or not she felt pressured. Was that a conversation she had with you in person?

MCNAMARA: Yeah.

25 SOUTHAM: And was that prior to it being introduced at the Council meeting or at some other date?

MCNAMARA: Was prior to the council meeting.

SOUTHAM: Do you think it would have been quite close to the Council meeting?

30 MCNAMARA: Would have been quite close to that time. The reason being that I don't believe Helen had any interest whatsoever in rezoning these areas and not that it's my place to ask a Councillor why are you coming up with this sort of stuff but it seemed quite out of the ordinary because they're a little bit parochial. Helen's a Concord person and why would she be putting forward this sort of very specific motion in respect to Five Dock when the

35 best to my knowledge she had no particular issues with Five Dock or with the work that we'd done to date and she gave me that impression that she was receiving pressure to put forward that motion.

SOUTHAM: Was it just the two of you in the room when you were having this conversation?

MCNAMARA: I think it was. Just a one on one conversation.

SOUTHAM: And where would that have taken place as far as you recall?

MCNAMARA: It would have been at the Council but I can't recall the specific space where it was.

5 SOUTHAM: Is it possible it might have been in your office?

MCNAMARA: Probably not. Councillors rarely went into the office. It may well have been after a workshop.

SOUTHAM: And was it just between the two of you?

MCNAMARA: That's my recollection of that conversation.

10 SOUTHAM: Is it possible that that conversation could have been over the phone?

MCNAMARA: I recall it being a personal conversation.

SOUTHAM: Okay, and did she use the word pressure specifically or was that an impression that you got?

ROBINSON: Sorry Kate this is playing up so I'm going to turn this one off.

15 MCNAMARA: I can't recall the exact wording. That was the impression I got out of it but I can't tell you what the wording was.

SOUTHAM: If you – if – it would be helpful if you could give us a general idea of what that conversation was to the best that you remember it.

MCNAMARA: I doubt that I can be very specific about it. I had the impression that Helen, it was not her personal wish to do this investigation, that she wasn't particularly comfortable with it but it was politically motivated that she – the fact that she's a Member of the Liberal Party and she was required to put that position forward.

20 SOUTHAM: In terms of any pressure that she may or may not have been receiving would you – where would you have thought that pressure would have come from at the time?

25 MCNAMARA: I assume it came from John Sidoti.

SOUTHAM: Why would say that or why would you assume that?

MCNAMARA: I believe I was lead – I can't say she – she mentioned his name specifically but because it was specifically focused on that Waterview – Waterview area. The person who created a lot of noise there was Sean Durkin. He owned the – he owned the heritage property and I'd spoken to him directly and that wasn't his issue at all about getting a B4 zone and he really wasn't – he was a bit all over the shop but he wasn't so specific about that. The – there was nobody else in that vicinity so – so focused on it there and I – the only person I could see had any logical political influence on Helen who was Mayor at the time would have been John Sidoti. It's just – and I had that very strong impression that's where it was coming from.

30

35

SOUTHAM: Did any of the other Liberal Councillors or other Councillors in general ever, as far as you recall had conversation with you where they indicated similarly?

5 MCNAMARA: No, no. No, it was just Helen really. That's where I got the impression and she was – she was the one who was very interested.

SOUTHAM: Could I ask in terms of your understanding what – what was Helen McCaffrey's relationship professional or otherwise with John Sidoti around that time? The – in terms of what you understood.

10 MCNAMARA: I really don't know that I could comment on that. I don't think they had a bad relationship there. She was the Mayor so I suppose she had contact with the Local Member but I couldn't comment beyond that.

SOUTHAM: Are you aware whether any of the other Liberal Party Councillors had any sort of closer affinity to John Sidoti on a personal level?

15 MCNAMARA: No, I believe they all knew him but I couldn't go beyond that. I – I just didn't have a – I don't sort of have any political affiliations and I don't mix in those sort of circles at that sort of level. I occasionally see them at functions but that's really as far as it goes.

SOUTHAM: So if we just turn briefly to the meeting of Council on the 3rd of November 2015 which is the one that you recorded.

20 MCNAMARA: Yeah.

SOUTHAM: So item one being the post exhibition planning proposal draft Development Control Plan and Draft Development Contribution Plan for the Five Dock Town Centre. There's a number of people listed as addressing Council for item three. So Mr J Di Giacomo resident, President, Chamber of Commerce Five Dock.

25 MCNAMARA: Yeah.

SOUTHAM: I think that's the one that you were alluding to before.

MCNAMARA: Yeah.

SOUTHAM: Mr S Durkin, resident.

30 MCNAMARA: Sean Durkin.

SOUTHAM: You believe he was the owner of the heritage item?

MCNAMARA: Correct.

SOUTHAM: And there's a Mr M Thebridge or however you say it representing Deveme Pty Ltd and Anderlis Pty Ltd.

35 MCNAMARA: Can I have a look at that one?

SOUTHAM: Yeah sure.

SOUTHAM: And that's on page four of those minutes.

MCNAMARA: Sure.

SOUTHAM: Do you have any idea who he was?

MCNAMARA: No, I just can't recall that one at all. Thebridge, I don't know.

5 SOUTHAM: Do you have any idea what Deveme Pty or Deveme Pty Ltd or Anderlis Pty Ltd –

MCNAMARA: No.

SOUTHAM: Anything about those companies?

MCNAMARA: No.

10 SOUTHAM: Have you heard of them before?

MCNAMARA: No.

SOUTHAM: And on page six of the minutes, well five to six, well it's quite a long resolution.

MCNAMARA: Sure.

15 SOUTHAM: Four to six is the motion.

MCNAMARA: Yeah.

SOUTHAM: That was resolved and it's Councillors Kenzler, McCaffrey which is Kenzler and McCaffrey which is what you've written in your notes and then part B and that is that a separate report be prepared to investigate the zoning, heritage and development controls for and then there's A B and C.

20 MCNAMARA: Sure.

SOUTHAM: And then four Councillors, Ahmed, Kenzler, McCaffrey, O'Connell and Tsirekas and then against Cestar and Tyrrell.

MCNAMARA: Right.

25 SOUTHAM: So I want to ask you about this email which is from the 1st of November 2015 and the top email is from 19:26:47 and it's from Gary Sawyer to you and it's also included Marjorie Ferguson and the title is Great North Road at Five Dock and he's said to you FYI but he's obviously forwarded you some information from Councillor Michael Megna to Geoff Clark.

30 MCNAMARA: Mm.

SOUTHAM: So just have a look at that.

MCNAMARA: Okay.

SOUTHAM: So in the original email from Michael Megna to Geoff Clark on Sunday the 1st of November at 7pm, he's advised him that as he owns property on Great North Road he can't comment on his points nor discuss them.

MCNAMARA: No.

5 SOUTHAM: And Gary Sawyer's passed that response on to you. Is that what you would have expected Councillor Megna to say in that situation?

MCNAMARA: Yeah.

SOUTHAM: And why is that?

10 MCNAMARA: Well he's – I think he's – he understands the propriety of – when you've declared an interest on matters. Clearly Mr Clark wanted to raise something that was in a report to Council and he was probably asking Michael Megna to do something or respond and Michael's response was I'm not involved therefore I'm not going to get involved.

15 SOUTHAM: So the – the meeting minutes for Council on the 3rd of November 2015, just so you're aware on page three there's a declarations of pecuniary interest –

MCNAMARA: Right.

SOUTHAM: - and item one which relates to Five Dock Town Centre –

MCNAMARA: Yeah.

20 SOUTHAM: - Councillor Fasanella owns – and it says owns property in East Street Five Dock.

MCNAMARA: Right.

SOUTHAM: In the minutes on page three and it says Councillor Megna owns property on Great North Road Five Dock.

25 MCNAMARA: Yes.

SOUTHAM: So would you have assumed that was the basis of his pecuniary interest.

MCNAMARA: Yeah, yeah, definitely.

SOUTHAM: Yeah and – and you're saying that – because of that his response is appropriate in these circumstances.

30 MCNAMARA: I believe so. From - Mr Clark there was talking more about the landscaping street treatment there but as far as I can see that - I think Michael's attitude is once he's declared a conflict of interest he's not going to talk about any issue there and the reason would be that – I know his property and if he talks about the landscaping of it it's going to enhance the value of his property so the fingers will be pointed. You shouldn't be involved but you are involved. You know that's – that would be the connection with –

35 because I don't know if you've seen it but the landscaping works were

aimed at beautifying the street, you know, footpath widening, all that sort of stuff.

5 SOUTHAM: Would you have thought it appropriate for Councillor Megna to meet with constituents about the Five Dock Town Centre changes given his pecuniary – declared pecuniary interest?

10 MCNAMARA: Well I can't image him doing it. I wouldn't have thought so because he would not – he's declared the interest and he's done it continuously which would mean he wouldn't – he wouldn't make any representation on behalf of constituents for that area. So I guess – I guess it would be very consistent to say just don't get involved. He wouldn't do it.

SOUTHAM: What about meeting with John Sidoti about Five Dock Town Centre?

MCNAMARA: Well I assume he wouldn't do that either.

SOUTHAM: Would that have been an appropriate thing for him to do?

15 MCNAMARA: Well I don't believe so. I guess it's – I never tried to advise Councillors about their duties and so forth but once you've declared you've got a conflict of interest and a pecuniary interest I would have thought you'd stay right away from those issues that you've already declared your conflict with.

20 SOUTHAM: So I want to show you another document now and it's titled Waterview and it's also a thread of emails but I want to ask you specifically about the top one. So just focus on that and it's from Sean Durkin to Marjorie Ferguson and you're cc'd in on it and it's from Tuesday the 10th of November 2015 at 11:54:53.

MCNAMARA: Okay.

25 SOUTHAM: So Mr Durkin said in his email I am of the understanding that Mr John Sidoti has carried out a heritage review of number 39 Waterview Street. I did not ask Mr Sidoti to do this nor did I pay any part of the cost. He advised me it cost \$5000 nor have I seen my report. Was the report submitted by Mr Sidoti not adequate? Did you understand that John Sidoti had commissioned a heritage report?

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35 MCNAMARA: I don't think I've ever seen it. Look I just – no I wasn't aware of that. I just – I can't recall this, no. no I can recall the email, I think seeing that at the time but I just can't recall Sidoti's report. I'm not even sure what – I'm not even sure what Durkin's talking about here. Did John ask him to spend \$5000 or does he think – he has to do one himself and spend another \$5000.

SOUTHAM: Would you have any – I know we've talked about any – any person engaging a consultant to put forward a position to Council to consider –

MCNAMARA: Yeah.

40 SOUTHAM: - but would you have any – any – would you have had any concerns about John Sidoti - I'm not saying it was the case - but personally engaging a heritage consultant?

5 MCNAMARA: On a property that he didn't own. I think that would be pretty strange actually. Yeah I'd have some concerns about that. We'd count – an owner would be – you'd expect an owner if they had a case to do their own work on it there. I'd be – I'd question why Sidoti was doing that on a property that he didn't own. Obviously it's to try and develop a position in respect to property that he does own and presumably it's that it's not all that valuable and therefore, you know, he's trying to make his own case about his own property. I find it unusual to say the least yeah.

10 SOUTHAM: So I want to show you a document which I believe that review may be referring to. So it's – it's dated – it's more in the format of a letter and it's dated the 29th of July 2015 by Futurepast Heritage Consulting Pty Ltd and there's a reference of P43_072015 and it's addressed to Mark which is Mark Thebridge and it says Deveme Pty Ltd and Anderlis Pty Ltd.

15 MCNAMARA: Oh okay.

SOUTHAM: And it says 'Re. preliminary heritage advice for proposed rezoning for 6 and 8 Barnstaple Road and 37 to 49 Waterview Street Five Dock and it's signed by Doctor McClaren North Director Futurepast Heritage Consulting.

20 MCNAMARA: Okay.

SOUTHAM: So the only thing I specifically want to ask you about this is – is the first paragraph where it says the following letter has been prepared for the site area that includes 6 and 8 Barnstaple Road Five Dock and 37 to 49 Waterview Street Five Dock for Group GSA Architects. Futurepast has undertaken this heritage research to assist in the preparation of a planning proposal to rezone the above site area. The proposal would allow for an additional amount.

25 MCNAMARA: Okay.

SOUTHAM: Square metres to the current draft plan. So would – would that paragraph to you indicate that the heritage advice has been prepared for a particular purpose?

30 MCNAMARA: Yeah to support a planning proposal that they believe is being put forward over those particular sites.

SOUTHAM: Do you remember seeing this heritage advice at any point?

35 MCNAMARA: I just don't recall seeing it myself. I could have done, I just don't recall at the top of my head I'm sorry.

ROBINSON: Would it be something that you would normally see, do you think?

40 MCNAMARA: No, well look it's – these – these are always managed by Marjorie and her team. They might ask my view on it if – if they wanted me to have a look at it there but I don't – I don't recall being asked to do that and looks as though at that stage there was no planning proposal. So I'm not quite sure what status it has to be honest.

ROBINSON: Okay.

MCNAMARA: Yeah.

SOUTHAM: Because the – the – the meeting to investigate the additional areas wasn't until the 3rd of November 2015.

5 MCNAMARA: Right.

SOUTHAM: And this letter was prepared in July 2015 as in – well it's classified as preliminary heritage advice.

MCNAMARA: Yeah.

10 SOUTHAM: So I want to backtrack a little bit but there is a reason for it. So if we just jump ahead for a minute in relation to the additional area bounded between Barnstaple Road and Second Ave on Waterview Street. I wanted to show you a copy of the – so this isn't in relation to the original Five Dock Town Centre and the changes to the LEP but this is in relation to the additional three sites which ultimately progressed in respect of that – the Waterview Street site area rather than the two others. Just to put the context in your mind so I want to show you this Gateway Determination which is signed by Sandy Chapel Director Sydney Region East Planning Services Department of Planning and Environment and it's from the 9th of May 2017 and it's the Gateway Determination. I just wanted to ask you and that's why this preliminary heritage advice that I showed you is relevant. It refers to the planning proposal to increase the floor space ratio at the subject site on Waterview Street and there's a number of conditions in order – which is fairly standard with Gateway determinations for that to progress and one of the conditions on there is that a heritage impact assessment be done to assess the impacts regarding the intention to remove the heritage item. Can you see that?

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MCNAMARA: Yep.

SOUTHAM: I486 which is 39 Waterview Street.

MCNAMARA: Yep.

30 SOUTHAM: And that that be placed on public exhibition with the planning proposal which is point one, part A.

MCNAMARA: Yep.

SOUTHAM: So if you just have look at this one for me too. So this is the planning proposal that was prepared in July 2017 by the City of Canada Bay. So if we can just have a look at that and just keep this.

35

MCNAMARA: Sure.

SOUTHAM: So I sort of see this is the response of the determination to progress it. So if you just look at page 5 of that planning proposal. So it would indicate that as part of the planning proposal prepared by the council in complying with these gateway determination conditions that that heritage assessment

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by Futurepast Heritage Consulting Pty Ltd dated the 29th of July 2015 was placed on public exhibition.

- MCNAMARA: Sorry say that question again?
- SOUTHAM: So in the response –
- 5 MCNAMARA: Yeah.
- SOUTHAM: - in terms of what was publicly exhibited in terms of in response to the conditions.
- MCNAMARA: Yep.
- 10 SOUTHAM: The Heritage Impact Assessment that the Department specified should be prepared and provided for comment on was relied this Futurepast Heritage Consultant Pty Ltd –
- MCNAMARA: Oh okay.
- SOUTHAM: - Heritage advice dated the 29th of July 2015 -
- MCNAMARA: Okay that was used as the –
- 15 SOUTHAM: - was used as the heritage impact assessment.
- MCNAMARA: Mm.
- SOUTHAM: I realise it's a little bit complicated in terms of jumping between the three documents but I'm just wondering if that was something that you were aware of?
- 20 MCNAMARA: Oh look I can't recall the detail on this one. I'm sorry.
- SOUTHAM: Did the – did the Council regularly respond to Gateway determinations in terms of changing LEP's? Is it something that was like sort of regular course of business?
- 25 MCNAMARA: Well a council has to deal with those things. That is a regular – it's whether they support them. It's a question of on merit. If – if a Council decides not to support it there is a – a sort of an independent review that the proponent can undertake to – to do that themselves. So the Council is forced to deal with it but it –
- 30 SOUTHAM: What – what would your view have been in terms of the Department's requirement that a heritage impact assessment be done. Would you have thought that this would have met that requirement? When I say this I mean this preliminary heritage advice by Futurepast Heritage?
- 35 MCNAMARA: Usually Council will get its own work done on that sort of thing. I can't say I'm familiar with that document there. It might have been reviewed and considered adequate at the time. So it was used a – as an adequate response but –

SOUTHAM: Would you, have in your view, you don't recall having a view on it at the time?

MCNAMARA: No, I just can't recall.

5 SOUTHAM: Looking at it now going through the documentation would you have – is it your view that this is potentially – is sufficiently independent in terms of the Heritage Impact Statement?

10 MCNAMARA: Well the approach would be since it was prepared and was submitted, would have been to get our own independent heritage advisor to look at that and indicate whether in – in their view this was an adequate response. We would normally not get our own independent – our own advisor to do that work but certainly would view a submission if it came forward. So where – where an issue was – an owner of the land wants to proceed along those lines they paid to do a submission. It could well be an adequate submission to – to go forward. Just depends on what the heritage advisor advised at the time. So I'd be looking for a memo or a – a – something of that effect from our internal heritage advisor on their comments on that work to confirm that that was adequate.

15 SOUTHAM: The only documentation I'm aware of at this stage and correct – you may have a different recollection that the heritage consultant that was engaged by the Council, I believe it was a woman called Kate Higgins at that particular point.

20 MCNAMARA: Oh yeah, okay, yeah.

SOUTHAM: Was – what we previously canvassed which is the heritage item did have some variations – like some modifications to it but that it wasn't sufficient to justify removing the heritage status.

25 MCNAMARA: Oh okay, right.

SOUTHAM: That may not be, you know, the only thing that was said but I'm just wondering – but that's the only thing I've seen –

30 MCNAMARA: Is it yeah look I can't see whether there's anything else. I just can't recall on that. I wouldn't have expected that would have been the process. Okay it would – well whoever the person was, we've had a few different ones over time.

SOUTHAM: There's been a number of them

35 MCNAMARA: but we would have reviewed that document, yeah, and yeah we would have – you would have required that information to be available.

SOUTHAM: And also the Gateway determination on the 9th of May 2017 requested that the – the Heritage Impact Assessment be provided and this is dated the 29th of July 2015. So the Department would have been aware of this document well before they placed these Gateway conditions on the Council to progress the LEP.

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MCNAMARA: Why do you say that? Has that been submitted to the Department do you think?

SOUTHAM: Yes I believe so.

MCNAMARA: Oh okay. Alright, yeah, they would have been aware then if they'd seen it, yeah.

5

SOUTHAM: Do you have anything?

ROBINSON: No, keep going.

SOUTHAM: So I want to ask you about this document which is another email from Paul Dewar to you and it's – the title is Re. PP for additional sites at Five Dock and there's an attachment which is Memo to Tony additional sites and it's from Wednesday the 15th of June 2016. It's two pages. So this is following that Council meeting that we've gone through regarding –

10

MCNAMARA: Yeah.

SOUTHAM: - on the 3rd of November 2015. So just for the purposes of this interview when I say the Waterview Street site or the Waterview Street area I don't mean all of Waterview Street. I just mean that specific site bounded between Barnstaple Road and Second Ave.

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MCNAMARA: Sure. Okay, yeah.

SOUTHAM: So the memo generally outlines that of the options that had been prepared in relation to the sites that only one of the eleven sites was deemed to be feasible with the proposed conditions.

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MCNAMARA: That was the economic analysis by Hill PDA yeah.

SOUTHAM: And that to enable a feasible outcome to occur the high end density of development would need to be increased to a level that would inconsistent with the principles of the original Five Dock Town Centre Urban Design Study and create additional impacts upon amenity of the surrounding locality and it concludes that, as suggested, that the existing zoning and the development controls remain unchanged. Did you agree, do you remember reviewing that economic feasibility work or having any view about the outcome at the time?

25

30

MCNAMARA: No I did look at it at the time and I had another look at it again yesterday from those attachments. That was – that was my understanding of it there but to – of course you had fragmented ownership and given – given the existing low scale of development you'd need to – you'd need to develop substantial volume of – of development there to make it economically viable and then you start to run into issues of higher development right on that residential interface. So it ran contrary to the urban design criteria that we worked to.

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SOUTHAM: So if we go to the – the meeting of the Council of the – of the 2nd of August 2016, pages 43 to 46 so this refers to the Five Dock Town Centre additional sites?

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MCNAMARA: Yeah, yep, yep.

SOUTHAM: So if you just scan through those pages 43-46 it indicates that there was a split in terms of the Councillors who were attending and able to vote and that Councillor McCaffrey as the Deputy Mayor at the time used her casting vote and that two of the sites had no changes but that Waterview Street site progressed.

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MCNAMARA: So recommendation that the three sites remained – controls remained unchanged and so the motion was put forward and it was lost, okay.

SOUTHAM: Yeah initially.

10 MCNAMARA: And then – and then resolved.

SOUTHAM: And it says Councillors Cestar and Ahmed.

MCNAMARA: Okay. What was option two?

SOUTHAM: I believe option two was the removal of the heritage item. So if – just if – if it assists you if we go to the agenda for the Council meeting, the 2nd of August 2016 page 237 it outlines option one and two of that –

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MCNAMARA: Oh thank you.

SOUTHAM: - for that site specifically.

MCNAMARA: And it goes to one to one on the R3 yeah. Yeah it would put a bit of discussion. So it was a slight increase on the R3 to go to – from two storeys up to there storeys with the potential for four at a one to one floor space ratio. So that's the option that was supported okay.

20

SOUTHAM: Did you expect that to be the outcome of the Council meeting in terms that two of the sites that had been investigated in terms of viability and progression wouldn't continue and that one of them would continue?

25 MCNAMARA: Oh pretty much, yeah.

SOUTHAM: Why do you – why do you say that?

MCNAMARA: Well it was pretty clear that the whole interest was on Waterview Street and the other two sites were pretty much – there's no strong submissions from anybody to – to investigate those sites. They were really only caught up to make it look like they we were doing fair and even approach looking at various options for expansion of the Town Centre but the real focus was on Waterview Street.

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SOUTHAM: Given that – that previous interoffice memo that we went through stated that only one of the eleven sites was economically feasible with the conditions that were being proposed.

35

MCNAMARA: Yeah.

SOUTHAM: And that in terms of Mr Dewar's recommendation that when no changes were made. Were you concerned or surprised by the outcome at all?

MCNAMARA: No I don't think so. The argument that came across was that was the strict economic analysis from Hill PDA. I think it was a – another view that there is – that option two gave some slight opportunities for increase and economic conditions can change over time. So the prevailing philosophy is to follow the urban design advice are slightly increased because the – it would not – it would not be in breach of those principles. You know two storeys is pretty – pretty moderate and as land gets more valuable in those town centres, as growth occurs, the situation can – can change in the future. So I was very comfortable with the outcome that occurred there, yeah.

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10 SOUTHAM: I want to show you another document and just if you could focus on the original appointment and it's from Paul Dewar on Friday the 11th of November 2016 at 4.41pm to Paul Dewar, Tony McNamara, you, Helen McCaffrey and James Matthews at Pacific Planning.com.au and the subject is meeting with Pacific Planning when, Monday the 14th of November between 9 and 10am. In resource meeting room one.

15

MCNAMARA: Right.

SOUTHAM: And it – the email appointment states that the meeting was to discuss two separate matters. The planning proposal for land on Parramatta Road and the Five Dock Town Centre Waterview Street rezoning. Do you recall anything about that meeting?

20

MCNAMARA: Well I can vaguely recall it occurring and I couldn't tell you too much about the details on it.

SOUTHAM: Do you remember if John Sidoti attended that meeting?

MCNAMARA: Uh –

25 SOUTHAM: His name is not specified in there.

MCNAMARA: No, no. I just can't recall. I really don't so.

SOUTHAM: Do you remember anything that was discussed at that meeting?

MCNAMARA: Not now, no. Can we just have a little adjournment for two minutes. Is that alright?

30 ROBINSON: Sure, sure.

SOUTHAM: So the time is currently 12.31.

MCNAMARA: Are you sure I can't get you folks –

INTERVIEW SUSPENDED – 12.31

INTERVIEW RESUMED – 12.34

35 SOUTHAM: Okay this is a resumption of an interview between Kate Southam, Investigator ICAC with Ann-Maree Robinson also attending and Tony McNamara. The time is currently 12.34pm. Mr McNamara do you agree that while the tape was suspended that we didn't continue the interview or discuss anything that we've been talking about?

MCNAMARA: Yes I do agree.

SOUTHAM: And do you understand that your consent is still required for this recording to continue and you're okay with that?

MCNAMARA: Yes I am.

5 SOUTHAM: Okay, so I want to show you another email that is from, well it's two emails but it's in an email thread. So the first one I'd like you to have a look at is from the 5th of December 2016 from – at 1.13pm and it's from James Matthews to Yolanna Boyle and Paul Dewar and its cc'd as to Helen McCaffrey and Michael Megna and Matthew Daniel. So you're not

10 included at what – on this it doesn't appear but you've responded to it later. So if you were there at some point you would have seen it. So if you just go from there and over the page.

MCNAMARA: Mm okay.

15 SOUTHAM: So in the email, Mr Matthews who – am I correct in saying that you understood that he was involved with Pacific Planning?

MCNAMARA: Yes.

SOUTHAM: And he states that he's representing the views of 2 Second Avenue and 37, 39, 41 and 43 Waterview Street Five Dock which he states forms more than half of the block the subject of the planning proposal and he requests that the matter be deferred due to a number of concerns with the content and level of analysis of the recommended controls particularly with regard

20 to feasibility and lot amalgamation.

MCNAMARA: Right.

25 SOUTHAM: And then if you have a look at the top email which is from you to all Councillors on the same date at 14:27:01. So presumably that's been brought to your attention even though you're not listed as the recipient in the original email.

MCNAMARA: Sure.

30 SOUTHAM: Do you – can you just explain why you forwarded that content to the additional recipients?

MCNAMARA: The Councillors said.

SOUTHAM: That you have?

MCNAMARA: Let me just read it, okay.

SOUTHAM: Sure.

35 MCNAMARA: Oh I can read a degree of frustration in my email there but what James says putting forward is that our analysis is flawed and inequitable. I obviously disagreed with that position there. I could see that it didn't suit his clients so he's looking at ways to sort of undermine the position we're putting forward. The Council has been asked to defer the matter. The thing has

5 been going on at this point for about – about three or four years I suppose.
I'm about – started talking about maybe 2013. So it's – we just wanted to
get this thing wrapped up quite frankly and since he's gone directly to these
councillors, who have I gone to all Councillors and then the Directors and
because the Council if I might say had a bit of a view they'd like to often
– a lot of these matters they'd likely informed prior to the Council meeting
coming up if there was a – information come from there, information
coming from there. On the night they just deferred the matter outright and
then you'd have to come back with another report. So I suppose my – my
10 emails, a little pre-emptive in sort of saying I disagree with what he's
saying. I disagree with deferring the thing and there's nothing new. It's
just he's putting forward another – the same argument dressed up another
way.

15 SOUTHAM: Did you have any concerns at the time about who the original recipients
were of the email?

MCNAMARA: It's hard for me to say that now but certainly Michael Megna I could see
what would be replying – why he would be forwarding it to Michael since
he's always declared a conflict of interest on any matter to do with the
Town Centre but apart from that it's clearly he's just – the focus on the
20 Liberal – a couple of the Liberal Party candidates or members of Council.

SOUTHAM: Is there any reason why he would focus on the Liberal Party Councillors
as opposed to the Councillors in general?

MCNAMARA: Well it was the Liberal Members who were pushing this argument about
Waterview Street, yeah.

25 SOUTHAM: Yep.

MCNAMARA: Yep.

SOUTHAM: So I want to ask you about another email from the same date that Paul
Dewar sent to you and it is called Memo and then there's an attachment
which is Waterview – memo Waterview Street and it's from the 5th of
30 December 2016 at 14:25:27 and it just says 'Tony, copy of memo attached,
word and pdf version' and then there's an attachment to it and I think the
attachment is addressed to councillors cc executive team from you and it's
subject item Five Council Agenda date 6/12/2016 which is the next day of
Council meeting and it's titled – it's an inter-office memo and it's titled
35 'Exhibition Outcomes, Changes to Planning Controls for Land on
Waterview Street Five Dock'. So if we go to the first paragraph of the
memo –

MCNAMARA: Yep.

40 SOUTHAM: - it outlines the recommendation one, for item five. Is that the planning
proposal and DCP be prepared to implement the recommendations of the
Studio GL Report of the 26th of November 2016.

MCNAMARA: Right.

SOUTHAM: Were the Councillors bound to adhere to the recommendations that – that Studio GL made?

MCNAMARA: Not at all, no, nothing.

SOUTHAM: Okay

5 MCNAMARA: I can – I guess they’re required to consider the reports and then form their own views and make a recommendation but they’re not bound by them.

SOUTHAM: Okay and you also addressed – well in that memo is also addressed why the western side of Waterview Street between Second Avenue and Barnstaple Road was being treated differently from the section of

10 Waterview Street between First and Second Ave.

MCNAMARA: Yeah.

SOUTHAM: Why was that memo prepared as far as you remember?

MCNAMARA: Well we kept getting this suggestion that we’re not being I suppose fair and partial about this sort of stuff and it’s almost, you can see there’s a little bit of attitude coming into this which is probably not appropriate but it’s to do with the fact that the suggestion from – the questions have been raised and – and again I’d say it’s primarily coming from those Liberal Councillors is that the – the – there’s some sort of bias against the owners of land or people who have an interest on the western side of Waterview Street and that it’s – it’s – it could be treated as a B4 the same as the land to the south and even though the question I’m sure the question has been asked and answered before I thought it’s quite important to have a very clear record. Coming as a Director that these – these are the reasons and if somebody wants to put forward a motion and have it carried as a resolution to Council to – to the contrary that’s – that’s totally legal and I guess and appropriate to do that given the context of how Council meetings work but I didn’t want to be seen as being sort of brow beaten by keep being – implying in a sense that we’re not dealing fairly and impartially with land and with people and with owners and that we’ve got some sort of advice.

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40 SOUTHAM: In terms of the owners because obviously it’s a number of properties in – that are canvassed in that Waterview Street site area. In terms of like any perceived or real bias in terms of the way that Council was treating that area, would it have been the area in general or particular land holders in that area?

MCNAMARA: I think it was just John Sidoti who felt we were not doing what he wanted basically. He – he wanted more.

SOUTHAM: Did he ever express that to you?

MCNAMARA: I – I don't – I can't say I've got it in those words. I was getting that very strong impression from his consultants from the Liberal Councillors, from the sort of reason that these things keep coming back. The – the majority of our work was totally acceptable. When I say totally acceptable it was – the Councillors accepted that we've done the job properly and – and impartially and – and proper consultation. So it was a valid set of information and a valid set of recommendations. They were supportive of it. It was just this Waterview Street that kept coming back time and again as though this was the only issue. For some reason we just got it wrong on that section of land. Everywhere else is okay. There was lots and lots of discussions about building heights and floor space ratios and dah dah dah and view lines and so forth. It just consistently came back that Waterview Street was wrong and I just wanted to correct that you can resolve what you want but this is my position on it.

SOUTHAM: Did you – was it fairly unusual that the – and you said Liberal Party Councillors were at odds with the consultants and the advice from Council. Was that unusual?

MCNAMARA: It was only – they were only at odds on this issue. Everything else I thought were quite happy to – to support, you know. I think it was a good body of work that we put together there and I think that was generally the consensus.

SOUTHAM: And you've written at the last paragraph of this document that in the last sentence that if these substantial increases do not satisfy relevant owners it is respectfully suggested that they be advised to submit their own planning proposal and supporting justification. What was that directed at?

MCNAMARA: Okay well I saw this as interests trying to get Council to increase the value of their land as - as a valid outcome of our planning research and work which is done on behalf of the community. The planning system in NSW allow an individual to put forward a private planning proposal if they think it has merit. Do your own studies, do your own economic justification, do your own analysis and you can run down that path but that hasn't been done. It was trying to get Council's endorsement for this change on Waterview Street. So I think my views are very clear but we wouldn't – we wouldn't support what they've been seeking but it is – it's also having a little bit of a shot at the owners that we're not going to do your dirty work. If you want to do it go ahead and take your chances. You can see we won't support you but the way the NSW Planning system works, there is a review process through the Department and you can go down that path and take your chances.

SOUTHAM: When you said if it does not satisfy relevant owners what did you mean, did you mean owners generally in the area?

MCNAMARA: Oh I haven't specified anybody particularly there but if – it is a general comment.

SOUTHAM: And if we just go to the meeting of the Council on the 6th of December 2016 on page 18 with item five it says that Councillors Fasanella and Megna declared a pecuniary interest and that the item was deferred which is what James Matthews had requested in that original email.

5 MCNAMARA: Okay.

SOUTHAM: For consideration at the first Council workshop in 2017 and it said for Cestar, Kenzler, McCaffrey, Parnaby and Tyrrell up against nil.

MCNAMARA: Okay.

10 SOUTHAM: Okay so did you have any concerns about the fact that what Mr Matthews had sought in terms of the outcome of that meeting occurred when the memo and the email that you sent to the Councillors was recommended a different course of action?

15 MCNAMARA: I recommend you don't defer. Get on with the job. They want to defer that's okay, that's fine. They had my – they've got my opinions and views on record then.

SOUTHAM: So I want to ask you about a particular event which is – this is an event outline that was prepared by the City of Canada Bay Council and it's for the connection at Rhodes Community Precinct Open Day for Saturday the 21st of January 2017 and the time for the event goes from 11am to 6pm. Did you – do you recall this event at all?

20 MCNAMARA: Sure I was there.

SOUTHAM: Okay because that's the first thing I was checking to see whether or not it listed you as an attendee but it does say that John Sidoti attended representing the Premier Mike Baird but it doesn't specifically say you.

25 MCNAMARA: I'm shocked. I'm not on the celebrity list. I was just there. The council – staff were mostly there from my recollection, yeah.

SOUTHAM: Was that a pretty significant development in that area?

MCNAMARA: Sure is, yeah.

SOUTHAM: Do you remember anything specifically about that event?

30 MCNAMARA: I remember John Sidoti was there. I – I probably said hello to him but I – I don't think there was anything significant, other than it was an extremely hot day.

SOUTHAM: Do you remember anything that you might have discussed with John Sidoti on that particular day?

35 MCNAMARA: No I can't say I do.

SOUTHAM: So I want to ask you about another email which is dated the 20th of February 2017 and if you just look at the thread, originally it's from a person called Blake Gibson to Helen McCaffrey on the 20th of February

2017 at 6.43am and the subject is Waterview Street Five Dock and you're not included in that however Antonia Muir, is that how you say it?

MCNAMARA: Yep, she was the Mayor's PA I suppose you'd say.

5 SOUTHAM: She's emailed you on the 20th of February at 14:38:59 saying 'Hi Tony, I'd really like to discuss this with you'. So presumably you would have got the full extent of the email at that date.

MCNAMARA: Right, that's a pretty direct question. Okay.

SOUTHAM: So do you remember if you spoke with her about that email thread at all?

MCNAMARA: Oh I may have done but I don't recall the detail of it, no.

10 SOUTHAM: Did you have any view on the questions that Mr Gibson was asking in the email at the time?

MCNAMARA: Well it was a question for Helen not for me. I no doubt had my own views on it there but I did not reveal them to anybody or didn't discuss it with Helen. She – she would have had to – she would have had to answer that.

15 SOUTHAM: And do you have any idea why – so Blake Gibson is recorded as a producer for Network Ten on his signature block for that email. Do you have any idea why, for want of a better word, the media but this particular producer from Network Ten had started asking Helen McCaffrey at that stage those kind of questions?

20 MCNAMARA: No, no idea, no I didn't. I've never spoken with him or I haven't spoken to any media about that, so couldn't help you.

SOUTHAM: So you're not sure if there was some particularly contentious event or something that lead to – presumably that would have come from somewhere.

25 MCNAMARA: No, just today. No, I couldn't help you.

30 SOUTHAM: I just wanted to show you this email which is from Paul Dewar to you on the 27th sorry 22nd of March 2017 at 17:11:02 and it's called submissions Waterview Street. So he outlines in relation to the Five Dock Town Centre Planning Proposals that two submissions were received by MG Planning and one from Pacific Planning and that there were two emails that were included too.

MCNAMARA: Yeah.

SOUTHAM: Do you remember that email or why Paul Dewar was providing you that information?

35 MCNAMARA: No I just can't recall now. No. He might have just done it for information. He would have been the acting, he would have been the Manager at that stage.

SOUTHAM: It says Strategic Planning Coordinator signature block. Although whether or not that's -

MCNAMARA: Probably was Acting Manager first.

SOUTHAM: Okay and it says that there were two submissions from MG Planning. You previously said you're not aware what –

5 MCNAMARA: I remember the name but I just can't recall who they are or any great detail about them, yeah.

SOUTHAM: And it – the submissions were on behalf of 120 Great North Road and 2 Second Avenue. Do you have any idea who – what those addresses are associated with?

10 MCNAMARA: I – I assume it's probably to do with the Sidoti properties there but I couldn't say. I'm really not very particularly focused on those specific issues.

SOUTHAM: And the second one says correspondence in relation to the Waterview Street rezoning investigation and just to assist you two and three say that Pacific Planning is acting on behalf of 120 and 122 Great North Road, 2
15 Second Avenue and 37 Waterview Street being Richard and Catherine Sidoti.

MCNAMARA: Right.

SOUTHAM: Who do you understand that to be?

MCNAMARA: I would say John Sidoti's parents.

20 SOUTHAM: Okay and Charlie Tannous, Waterview Street investigation. So presumably that would indicate that Pacific Planning at least according to Paul Dewar's understanding at this time was representing Richard and Catherine Sidoti and potentially a person called Charlie Tannous?

MCNAMARA: Mm mm.

25 SOUTHAM: Do you have any idea why – why he was giving you this kind of background in term so of the submissions that had been provided historically?

MCNAMARA: Oh he would have – I really can't imagine. As Director he probably wanted me to see that sort of information but I just can't recall the detail of it and
30 I don't know where that went.

SOUTHAM: I want to show you another email which is dated the 30th of March 2017 and there – the initial one is from the 29th of March 2017 at 9.29 pm from Neil Kenzler to Gary Sawyer and yourself and the subject is Terrible Story and then there's an attachment to a Daily Telegraph article which I've put
35 at the back of the email and then you, on the 30th of March 2017 at 8:50:44, have replied back saying 'I'm shocked'.

MCNAMARA: This is that land out at – near the Railway at Lithgow, yeah.

SOUTHAM: So I believe that was a fairly early Newspaper article that was published. I'm not saying it was the first but it's early in terms of early in time. What
40 did you mean?

5 MCNAMARA: Oh I'm not shocked I suppose that's what I mean. As I say I've always had these suspicions that John was interested in pushing his own properties there on Great North Road. When this – I had no idea about this one at all but I suppose it's a bit tongue in cheek that John would have other real estate interests that you know would – would – would – would appreciate in value as a result of you know Government action sort of stuff. I was a bit – a bit cynical about his interests quite frankly. So Neil Kenzler being a staunch Labor guy would be happy enough to put the boot into a Liberal on principle and he's just – he's circulated that and I think it was pretty clear. I mean it wasn't a vendetta between me and John. I really don't have a lot of contact with him but I think it's pretty clear to – to – to a number of people that John had this interest in his properties there and was interested in Council amending those zones to advantage those properties. That's really where all this sort of discussion, studies, consulting reports was all revolving around not so much what's great for Five Dock, what's wrong with the work that we've done. Why we've missed out seeing the obvious. It was kind of here's some properties, what can you do to advantage it. So that's why when I said I'm shocked it's sort of almost I'm not really shocked at all. You know it's just somewhere else that I had no idea that that was going on of course.

SOUTHAM: And did you think that any of that influence that he may or may not have had an involvement was inappropriate at the Council level?

MCNAMARA: Um –

SOUTHAM: At the time?

25 MCNAMARA: I guess – I guess my view was clearly as a land owner yes you can put forward your case but as an MP no you don't work through the back door and get councillors via me to advance your property interests. Not interested.

30 SOUTHAM: I should say that generally speaking later on the – and I – I'm not sure about the dates in terms of whether you were there or not but there was a public announcement by the government about the Sydney Metro West being – and a rail station being put in at Five Dock. Was that announcement made while you were still there as a Director?

MCNAMARA: No, I was gone – I was gone.

35 SOUTHAM: Is that something that at the Council level the planning staff were mindful of when the Five Dock Town Centre was being canvassed that there could potentially be a railway station in the area?

40 MCNAMARA: That was running as a parallel project. The Metro West was never – it was – it was a government project but it's unfunded so whether it would happen or not happen was quite up in the air. The other issue was what railway stations would occur along the way. We were told you could get one, maybe two or maybe even three and so it was – Strathfield North, Burwood North they call it which is on Paramatta Road intersection of Parramatta Road Burwood Road and potentially Five Dock. So look it had been around. It was in the thought processes there but it didn't influence the planning for Five Dock.

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SOUTHAM: It's not mentioned in any of the Studio GL documentation or anything like that?

MCNAMARA: No, no, there really wasn't background to it. The assumption was the infrastructure we've got is what we know and it is unfortunate with trying to do this sort of work, if you have a – if you had a metro station planned in the CBD, not the CBD, the town centre of Five Dock. It would be very good to know that. It would potentially affect your development and also your parking rates for new development down there and maybe a mix of development too. You might have a real interest in more commercial development.

SOUTHAM: Would it be fair to say that it wasn't any sort of certainty that it was assumed that that would happen while the Five Dock Town Centre -

MCNAMARA: - No, no, it wasn't – it wasn't on the radar really. It was a possibility because the previous metro – this is my wife Sharon.

SHARON: Hi.

MCNAMARA: Ann-Maree and Kate from ICAC.

SOUTHAM: Sorry, we are almost done.

SHARON: Okay.

MCNAMARA: It's all secret here so we can't tell you anything.

SHARON: We might just pause the interview. It's 1.03pm.

MCNAMARA: Sure.

INTERVIEW SUSPENDED 1.03pm

INTERVIEW RESUMED 1.07pm

SOUTHAM: So this is a resumption of a record of interview between Kate Southam, Investigator with the ICAC. Also attending is Ann-Maree Robinson, Investigator ICAC and Tony McNamara. Do you – the time is currently 1.07pm. Do you agree that while the recording was paused we didn't discuss anything to do with the interview?

MCNAMARA: That's right.

SOUTHAM: Okay and you understand that you're still being recorded?

MCNAMARA: Yes.

SOUTHAM: So I want to show you this email from the 29th of March 2018 and it's from Anthony Wynen strategic planner CCBC Council and he's advised that he received a call from James Matthews from Pacific Planning who is working on behalf of John Sidoti.

MCNAMARA: Yeah.

SOUTHAM: And it outlines that they would like to have a pre DA meeting for land at 120 to 124 Great North Road and 2 Second Avenue in Five Dock. Do you remember attending a pre-DA meeting something that Council staff would do on (UNDECIPHERABLE) yeah.

5 MCNAMARA: Yeah, yeah, yeah.

SOUTHAM: And did you – do you recall attending a pre DA meeting?

MCNAMARA: Look I can't recall any specifics. I've had – I've had meetings with James and I probably did go to the meeting if I was asked to go but I can't give you any great detail about it.

10 SOUTHAM: Also Anthony Wynen in this has said that – well it says 'he' I don't know if that means James Matthews, John Sidoti. I'm not – it just says he, is looking to submit the DA. I understand he's proposing significant variations to the recently adopted LEP. What do you take that to mean?

15 MCNAMARA: Well they just disagreed with what's been resolved. So they want to come back with some variations for height and floor space ratio. I think my comment would be more or less apply for whatever you want but your probably not going to get success because you've gone through all these issues and if you want to do it as a DA you won't get – you won't be successful. If you put it forward as a planning proposal, then it's sort of changing the planning regime but he said DA there. So I wouldn't encourage it but I can't stop you either.

20 SOUTHAM: Are you aware – am I correct in my understanding that you – it's also once the Gateway determination and that is made by the Department, is it possible for someone who is unhappy with an LEP being proposed by a Council to – I do know what the correct terminology is but challenge whatever the proposal is at the Department level?

25 MCNAMARA: Well, as I understand it the Gateway gives you authority to go forward to exhibition. So your opportunity to object comes then. It's a formal statutory process that you've got and I would expect that's how you do it. Any other way sounds a bit non-transparent to me.

30 SOUTHAM: Are you aware – aware whether John Sidoti or a consultant that he engaged or a company to do with his families' interest in Five Dock ever approached the Department for a variation to what was being proposed by Council?

35 MCNAMARA: I can't say I'm aware of that. I don't believe – I don't recall anybody from that Department ringing me about it and asking my views or advising me about it.

SOUTHAM: Okay. So just some general questions if that's okay. Do you have anything?

40 ROBINSON: No, no, no, it's all good.

SOUTHAM: So do you recall if John Sidoti ever directly approached you to talk about this pre DA or DA?

MCNAMARA: No. No, never.

SOUTHAM: Okay and do you have any idea whether a DA was subsequently put in to Council for that – those properties?

MCNAMARA: I'm not aware of that but I – I'd find it unlikely but I don't know. I'm not
5 aware of ever seeing a DA or having to consider a DA for that site.

SOUTHAM: Okay. Did you ever experience any pressure that you felt to be inappropriate from any interest holder regarding the changes with the Five Dock Town Centre?

MCNAMARA: No, no, no pressure. I've sort of been around it a long time. There's
10 obviously there's lots of different views and what various interests want but you can see I went to some trouble to set out, you know, the – the chapter and verse my thoughts on subjects. So I think the Council expected that of me. That's – that would be fairly true to form and I – what I really
15 don't want to do is ever create the impression that this sort of influence by the wrong pressures in Council. I just worked down the line, you resolve it, we'll – we'll carry it out but if you want my views here they are and I – I like the ideas of workshops but you can see the issues with them. They're not recorded, you don't know what was said. You don't know who was there and they can tend to create a little bit of a climate. I think – I thought
20 we all agreed so to speak and I – I take it that there are an exchange of views but what – what is the official position is what's on record and so I sometimes go to efforts with memo's, emails and of course formal reports to council to say what is on the record and this is it and I stick by that.

SOUTHAM: And while the changes to Five Dock Town Centre were being worked on
25 including the additional sites that were considered so extending to that did John Sidoti ever approach you to talk about the changes or any position that he might have personally held, that you remember?

MCNAMARA: I don't – I don't believe he ever approached me and talked directly about those sort of things.

SOUTHAM: And you've mentioned a discussion that you had with Councillor McCaffrey –
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MCNAMARA: Yes.

SOUTHAM: - that you don't particularly remember the, you know, the –

MCNAMARA: Not the specific details.

SOUTHAM: The specific detail.
35

MCNAMARA: No.

SOUTHAM: Do you remember if any of the other Councillors ever came to you to say that they're experiencing pressure or that they were uncomfortable with something that was proposed?

MCNAMARA: No, no, I would say Helen.
40

SOUTHAM: Do you remember if any of the staff that worked for you or with you ever discussed with you that they felt uncomfortable about any interest holder in the Five Dock Town Centre?

5 MCNAMARA: Oh I think – I don't know about uncomfortable. I think they probably held the same sort of views as I did and they would use me as a buffer and that's why you'll see emails and so forth coming back to me or his information to be sure that they weren't seen as working kind of in parallel to the way normal business was undertaken. So look pretty good team and we work that way. There's a fair exchange of information there. We didn't – so that
10 - I don't think they felt intimidated because they could always rely on me and I'd do the same with the General Manager to make sure information streams were very clear and correct.

SOUTHAM: And you mentioned that one conversation that you had with Helen McCaffrey, do you remember having any subsequent conversations like that with her at any point?
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MCNAMARA: No, I didn't have any more on that. To me that set – set the scene fairly well. I understood why she was coming up with this – and why she was supportive of the case. I didn't need to – I think she was uncomfortable about it all. I don't – I didn't want to I don't know antagonise her. She's a lovely person I didn't want - I didn't need to. I knew exactly why she was putting this forward. Usually, as long you understand it you can deal with it. Yeah.
20

SOUTHAM: Okay and you didn't have any – did you personally have any concerns about that – that conversation you had in terms of having any discussion with the General Manager or -
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MCNAMARA: I may have had that conversation with him to the effect that – because I think the General Manager and the executive were all of the view that this was a Sidoti inspired proposition that showed no particular interest in the Five Dock Town Centre other than how it affected his property. So that's – that's what motivated that stream of events. So quite a bit of investigation and expense as you can see for studies to – to determine whether there was any merits whatsoever in that proposition. I mean we're doing the work.
30

SOUTHAM: Did – did you – did that raise any concerns in terms of that being a planning outcome versus an outcome that particular people may have advocated for?
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MCNAMARA: The – the final outcome do you mean? I think – I don't think Mr Sidoti would have been too happy with the outcome but I think as a general view that, including probably, from Helen that that was the correct outcome, that we had done our job. We didn't sort of waiver around depending on which way the wind was blowing. We actually sort of did – all we had to do to fulfil our obligations thus far, fully investigate, test these hypothesis about why there'd be better outcomes and then come forward with a final recommendation and I didn't hear any other negatives from anybody that we got it wrong.
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45 SOUTHAM: And I know you mentioned that as far as you recall Helen McCaffrey in that conversation didn't specifically mention Sidoti.

MCNAMARA: No, no I wouldn't say that. I know that –

SOUTHAM: But - but in terms of – if – if it were the case that John Sidoti had applied pressure to Helen McCaffrey to put forward Waterview. That Waterview St Site as an additional area –

5 MCNAMARA: True.

SOUTHAM: - to be included, would you have deemed that to have been appropriate at the time?

MCNAMARA: No, definitely inappropriate. He would have taken that position there as – that's just using his position to your own advantage. I think that's
10 outrageous, yeah.

SOUTHAM: But at the time you didn't think it was – it merited any like reporting or further action?

MCNAMARA: To ICAC or somebody like that. Well it was second hand knowledge. It's
15 not my direct knowledge of the thing. It kind of comes in with the category of whistle-blower but I think – if I was to it and up and say stuff it - I haven't got the documentation and I haven't got the first hand knowledge to – to support it. So I'd take a hiding and probably an early retirement, you know. So that's how it would end up, yeah.

SOUTHAM: Do you need anything further?

20 ROBINSON: I don't.

SOUTHAM: Do you have any – that's the end of my questions.

MCNAMARA: Thank you.

SOUTHAM: Do you have anything further that you want to say or you think we should know about the subject area?

25 MCNAMARA: Oh look I think we've covered it pretty well. I think you've got all the people there. I presume you're going to talk to more people along the way to get their views on what happened and so forth. So I'll leave it to your best endeavours there but I don't think there's any – any other persons of interest that I can nominate there that wouldn't already be on your radar.

30 SOUTHAM: Okay well if you do think of anything else that you, you know, a document or something that you think we should know about feel free to contact me.

MCNAMARA: Yeah, okay, thanks Kate. Thanks Ann-Maree.

ROBINSON: Thank you.

SOUTHAM: Alright well the time is currently 1.19 pm and this interview is terminated.

35 **END OF INTERVIEW**

