

AUBURN PUBLIC INQUIRY

Before the Commissioner: Mr Richard Beasley SC  
Counsel Assisting: Mr Paul Bolster  
Officer Assisting: Mr Darren Sear

PRIVATE HEARING: Hi cham Zrai ka

Held at the Civic Precinct Centre  
1 Susan Street, Auburn NSW

On Friday, 10 June 2016 at 9.30am

1 MR BOLSTER: Commi ssi oner, I cal l Mr Hi cham Zrai ka.

2

3 <HI CHAM ZRAI KA, sworn: [9.30am]

4

5 THE COMMI SSIONER: Just before Mr Zrai ka i s asked any  
6 questions, I wi ll just make some formal orders.

7

8 I give the fol lowi ng di recti ons i n relati on to  
9 Mr Hi cham Zrai ka who has been summonsed to appear at the  
10 Auburn Publ ic Inqui ry:

11

12 1. Pursuant to secti on 12B(2) of the Royal  
13 Commissi ons Act 1923, I di rect that part of the questi oni ng  
14 by Counsel Assi sti ng i s to now take place i n private.

15

16 2. Pursuant to secti on 12B(3) of the Act, I di rect  
17 that only the fol lowi ng persons to be present during the  
18 private hearing i nvol vi ng Mr Zrai ka:

19

20 (a) Counsel Assi sti ng and i nqui ry staff;

21

22 (b) The legal representati ves of Mr Zrai ka, bei ng  
23 Mr Price, Mr Hopper and Ms A Qi an

24

25 3. Until such time as I give a di fferent di recti on,  
26 I di rect that publ icati on of the transcript of thi s private  
27 hearing i nvol vi ng Mr Zrai ka be restri cted to the persons  
28 referred to i n the previ ous di recti on.

29

30 4. I di rect that the compl eti on of thi s private  
31 hearing does not excu se Mr Zrai ka from hi s summons to  
32 appear at the i nqui ry for the publ ic hearing.

33

34 Mr Bol ster.

35

36 MR BOLSTER: Thank you, Commi ssi oner.

37

38 <EXAMI NATION BY MR BOLSTER:

39

40 MR BOLSTER: Q. Mr Zrai ka, you have an i nterest i n  
41 a property at 188 Woodburn Road, Beral a; correct?

42

43 A. No.

44

45 Q. You don' t? That i s a property that was the subj ect of  
46 a devel opment appl icati on last year; correct?

47

47

1 Q. And it was for a boarding house?  
2 A. Correct.  
3  
4 Q. Is it your evidence that you have no interest in that  
5 business at all?  
6 A. No, I have a non-pecuniary interest, yes.  
7  
8 Q. Could you explain what that non-pecuniary interest is?  
9 A. The non-pecuniary interest is that I live within the  
10 town centre, that's one, and the fact that within the  
11 town centre affects where I live because it's within the  
12 proximity of my residential address; two, my brother has  
13 an option on that.  
14  
15 Q. Your brother does?  
16 A. Yes.  
17  
18 Q. Your brother has an option to purchase the land that  
19 is the subject of that development application; correct?  
20 A. Yes.  
21  
22 Q. That development application involved I think  
23 a three-level boarding house; correct?  
24 A. Possibly.  
25  
26 Q. Did you know anything about the plans for the boarding  
27 house?  
28 A. Yes. It came before council.  
29  
30 Q. You declared an interest?  
31 A. I did.  
32  
33 Q. Did you know in advance that it was coming to council?  
34 A. No, I didn't. What do you mean by the question? Can  
35 you ask that again?  
36  
37 Q. When did you find out that your brother had an option  
38 for a boarding house?  
39 A. Well, I had - I knew that he had - when the DA came  
40 before council I was told that my brother had an option on  
41 it.  
42  
43 Q. The day it came to council --  
44  
45 THE COMMISSIONER: Just wait a second. Mr Zraika, you are  
46 a little bit too close. I will tell you what to do.  
47 I will just push it up for you. It is not so much we can't

1 hear you, it is for the court reporters and if you are too  
2 close, it's blowing their ears off.  
3  
4 MR BOLSTER: Q. You don't need to lean forward, just  
5 relax, you'll be fine.  
6 A. Sorry. Is it like that?  
7  
8 Q. However you are comfortable; you don't need to move  
9 forward to be heard. You found out on the day it came  
10 before council?  
11 A. I didn't say on the day.  
12  
13 Q. I am sorry?  
14 A. I did not say on the day. When the DA came before  
15 council, I did declare a non-pecuniary interest and  
16 I abstained from voting and I walked out from the chambers  
17 on both occasions.  
18  
19 Q. You personally don't have an interest in that  
20 development?  
21 A. I have no interest in it, no.  
22  
23 Q. You obviously had a longstanding interest in  
24 York Street, Berala; correct?  
25 A. I live in York Street, Berala, yes.  
26  
27 Q. You conduct business there as well?  
28 A. Yes. My physiotherapy clinic.  
29  
30 Q. I take it that whenever the Berala rezoning issue has  
31 been before council - and it has been before council on  
32 many occasions from 2012 right through to the end of 2015 -  
33 you declared an interest?  
34 A. I sure did.  
35  
36 Q. And you left the chamber?  
37 A. Yes.  
38  
39 Q. Prior to a workshop in Bowral in February 2014 - do  
40 you remember that?  
41 A. What's the question? Prior? I remember the Bowral  
42 workshop, yes.  
43  
44 Q. Prior to that workshop there was never any suggestion,  
45 was there, that York Street, Berala, would be the subject  
46 of any changes in planning controls; correct?  
47 A. I don't know.

1  
2 Q. You didn't know?  
3 A. No.  
4  
5 Q. You didn't know that?  
6 A. I didn't know there were going to be changes, no.  
7 I wasn't part of - let me make it clear. I have never been  
8 part of any workshops, briefings and decision making of  
9 York Street, or Berala, or whatever.  
10  
11 Q. All right. For you to declare an interest, when you  
12 declare an interest it is because you have a conflict of  
13 interest?  
14 A. Yes. The fact that - yes, true.  
15  
16 Q. And that's because your interest is in conflict with  
17 the broader public interest of how that proposal is dealt  
18 with in council; correct?  
19 A. Correct.  
20  
21 Q. Until February 2014, no-one was suggesting, in the  
22 Berala rezoning study, that your property, or even the area  
23 around your property, would be the subject of any change in  
24 planning controls?  
25 A. I'm not aware of that, no.  
26  
27 Q. What I would like to know is why you declared  
28 an interest where there was no suggestion that there would  
29 be any change to the land that you owned?  
30 A. Well, the reason I've declared is because if you look  
31 at the Berala bundle, particularly - can I - is that here?  
32  
33 Q. Yes. Might the witness be given a copy of the Berala  
34 bundle? No, we'll give you one.  
35 A. Particularly in the March 2012 draft Berala Village  
36 study - and I believe it came in April 2012 to the council  
37 meeting - if you look at page 3 --  
38  
39 Q. Yes.  
40 A. I'm just going to check where that is here.  
41  
42 Q. Are you talking about page 3 of the bundle?  
43  
44 MR PRICE: Page 6 of the pagination, page 3 of that study.  
45  
46 THE WITNESS: So yes, page 6, right?  
47

1 MR BOLSTER: Q. Yes.  
2 A. So on page 6 of that Berala Village study, the draft,  
3 if you look at the Figure 1 diagram.  
4  
5 Q. Yes.  
6 A. You can see that there is a circumference here.  
7  
8 Q. Yes.  
9 A. A pink circumference and I actually believed that  
10 I lived in the town centre because my property is within  
11 that circumference.  
12  
13 THE COMMISSIONER: Q. The 400-metre radius?  
14 A. That's right.  
15  
16 Q. Yes.  
17 A. So on that basis I've always declared an interest  
18 because I believed I lived in the town centre.  
19  
20 MR BOLSTER: Q. All right. Thank you for that. You  
21 went to Bowral but you left the debate and the presentation  
22 when the Berala rezoning was discussed; correct?  
23 A. Correct.  
24  
25 Q. In June 2014 there was a planning briefing in the  
26 Jack Lang Room which dealt with Berala and you weren't  
27 there?  
28 A. I wasn't there.  
29  
30 Q. And then council dealt with the matter on 16 July 2014  
31 as well; correct?  
32 A. Yeah, I think so.  
33  
34 Q. Did you discuss Berala with any of your colleagues on  
35 council, any council members?  
36 A. No.  
37  
38 Q. Did anyone ever come and talk to you about the Berala  
39 proposal at all?  
40 A. No.  
41  
42 Q. At no stage?  
43 A. No-one spoke to me. Who are you referring to?  
44  
45 Q. Well, anyone. Let's go through a list just to make  
46 sure. Mr Oueik?  
47 A. No.

1  
2 Q. Mr Attie?  
3 A. No.  
4  
5 Q. Councillor Lam?  
6 A. No.  
7  
8 Q. Mr Yang?  
9 A. No.  
10  
11 Q. None of those people spoke to you about Berala?  
12 A. Absolutely not.  
13  
14 Q. All right. I want to change topic now and deal with  
15 the South Auburn planning proposal. You are familiar with  
16 that?  
17 A. Yes.  
18  
19 Q. It is in the same bundle that you have in front of  
20 you.  
21 A. Sure.  
22  
23 Q. Could you go over to page 5.  
24 A. Let me just check. Is that the last tab? Is that it?  
25  
26 Q. Yes.  
27 A. Yes, page 5.  
28  
29 Q. Yes. On page 5 you will see there is a chronology of  
30 the events --  
31 A. Sure.  
32  
33 Q. -- that led to the business paper and the report  
34 contained in it for a meeting on 15 April 2015. Do you see  
35 at the top of the page there's 15 April?  
36 A. Yes, April 15, 2015.  
37  
38 Q. If you go back a page, a couple of pages, you will see  
39 this is a report from executive manager of planning,  
40 Mr Francis --  
41 A. Yes.  
42  
43 Q. -- to council. If you go back to pages 3 and 4, you  
44 will see the recommendation of council staff on that  
45 occasion?  
46 A. Yes.  
47

1 Q. You will recall that in April the issue before council  
2 was the extent to which the area would include a B4 zoning?  
3 A. Correct.  
4  
5 Q. Do you recall council staff putting before you and the  
6 other members of council a series of options?  
7 A. Well, that's what I saw in the report itself, that's  
8 it.  
9  
10 Q. If you go to page 283 of the report --  
11 A. Yes.  
12  
13 Q. It's 283 of the bundle, actually.  
14 A. 283 of the bundle, yes.  
15  
16 Q. You will see there the options that were on the table  
17 there?  
18 A. I can see a diagram. Sorry, are you talking about the  
19 diagram?  
20  
21 Q. Yes. Do you recall that option 1 - do you see  
22 option 1 there?  
23 A. Yes.  
24  
25 Q. You recall that was the original proposal moved by  
26 Mr Yang back in 2013?  
27 A. Yes.  
28  
29 Q. Did you support that proposal at the time?  
30 A. Yes.  
31  
32 Q. Why did you do that?  
33 A. Well, I supported that option - if you go back - let  
34 me give you a bit of history, Commissioner. If you go back  
35 when - at the inception of this idea, it happened I think  
36 it was May, it was a matter arising out of an agenda  
37 item before council to study, prepare and recommend the  
38 following. I supported that at the time and continued  
39 supporting that because we needed to expand the town centre  
40 and there was an argument about the expansion of the town  
41 centre of Auburn. I recall on my first term of council  
42 within the LEP, they were trying to remove some sections  
43 from the other side of the railway line where the mosque  
44 is.  
45  
46 THE COMMISSIONER: Q. I am sorry, this is preparing the  
47 2010 LEP?



1 A. I think so, yes.  
2  
3 Q. When did you start in council, 2008?  
4 A. 2004, so my first term was between 2004 and 2008.  
5 I think it was around '06, around that time, there were  
6 discussions about the LEP and if you see on the other side  
7 of the railway line, there was a recommendation or a  
8 suggestion to remove that from the actual - to reduce  
9 density there, keep it as it is. So there was an argument  
10 before the council in relation to this proposal to expand  
11 the town centre on this side, this way, and that's why  
12 I saw it fit and supported it.  
13  
14 MR BOLSTER: Q. I take it you have consistently  
15 supported a rezoning of that block --  
16 A. Correct.  
17  
18 Q. -- in accordance with option 1 from those earlier  
19 proposals?  
20 A. Yes.  
21  
22 Q. Going back, how far did your support for option 1 go?  
23 A. Well, since its - I can't give you the exact dates,  
24 but since the start.  
25  
26 Q. And then when it came back to council and staff were  
27 recommending clawing back the B4 zone to about a third,  
28 I assume that you had some difficulty with that?  
29 A. Well, I just saw the recommendation by the staff and  
30 I took - I thought, okay, if that's what they wanted, I'll  
31 support it.  
32  
33 Q. Do you normally look closely at what staff report and  
34 advise to council in advance of a council meeting?  
35 A. I read the reports to the best of my capability, yes.  
36  
37 Q. Had you discussed this particular change to option 1  
38 with any other councillors before the council meeting?  
39 A. No.  
40  
41 Q. You didn't discuss it with Mr Oueik?  
42 A. No.  
43  
44 Q. Mr Francis has given some evidence that there was some  
45 talk on the floor of council, that means from councillors,  
46 about pulling back the B4 zone. Do you recall that talk?  
47 A. Not from my end, no.

1  
2 Q. You weren't a part of that?  
3 A. No.  
4  
5 Q. Do you recall Mr Oueik being a part of it?  
6 A. I don't know which talk he's talking about, to be  
7 honest with you, but I don't know which - where the  
8 discussion he's talking about took place. I don't know.  
9  
10 Q. Let's just clarify.  
11 A. Yes.  
12  
13 Q. Your evidence is this, that no-one spoke to you about  
14 this change to option 1 --  
15 A. Until I saw it --  
16  
17 Q. -- until you saw the council report?  
18 A. Definitely, yes.  
19  
20 Q. When you saw the council report, you saw what the  
21 staff were suggesting and you accepted their advice?  
22 A. Definitely, yes.  
23  
24 Q. And you didn't discuss the issue with other  
25 councillors, you acted on the basis of the advice from  
26 staff?  
27 A. Correct.  
28  
29 Q. Correct? What I am suggesting to you is this, that  
30 Mr Francis, who was the author of that report --  
31 A. Correct, yes.  
32  
33 Q. -- has given some evidence that there were members of  
34 council who suggested that reduction in the B4 zone along  
35 Auburn Road?  
36 A. It wasn't me.  
37  
38 Q. It wasn't you? And I'm asking you do you recall any  
39 such talk at council?  
40 A. I don't recall that at all.  
41  
42 Q. All right, thank you. I will ask you now some  
43 questions about Marsden Street, Lidcombe. You are familiar  
44 with that area?  
45 A. Yes.  
46  
47 Q. Have you grown up in the Auburn Local Government area

1 all your life?  
2 A. I was born in Auburn Hospital.  
3  
4 Q. Auburn Hospital?  
5 A. Yes.  
6  
7 Q. And you have lived here ever since?  
8 A. All my life. I've been overseas for a while and then  
9 came back.  
10  
11 Q. The Marsden Street bundle, if that could go to the  
12 witness, please. If you could open that up, please, at  
13 page 181?  
14 A. Is it the heading "DRAINER"?  
15  
16  
17 Q. Sorry?  
18 A. "DRAINER", is that the heading?  
19  
20 Q. No, you are on the wrong one. Do you see that map?  
21 A. Yes.  
22  
23 Q. You will recall that there was a company called AECOM  
24 who prepared a report for council and you will see their  
25 report, it finishes at page 180 and starts at about  
26 page 132.  
27 A. Yes.  
28  
29 Q. Do you remember reading that? It was a colour report  
30 setting out a whole range of scenarios for Marsden Street?  
31 A. I must say I didn't get the full details, but yes.  
32  
33 Q. You what?  
34 A. I didn't get in detail into the report.  
35  
36 Q. Do you remember that document at page 181?  
37 A. I remember the AECOM report.  
38  
39 Q. That was a summary prepared by staff of what was in  
40 the AECOM report, don't you remember that?  
41 A. Yes, there was a summary there, yes.  
42  
43 Q. You will recall that council staff proposed  
44 alternative scenario G?  
45 A. Yes. Can I just have a look at it?  
46  
47 Q. Yes.

1 A. I just want to refer to it. Yes.  
2  
3 Q. When you came to consider the planning proposal what  
4 were the important criteria for you in determining which of  
5 the scenarios to support?  
6 A. Well, I recall from that meeting by the mover and the  
7 seconder, I believe, and the discussion that they wanted to  
8 densify the area because of its close proximity to the  
9 railway line, it was actually opposite the railway line,  
10 and they've argued the mixed commercial, as I can see from  
11 here and from my recollection, and I supported that.  
12 I have no - yes.  
13  
14 Q. AECOM had prepared a fairly detailed report; correct?  
15 A. Yes.  
16  
17 Q. Did you understand what their preferred option  
18 entailed?  
19 A. According to this it says (f), as I can see it on this  
20 page, yes.  
21  
22 Q. Yes.  
23 A. But the argument from the floor was to go with  
24 alternative scenario G and the argument was the need to  
25 expand the whole area, you can't leave one side lower than  
26 the other side, and there's no harm in having mixed  
27 commercial business on both sides, on both ends of those  
28 streets that are surrounded by that particular block.  
29  
30 Q. Who were the proponents --  
31 A. I don't know.  
32  
33 Q. -- of that argument on the floor?  
34 A. I don't recall, to be honest.  
35  
36 Q. When you went to council, before you got there, did  
37 you have a view about the way in which this planning  
38 proposal should be determined?  
39 A. Look, I've always had a progressive view about such  
40 scenarios.  
41  
42 Q. Yes.  
43 A. So I was - you know, it came to the council. When  
44 this was debated and moved and seconded, I saw no harm in  
45 supporting it.  
46  
47 Q. All right. Was it the case that any member of council

1 discussed what should happen at the council meeting when  
2 the Marsden Street planning proposal was dealt with with  
3 you?  
4 A. Sorry, repeat that again?  
5  
6 Q. Did any member of council discuss the Marsden Street  
7 planning proposal with you before the council meeting?  
8 A. No.  
9  
10 Q. Are you sure about that?  
11 A. Yes, absolutely.  
12  
13 Q. Wouldn't it have been a fairly standard practice for  
14 councillors to discuss in advance what was coming up before  
15 council?  
16 A. Not necessarily.  
17  
18 Q. You didn't do that at all?  
19 A. Yes. When - depending. I used to meet - if you want  
20 to go back, I used to meet with some of the councillors  
21 downstairs.  
22  
23 Q. Yes.  
24 A. Particularly Simms and Campbell and they discussed the  
25 agenda there, but --  
26  
27 Q. There was a practice after the 2012 election,  
28 wasn't there, where you and Councillor Simms,  
29 Councillor Oldfield, Councillor Batik-Dunbar and  
30 Councillor Campbell --  
31 A. Initially, yes.  
32  
33 Q. -- discussed matters?  
34 A. The agenda - yes, the agenda, yes.  
35  
36 Q. Why did that end?  
37 A. Well, when I became mayor I became extremely busy.  
38 I was extremely busy doing civic duties. I did attend,  
39 though, but I didn't have much time as they did to  
40 participate in those matters and I have to be - as mayor  
41 you've got to be neutral to a lot of that stuff in the  
42 chamber.  
43  
44 Q. You've got to be neutral?  
45 A. Neutral to positions, yes, and you've got to answer to  
46 everybody, and I was busy. My real argument or the reason  
47 is I was, honestly, busy. I couldn't attend every single

1 meeting.

2

3 Q. Did you have any similar discussions with any other

4 councillors? Councillor Oueik?

5 A. No.

6

7 Q. Councillor Mehajer?

8 A. No.

9

10 Q. No?

11 A. No. We've never sat down and caucused on that stuff,

12 absolutely not.

13

14 Q. So you made your mind up, in the case of

15 Marsden Street, on the floor of the chamber when you heard

16 the debate --

17 A. Yes, there was a mover, a seconder, there were

18 discussions, I recall, and I supported it. As I said, I'm

19 progressive, I saw no harm between the two and I thought

20 they're very similar to some extent. You know, the

21 difference is one of them has got the mixed on the other

22 side as well, so I thought that'll be okay.

23

24 Q. Did the fact that Mr Oueik owned land in that zone

25 have any influence on the way you addressed the matter?

26 A. No.

27

28 Q. Not at all?

29 A. Commissioner - no. I look at things on their merit.

30 I don't dwell into people's pecuniary interests, that's the

31 fact of the matter.

32

33 Q. Thank you. I want to ask you some questions about

34 Grey Street, Silverwater.

35 A. Sure.

36

37 Q. You are familiar with that proposal?

38 A. Yes.

39

40 Q. Do you have that bundle?

41 A. I have. I'll just see which - Grey Street, yes.

42

43 Q. Can you just turn briefly to page 20.

44 A. 20, yes.

45

46 Q. You will see there that this records a meeting between

47 Mr Attie and staff in 2013 with the owners of the property,

1 a Mr Ghossayn and a Mr Sankari . Are those gentlemen known  
2 to you?  
3 A. I'm not aware of that meeting so --  
4  
5 Q. I'm sure you weren't aware of the meeting because you  
6 weren't there, but I am asking you a different question.  
7 A. Yes.  
8  
9 Q. Do you know either Mr Ghossayn or Mr Sankari?  
10 A. I know Mr Sankari , yes.  
11  
12 Q. When did you meet Mr Sankari ?  
13 A. Sankari was on the - was on - yeah, Fawaz Sankari , I  
14 know I was on - I was on a board of a particular school and  
15 he was a board member of that school .  
16  
17 Q. And what school is that?  
18 A. Al Noori .  
19  
20 Q. Al Noori ?  
21 A. Yes.  
22  
23 Q. Where is that school located?  
24 A. In Greenacre.  
25  
26 Q. In Greenacre?  
27 A. Yes.  
28  
29 Q. How long were you on the board of Al Noori with  
30 Mr Sankari ?  
31 A. Probably a few months, I didn't last long.  
32  
33 Q. In what year was that?  
34 A. Probably a couple of years ago, I think it was last  
35 year or the year before.  
36  
37 Q. Last year or the year before?  
38 A. I think so.  
39  
40 Q. That could have been in 2014 or it could have been in  
41 2015?  
42 A. Possibly, yes.  
43  
44 Q. Did you know Mr Sankari had an interest in --  
45 A. No.  
46  
47 Q. -- the Grey Street property?

1 A. No.  
2  
3 Q. Not at all?  
4 A. No.  
5  
6 Q. The first time you learnt about that is today, is it?  
7 A. Yes. He never told me about it.  
8  
9 Q. He never spoke to you about the development at all?  
10 A. No.  
11  
12 Q. All right. Thank you. Do I take it that you  
13 supported this development at all stages?  
14 A. I did, yes.  
15  
16 Q. What were your principal reasons for doing so?  
17 A. Well, when it came before council there was a proposal  
18 to expand, to mix development in that area and there was  
19 a strong argument to have mixed business there and  
20 I thought that there's no reason why not to because the  
21 area needed diversity in that place and it was confirmed in  
22 my mind when I started doing street-corner meetings,  
23 because I was doing every Saturday street-corner meetings  
24 around the LGA and when it came to that particular spot,  
25 I had residents come up to me saying, some saying, "There's  
26 a need for diversity in that area, it's quite dead", so  
27 I have no issue of not supporting that.  
28  
29 Q. Did Mr Attie appear to you to be an active supporter  
30 of this proposal?  
31 A. Oh, he was supportive, very supportive at the meeting,  
32 yes.  
33  
34 Q. Did he discuss the proposal with you at any time  
35 whilst it was before council?  
36 A. No.  
37  
38 Q. He didn't?  
39 A. Not before the council, no.  
40  
41 Q. How did you form the view that he was an active  
42 supporter of it? Was it the way he dealt with it in  
43 council?  
44 A. Just at the meeting, yes. He was just supportive of  
45 it because he kept moving the motions, so --  
46  
47 Q. Are you familiar with the council's employment land



1 strategy?  
2 A. Yes.  
3  
4 Q. What is your understanding of that strategy?  
5 A. Well, the understanding of that strategy is to create  
6 employment within the LGA, to show where there are  
7 employment areas within the LGA.  
8  
9 Q. And council spends a lot of money on that strategy?  
10 A. Yes.  
11  
12 Q. And it's done by a firm of economic consultants;  
13 correct?  
14 A. Yes.  
15  
16 Q. And you ultimately approved that strategy in 2015;  
17 correct?  
18 A. Yes.  
19  
20 Q. When you approved it in 2015, did you have a look at  
21 what it involved for Silverwater?  
22 A. Well, I recall - I recall some time back that there  
23 was a proposal before council about a change in that area,  
24 then the employment strategy came back and didn't highlight  
25 that and there was a recommendation to change that view and  
26 I had no problems in changing it.  
27  
28 Q. The draft strategy was passed unanimously in May 2015.  
29 A. Yes.  
30  
31 Q. Do you remember that?  
32 A. Yes.  
33  
34 Q. Previously, the Grey Street proposal failed at gateway  
35 because it was inconsistent with the strategy; correct?  
36 A. Well, yes, according to the report, yes.  
37  
38 Q. You understood that?  
39 A. Yes.  
40  
41 Q. You appreciated, can I take it, in about October 2015  
42 when this matter was last before council, that in order for  
43 the proposal to go ahead, the employment land strategy had  
44 to be amended; correct?  
45 A. Sorry?  
46  
47 Q. Did you appreciate that for the proposal, the planning

1 proposal to get past gateway, the employment land strategy  
2 had to be amended?  
3 A. Yes.  
4  
5 Q. What was your reason for changing the employment land  
6 strategy or voting to change it - you didn't do it  
7 yourself --  
8 A. Yes.  
9  
10 Q. -- you voted in support of it so soon after having  
11 adopted it in May of last year?  
12 A. Because the arguments put forward were convincing  
13 arguments and why - we can always change the land  
14 employment strategy based on the arguments put forward, so  
15 that could be subject to change; I saw why it couldn't be.  
16  
17 Q. The arguments you are talking about, were they  
18 arguments that you heard from Mr Attie or from someone  
19 else?  
20 A. No, from the floor.  
21  
22 Q. From the floor?  
23 A. Yes.  
24  
25 Q. At council?  
26 A. At council meetings, yes.  
27  
28 Q. Nowhere else?  
29 A. Nowhere else and, as I said before, when I did my  
30 street-corner meetings I had people in the public come up  
31 to me and said, "We do need shops there."  
32  
33 Q. When were the street-corner meetings, Mr Zraika?  
34 A. It was throughout the year. What I did, when I was  
35 mayor from September '13 to September '14, Commissioner,  
36 I started visiting corners throughout the LGA and at a  
37 particular point in time it was Silverwater's turn and we  
38 had a meeting around that area, and it was - and people  
39 came up and said, "The place needs to liven up a bit, we  
40 need shops", I had people come up to me saying that, and of  
41 course you've got people that were against, that's just the  
42 way it is.  
43  
44 Q. You, before the mayoral election, entered into or you  
45 signed a document that Mr Oldfield signed. Have you seen  
46 that?  
47 A. Yes.

1  
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Q. I am referring to the document at page 76 of Exhibit 01. Might the witness have a copy of that?

A. 76?

Q. Yes, 76. Do you have it there?

A. Yes.

Q. Why did you sign that document, Mr Zraika?

A. For the benefit of the Commissioner, when we did the mayoral deal it was done at Irene Simms' house. It was in the company of George Campbell, myself, Oldfield and Semra Batik-Dunbar. At that time - that was done leading up to the September 2012 mayoral election in 2012. There was no discussion about putting conditions except that we - we do a deal on the mayoral and the deputy mayoral positions. Now, that particular deal came or that particular document came before my turn - when it came to my turn in the 2013 mayoral election even though - I don't know why it's dated the 26th because I think it was on the 25th. But in any case it was done on that particular day and I signed it, and the truth of the matter, I - I signed it because I didn't want to lose my chance of becoming the mayor.

Q. Well --

A. And it was sprung on me on the day. I was shocked by it. I didn't take too much notice. I did read the conditions there. I didn't take too much notice of it but, frankly, I didn't want to lose the chance of becoming mayor.

Q. Mr Oldfield made it clear to you that he wouldn't support you for mayor unless you agreed to those matters; is that right?

A. He did.

Q. Might the witness be shown Exhibit G6.

THE COMMISSIONER: What is Exhibit G6?

MR BOLSTER: That is the similar document with Mr Campbell.

THE COMMISSIONER: It will take us a while to find it. G6 or GEN6?

1 MR BOLSTER: GEN 6.  
2  
3 THE WITNESS: Yes.  
4  
5 MR BOLSTER: Q. They were both prepared and signed --  
6 A. That's on the day.  
7  
8 Q. -- virtually on the same day or the day before?  
9 A. Yes.  
10  
11 Q. Mr Campbell wanted you to sign this in order for him  
12 to support you for mayor; correct?  
13 A. Yes, and I was - as I said I was surprised by those  
14 because the deal was in '12 and there was no conditions  
15 imposed then but I felt, when it came to my turn, they had  
16 to impose those conditions. Once again I signed them  
17 because I did not want to lose the chance of becoming  
18 mayor, because I had five votes, that's all.  
19  
20 Q. Well, the five that you had were yourself --  
21 A. Yes.  
22  
23 Q. Mr Campbell?  
24 A. Correct.  
25  
26 Q. Councilor Simms?  
27 A. Correct, and Batik-Dunbar.  
28  
29 Q. Councilor Oldfield?  
30 A. And myself.  
31  
32 Q. And Batik-Dunbar?  
33 A. Yes.  
34  
35 Q. You knew that the other five weren't supporting you;  
36 correct?  
37 A. Yes.  
38  
39 Q. And ultimately it --  
40 A. Out of a hat.  
41  
42 Q. -- was out of a hat as it did for every other year  
43 because it was five against five?  
44 A. It's a 50/50 chance.  
45  
46 Q. Yes. That changed last year, though, didn't it?  
47 A. How?

1  
2 Q. You nominated Mr Campbell, didn't you?  
3 A. Correct, I did.  
4  
5 Q. Did you vote for him?  
6 A. No, I didn't.  
7  
8 Q. You left the chamber, didn't you?  
9 A. Yes.  
10  
11 Q. Why?  
12 A. Because, frankly speaking, I couldn't bring myself to  
13 voting for him. Watching his behaviour - this was sprung  
14 on me right on the minute when the mayoral election -  
15 I didn't want to cause a scene and say "no", I just signed  
16 that, but when it came to it, I couldn't bring myself  
17 voting for him for various reasons.  
18  
19 Q. Why?  
20 A. One, I didn't find him to be leadership material,  
21 particularly when he was behaving the way he was behaving  
22 throughout this course, particularly within the  
23 Labor Party. I don't want to bore you, Commissioner, with  
24 Labor Party struggles locally but that's - I felt he was  
25 undermining me internally, plus publicly he was also  
26 undermining me.  
27  
28 THE COMMISSIONER: Q. What you are saying is that there  
29 was a relationship breakdown between you?  
30 A. Absolutely.  
31  
32 MR BOLSTER: Q. For how long had that breakdown been in  
33 effect for?  
34 A. Well, I think it started around the preselection time  
35 because I was meant to be preselected for the state seat of  
36 Auburn.  
37  
38 Q. Mr Foley was brought in --  
39 A. Brought in, I accepted, and moved on.  
40  
41 THE COMMISSIONER: We are in a private hearing, is it  
42 appropriate that this topic --  
43  
44 MR BOLSTER: I was just about to finish there.  
45  
46 THE COMMISSIONER: It may not be fair to either this  
47 witness, or whoever he is talking about, that it be in

1 private.

2

3 THE WITNESS: Yes. That's why I didn't want to bore you  
4 with it. That's why I couldn't vote for him.

5

6 MR BOLSTER: Mr Commissioner, I think I have reached the  
7 end of what I wanted to ask this witness.

8

9 THE COMMISSIONER: Just so we do not lose that, I will  
10 take that GEN6. Thanks. You are excused for the time  
11 being, Mr Zraika. You are still held to your summons to  
12 appear publicly.

13

14 THE WITNESS: Sure.

15

16 THE COMMISSIONER: Can I just say this to you, Mr Price:  
17 I will make an order later that all of the private hearing  
18 transcripts will be made available to everyone with  
19 an interest in seeing them which will be at least all of  
20 the councillors at the time of suspension and possibly some  
21 other witnesses as well. The transcripts will not become  
22 publicly available until such time as Counsel Assisting  
23 seeks to tender them, at which time they will.

24

25 If there was anything said by Mr Zraika today that you  
26 think requires clarification, we will not deal with that  
27 now but you will get the opportunity in the public hearing.

28

29 MR PRICE: Thank you, Commissioner.

30

31 THE COMMISSIONER: Is that understood?

32

33 MR PRICE: It is.

34

35 THE COMMISSIONER: We will adjourn until 11am. Thank you.

36

37 <THE WITNESS WITHDREW

38

39 THE PRIVATE HEARING WAS ADJOURNED ACCORDINGLY

40

41

42

43

44

45

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