

AUBURN PUBLIC INQUIRY

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

PRIVATE HEARING: Salim Mehajer

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

On Thursday, 9 June 2016 at 2.50pm

1 THE COMMISSIONER: Mr Bolster?

2

3 MR BOLSTER: I call Mr Salim Mehajer, may it please the
4 Commission.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

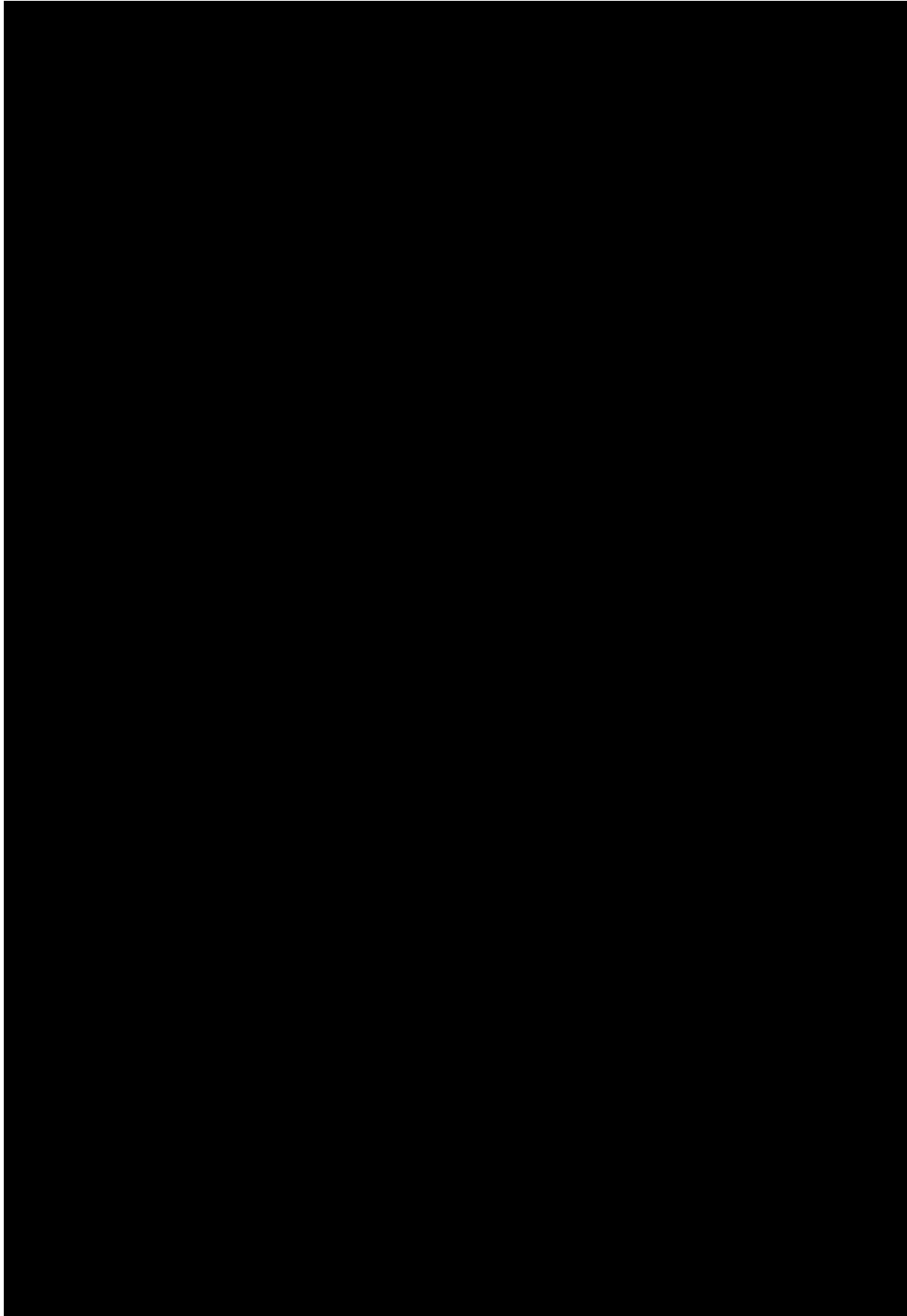
44

45

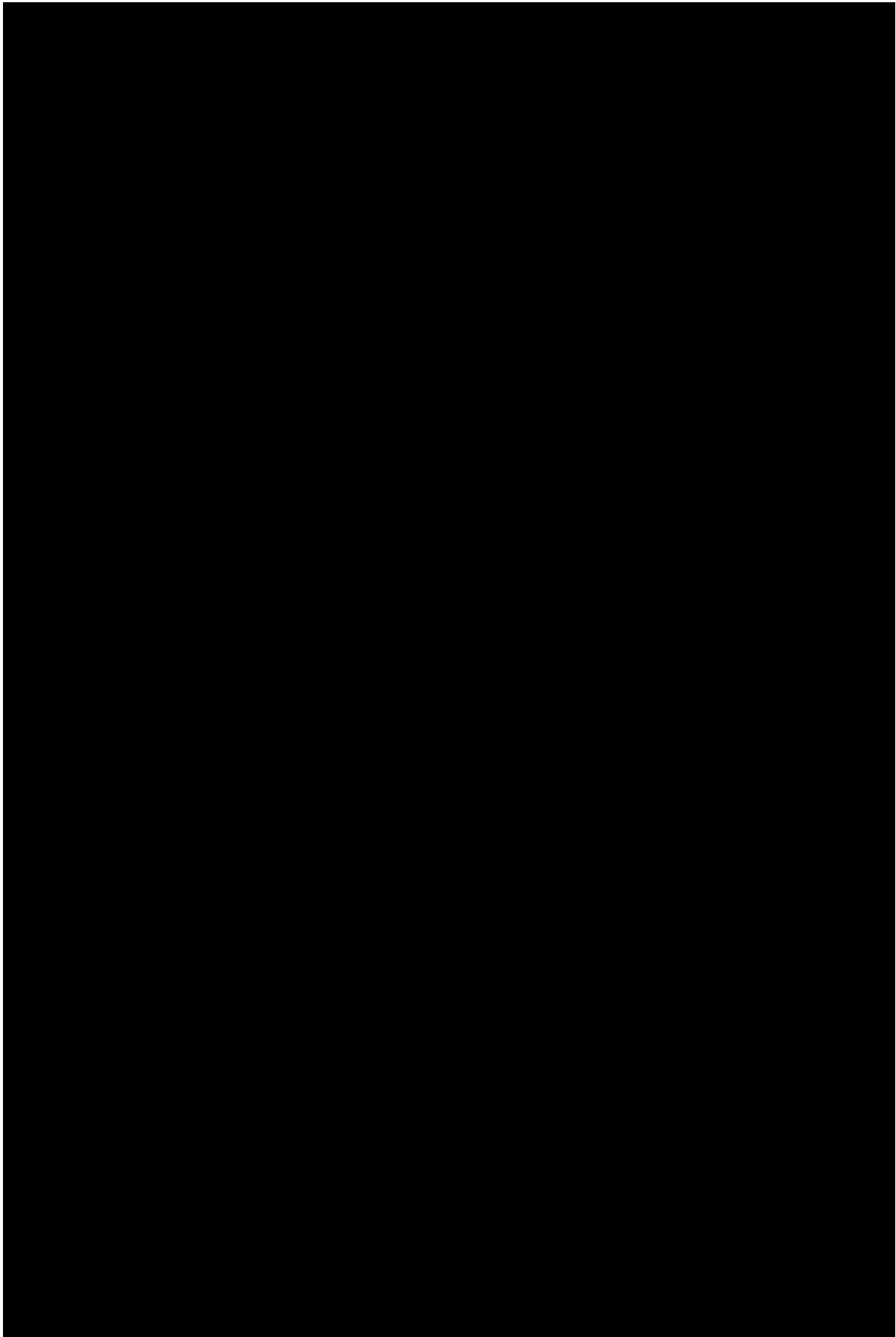
46

47

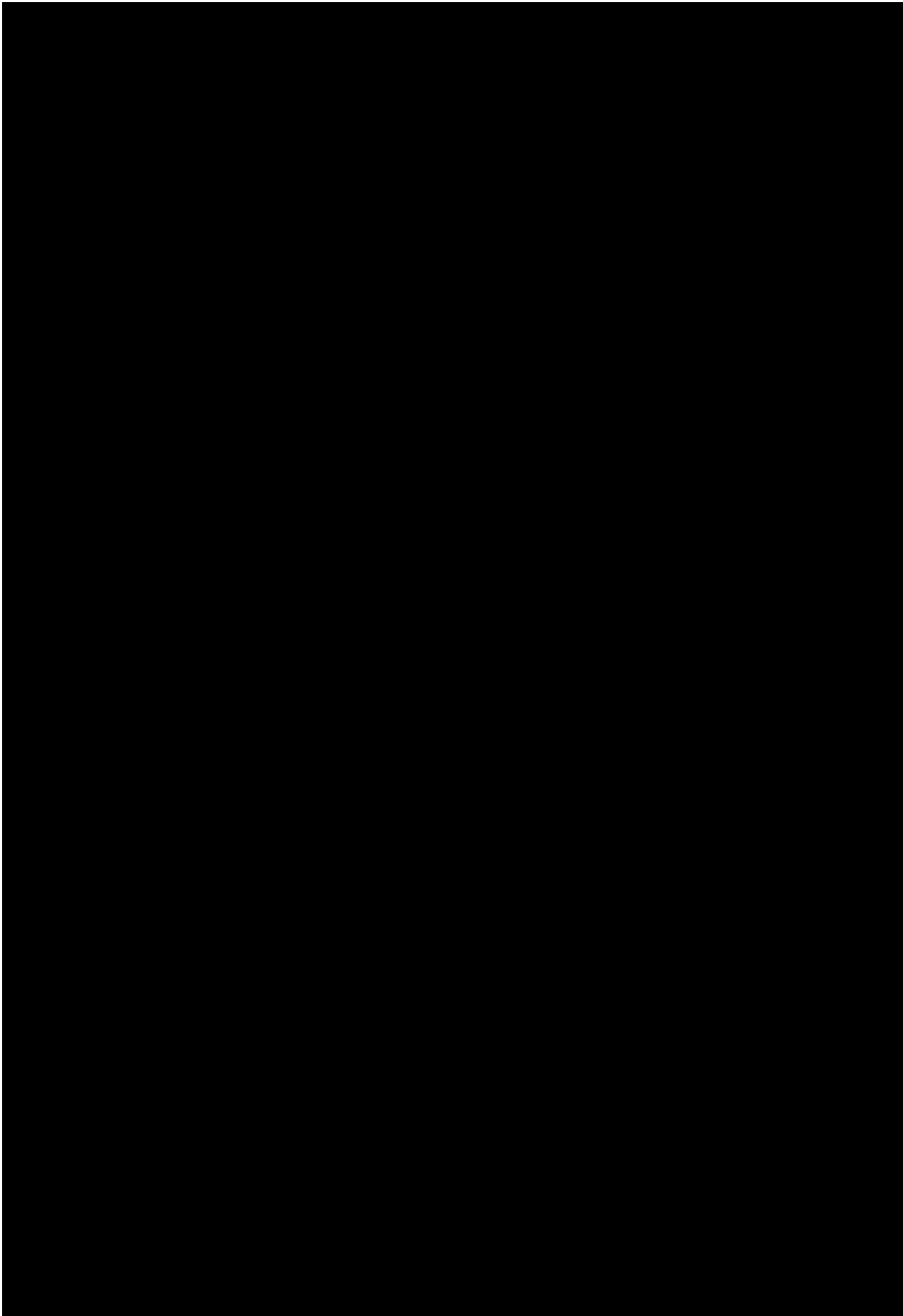
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



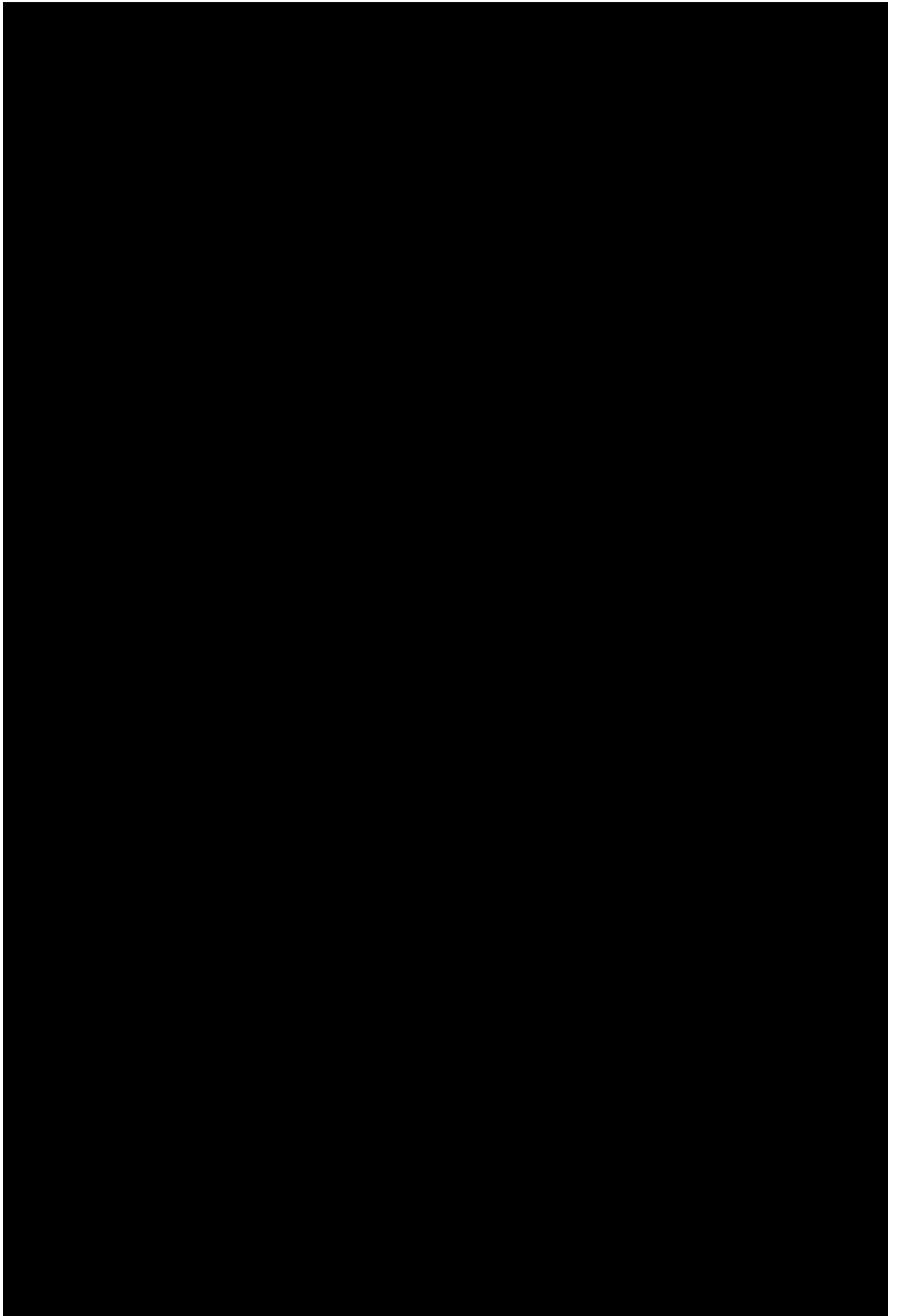
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



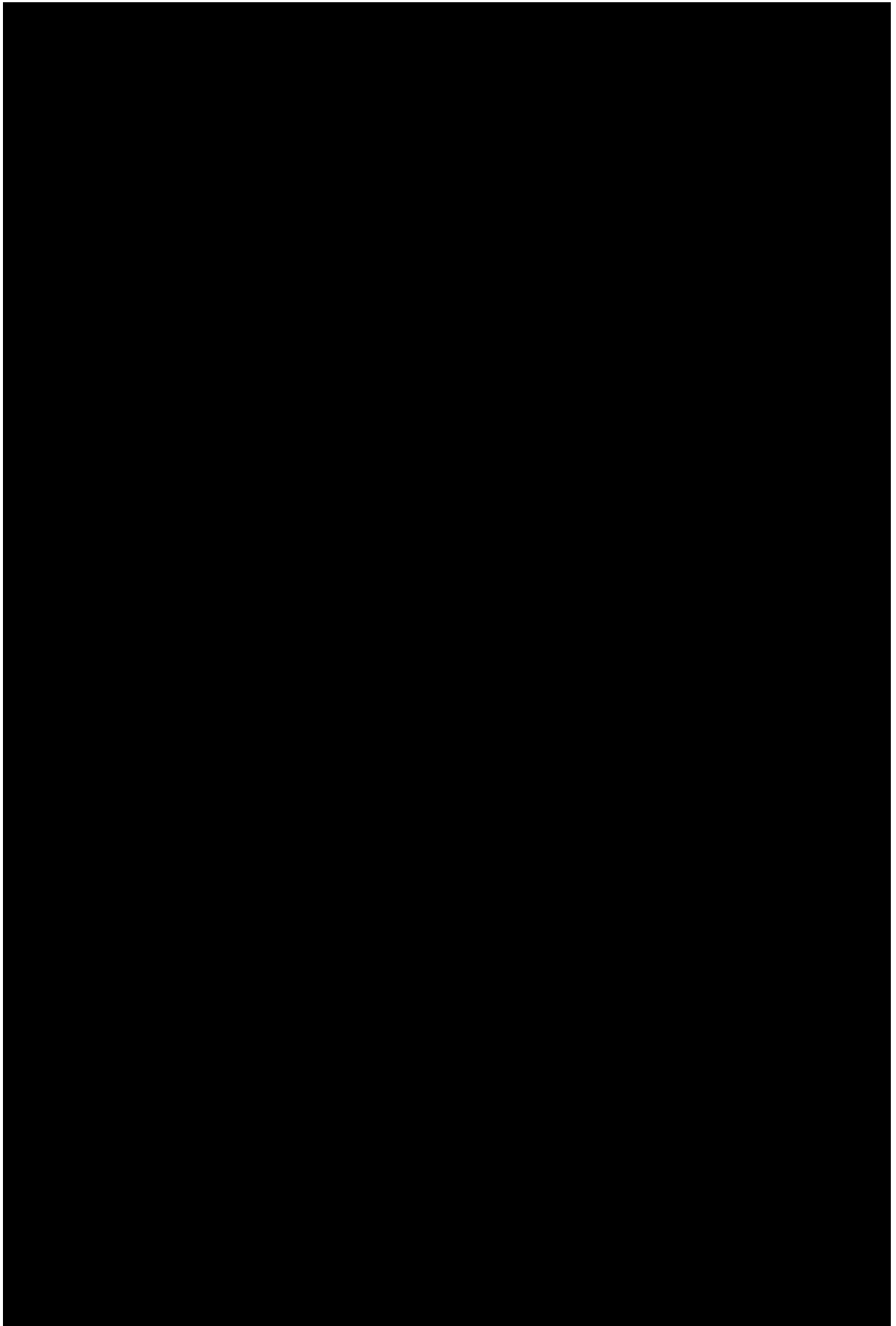
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



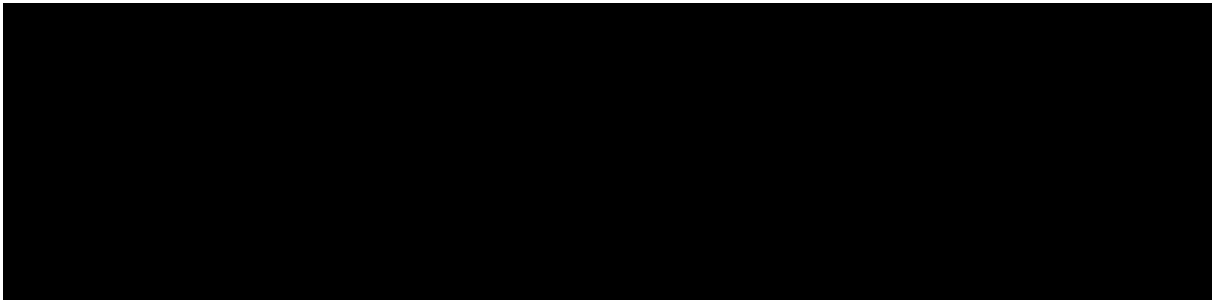
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



<SALIM MEHAJER, affirmed: [3.02pm]

THE COMMISSIONER: I will just make some formal rulings about the private hearing today.

I give the following direction in relation to Mr Salim Mehajer who has been summonsed to appear at the Auburn Public Inquiry.

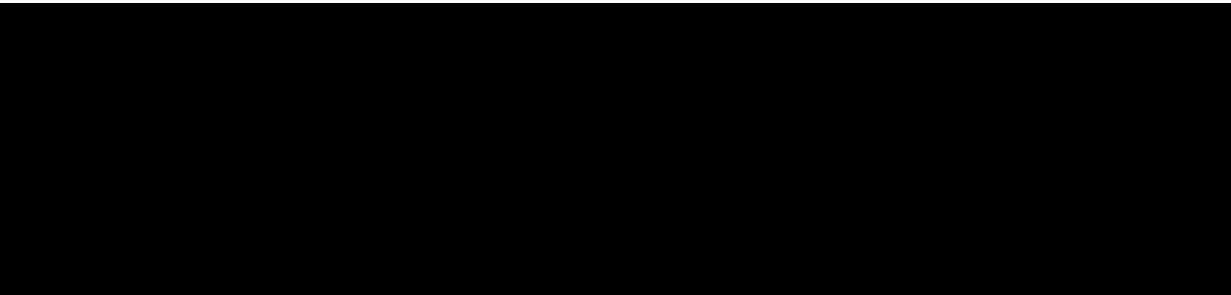
(1) Pursuant to section 12B(2) of the *Royal Commissions Act 1923*, I direct that part of the questioning by Counsel Assisting is to now take place in private.

(2) Pursuant to section 12B(3) of the Act, I direct that only the following persons to be present during the private hearing involving Mr Mehajer:

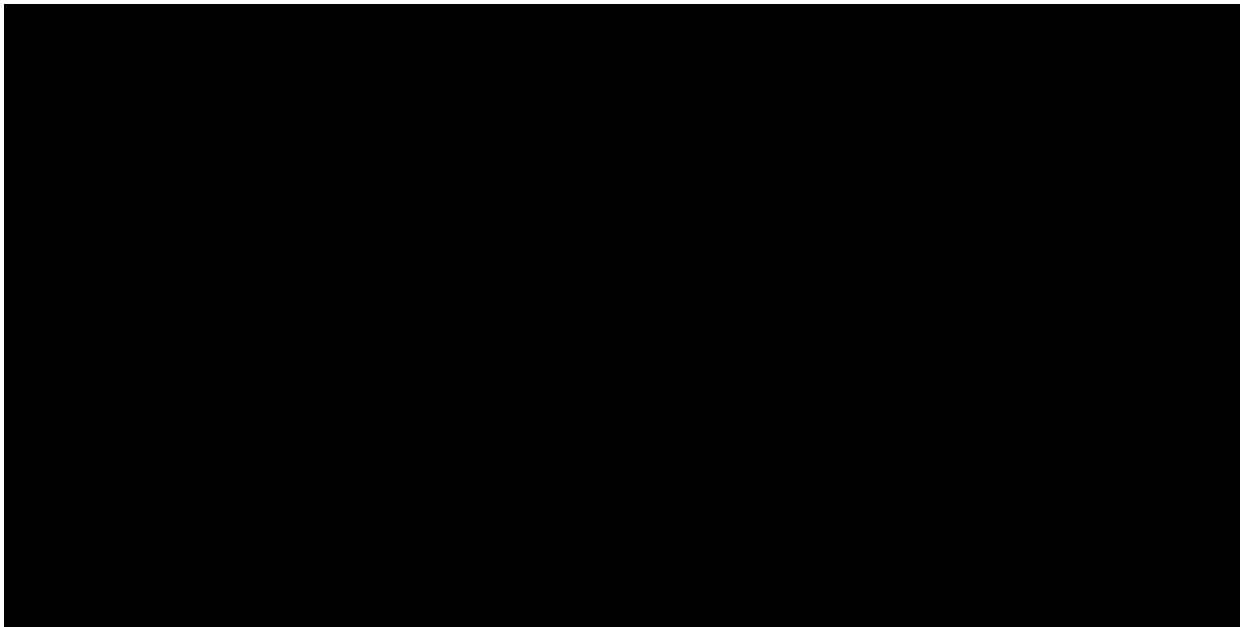
- (a) Counsel Assisting and inquiry staff;
- (b) the legal representatives of Mr Mehajer, being Mr S Duggan and Ms P Musgrave.

(3) Until such time as I give a different direction, I direct that publication of this transcript of this private hearing involving Mr Mehajer be restricted to the persons referred to in the previous direction.

(4) I direct that the completion of this private hearing does not excuse Mr Mehajer from his summons to appear at the inquiry.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



MR BOLSTER: Might the witness be given a copy of the Berala bundle please, and if could that be opened at page 1.

<EXAMINATION BY MR BOLSTER:

MR BOLSTER: Q. It is the Berala bundle, opened at page 1. If you could just turn over the page, Mr Mehajer, you'll see the front page, turn over that page. Do you see the front page of the Draft Berala Study that was published in March 2012?

A. I do, yes.

Q. You were deputy mayor when that particular study came before council in 2013?

A. Correct.

Q. Did you read it?

A. Yes.

Q. What did it say?

A. Well, there was - from memory by looking at the draft, just by the cover page, it was a study to assess what changes were required in the vicinity of Berala, mainly focusing on town centres.

Q. What did it recommend?

A. There was recommendations for - various recommendations mainly from zoning changes to marry in within the other LGAs such as Lidcombe and Auburn.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Q. Your recollection of that study is that it recommended changes of zoning to make Berala consistent with Auburn and Lidcombe?

A. To make a transition appear with Lidcombe and its surrounding suburbs.

Q. All right. If you could go over to page 166, do you see that is an economic review of the planning controls within Berala Village by Hill PDA?

A. Yes.

Q. That was prepared in September 2013. Did you read that?

A. Most definitely I would have read it at the time, yes.

Q. What did it propose?

A. From memory, it was recommendations proposed by Hill PDA, various requirements for the commercial and how it mixes with the residential, and it also related back to the Woolworths planning proposal and the changes in the heights, height controls, and the mixed use that would be permitted within the town centre.

Q. Did it recommend upzoning any parts of the centre of Berala?

A. I cannot recall that one because we had a few amendments in place. I'm not sure if that one in particular was the one that recommended upzoning.

Q. You will recall that after the draft Berala study in March 2012 and the Hill PDA study in September 2013, there was a workshop at Bowral in February 2014?

A. I was aware there was a workshop, yes.

Q. Did you go?

A. No.

Q. Did you get a report from any of the other councillors about what happened?

A. Well, it was - it's mandatory that someone produces a report whenever you go out to a workshop, so I'm sure one of the management or something, or councillors produced it to council, and I would have read through that, yes.

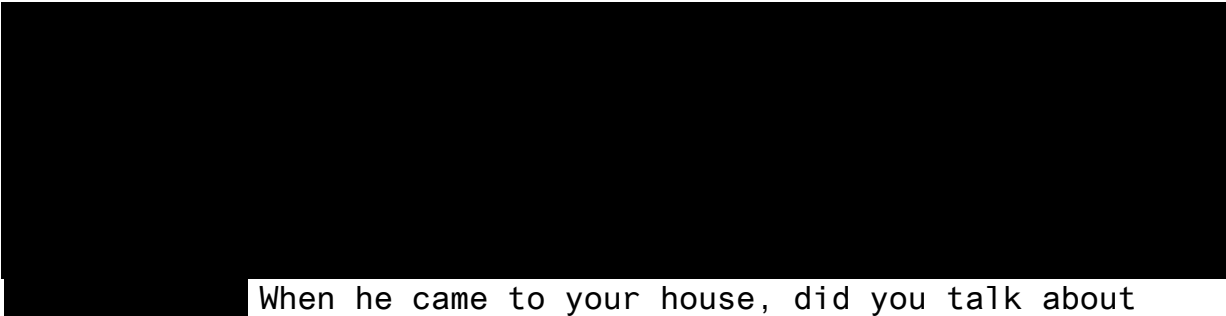
Q. Do you say that there was a report that you saw after the Bowral workshop in February 2014?

1 A. Yes.
2
3 Q. When do you say you saw that?
4 A. Probably a few weeks after the workshop because they -
5 they bring it back to the council meeting, so it will come
6 back for discussion.
7
8 Q. Might the witness be shown a copy of Exhibit 01,
9 please, the opening bundle.
10
11 THE COMMISSIONER: Does Mr Mehajer still need the other
12 bundle?
13
14 MR BOLSTER: He will still need that. Just keep that for
15 the moment.
16
17 Q. Sorry, Mr Mehajer, you are going to have to deal with
18 two folders. I am sure you're capable of doing that.
19 A. Okay, thank you.
20
21 Q. Would you go to page 44, please. Do you see there
22 there's a report headed "Town and Local Centre Studies"?
23 A. Yes.
24
25 Q. It is for the councillor workshop in February 2014.
26 If you could just flick through that --
27
28 THE COMMISSIONER: Sorry, what page did you go to?
29
30 MR BOLSTER: Starting at page 44.
31
32 Q. You will see at page 45 it refers to three of the
33 centres that were under consideration? Yes?
34 A. Yes, I see that.
35
36 Q. Regents Park is dealt with at page 46 and if you go
37 ahead a few pages, it deals with Berala at page 49 and
38 following. Do you recall seeing that study at any stage?
39 A. Yes, I do.
40
41 Q. Even though you didn't go to the workshop, you think
42 that someone provided you with a copy of it after the
43 workshop; is that correct?
44 A. This one in particular, we would have had another
45 rundown through it in Council Chambers.
46
47 Q. Yes. All right. Would you skip ahead, please, to

1 page 58. Have a look at pages 58 through to 62, please.
2 Do you see there a collection of maps of the Berala Town
3 Centre?
4 A. Yes.
5
6 Q. Do you see that they have been coloured in colour
7 pencil?
8 A. Yes, I see that.
9
10 Q. Did anyone ever provide you with a similar map and ask
11 you to colour it in?
12 A. No.
13
14 Q. Were you aware, prior to this year, that an exercise
15 involving the colouring-in of maps was used to assist in
16 the processing of this particular planning proposal?
17 A. I knew this was the - that's what took place purely
18 because a similar study, a similar workshop happened prior
19 that I attended to, and it was just a general rule.
20
21 Q. That was for Regents Park, wasn't it?
22 A. At the time it was - no, it was for Lidcombe and
23 Auburn Town Centre.
24
25 Q. Did anyone on council talk to you about this
26 colouring-in process?
27 A. No.
28
29 Q. If you could turn over the page, please, to page 63.
30 A. Yes.
31
32 Q. You will see there the start of a briefing in respect
33 of a workshop that took place in June 2014 in the Jack Lang
34 Room next door?
35 A. Yes.
36
37 Q. Did you attend that workshop?
38 A. Yes. From memory, I did.
39
40 Q. Could you just flick through from page 63 through to
41 page 73 and just familiarise yourself with that
42 documentation.
43 A. Yes, I'm familiar.
44
45 Q. You have seen all that before, have you?
46 A. Sure.
47

1 Q. What happened at that workshop that you can recall?
2 A. At the council workshop you mean?
3
4 Q. Yes.
5 A. It was basically a rundown of what went on at the
6 workshop at Bowral and if there was any additional feedback
7 that was required or input for changes or recommendations,
8 we would go back in.
9
10 Q. Who did the talking?
11 A. I cannot recall, but I would assume, knowing the
12 planning staff, it would have been Glenn and Monica.
13
14 Q. Mr Francis, I take it you're very familiar with his
15 work as the executive manager of planning?
16 A. His role, yes.
17
18 Q. Yes. I take it you dealt with him fairly regularly
19 from the time you were elected to council?
20 A. Not regularly, just equal as the general manager and
21 other senior staff in line, yes.
22
23 Q. Was your relationship with him purely professional?
24 A. Absolutely.
25
26 Q. Did he ever come to your house in Frances Street,
27 Lidcombe?
28 A. He would have only been during an inspection, if he
29 has been, but he's never been into my home, no.
30
31 Q. What was the purpose of that inspection?
32 A. If it was that inspection it would have been in
33 regards to the height reach, the lift overrun, by the
34 building certificate at the very end of the completion of
35 the project so --
36
37
38
39
40
41
42
43
44
45
46
47

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



When he came to your house, did you talk about anything other than the lift?

A. Absolutely not.

Q. Who else was with him?

A. There would have been an external planner from outside of council who actually carried out the assessment but Mr Francis was there with the planner.

Q. I don't want you to talk about the assessment. Was Mr Brisby there?

A. From memory, no.

Q. Let's go back to the June workshop in the Jack Lang Room. Would you have a look at page 71. Have a good look at that, please.

A. Yes.

Q. Do you see on the left there is a small map showing council staff's suggested zoning scenario? Did you take all of that in when you attended the workshop?

A. Absolutely.

Q. You recognise on that map where York Street, Berala, is?

A. Yes, I do.

Q. You know that because Councillor Zraika has a residence there?

A. No, I know that because I built a project many years ago.

Q. In?

A. York Street.

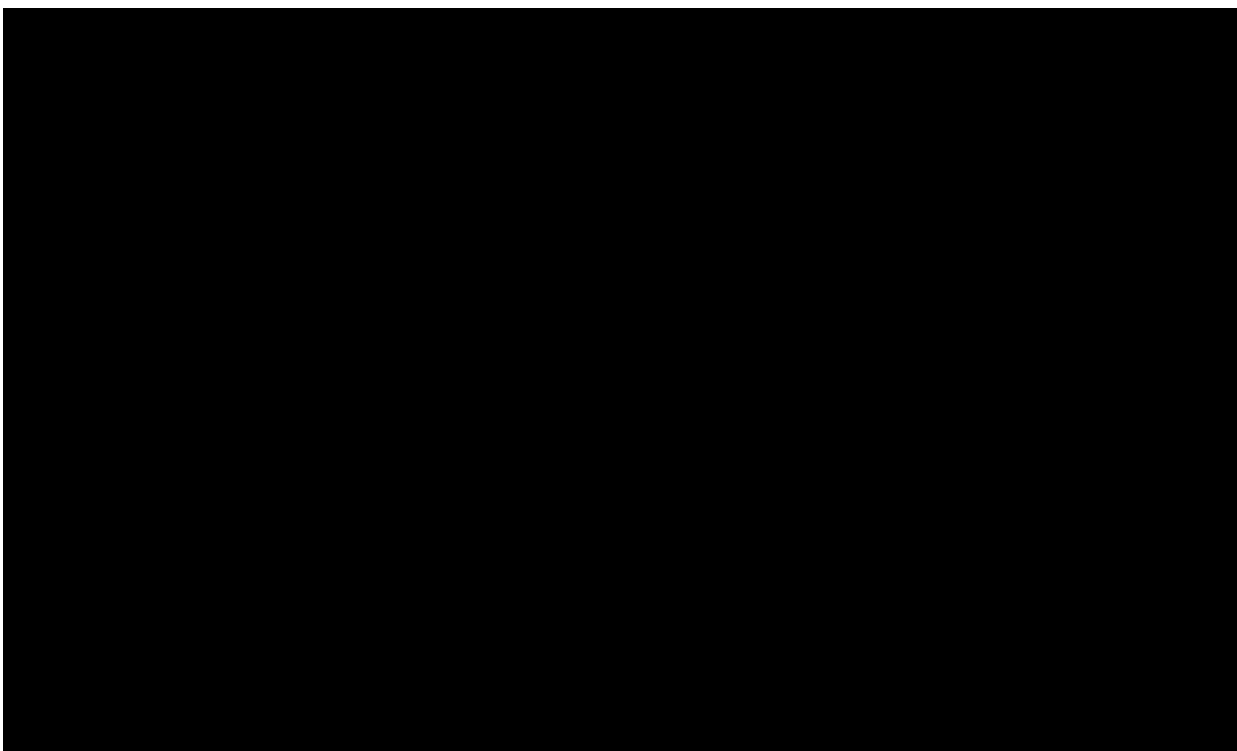
Q. In York Street?

A. Yes.

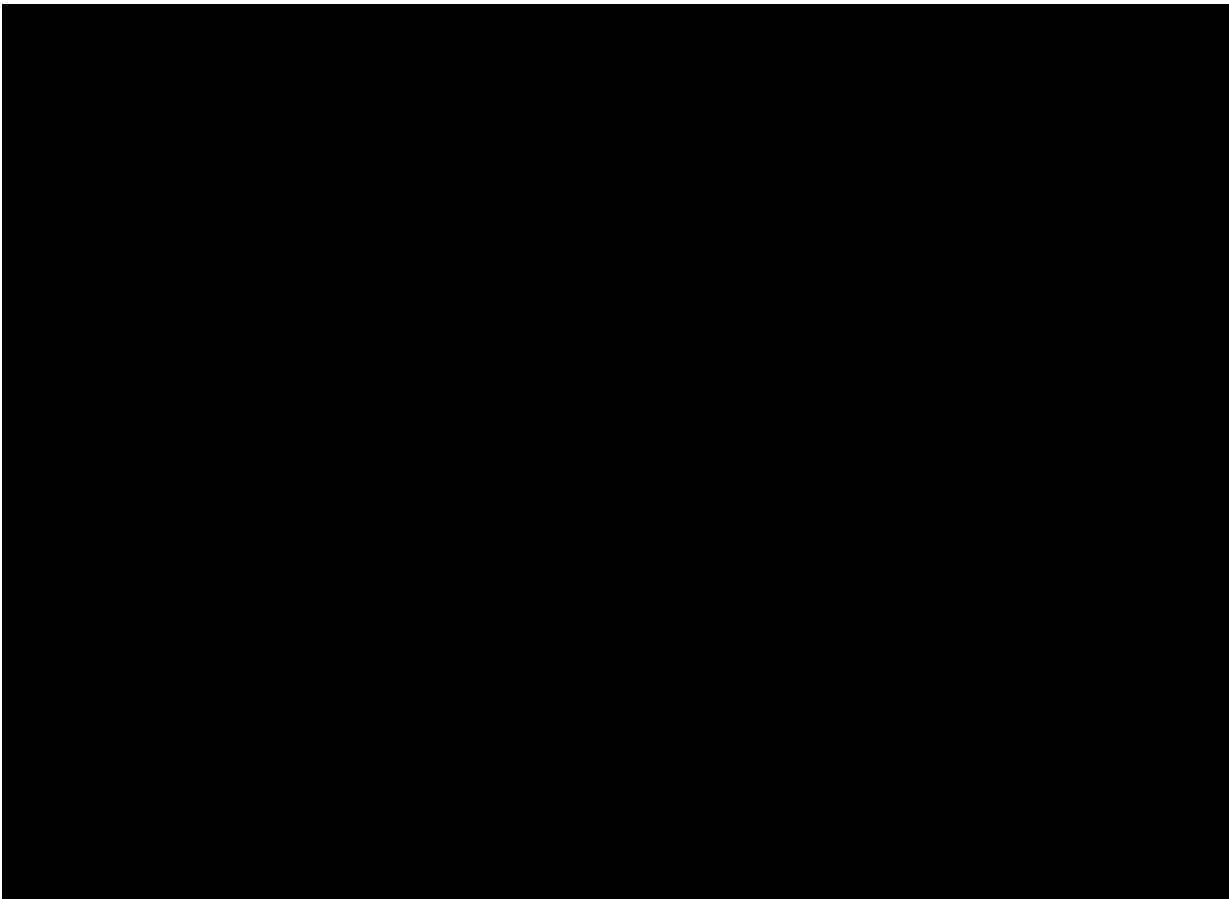
Q. Your project in York Street was on the north side of York Street, correct?

1 A. Directly opposite.
2
3 Q. Yes. So it's opposite Councillor Zraika's home?
4 A. Yes.
5
6 Q. That project was in the zone marked B2 --
7 A. Correct.
8
9 Q. -- on that suggested zoning; correct?
10 A. Correct.
11
12 Q. When you did the project, it was zoned R4?
13 A. At the time, no, it was zoned R3.
14
15 Q. R3.
16
17 THE COMMISSIONER: It may have been a different LEP.
18
19 THE WITNESS: Yes, it would have been. It was a bit over
20 12 years ago.
21
22 MR BOLSTER: That will become clear in a minute.
23
24 Q. So you saw that staff were suggesting R4 for
25 Mr Zraika's side of the street; correct?
26 A. Well, up to, yes, within the vicinity of where he
27 lives, yes.

28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



MR BOLSTER: Q. Did you have a view about what the staff were suggesting? You were the deputy mayor?
A. Yes, sure. Well, it's - it's in the town - we were assessing the town centre.

Q. Yes.
A. The town centre of Lidcombe and Auburn and also Berala. The town centre is simply a reflection of - from the station to X amount of metres to where the property ends, and we were mirroring that. So it was Lidcombe, Auburn and Berala. Mr Zraika appeared to be living within the town centre, so the rezoning was not out of the ordinary, it was within the town centre. A mirror image of what's happening in Lidcombe and Auburn and within that vicinity of a few hundred metres.

Q. Yes. You see, when we started this examination today, you expressed the view that the original Draft Berala Study suggested an upzoning in the Berala Town Centre. Do you agree with that?

A. Yes.

Q. I want to suggest to you that you're wrong about that

1 and it suggested no rezoning at all in the Berala Town
2 Centre.
3 A. That could be the case.
4
5 Q. Were you proceeding under the assumption that the
6 draft Berala Village study in March 2012 was supportive of
7 this sort of zoning scenario, were you?
8 A. Maybe there was a mixup in the dates, but I was
9 familiar with the reports at the time, yes.
10
11 Q. In the Hill PDA study, let me take you to what it had
12 to say in its preferred options. You will see those at -
13 go to 201 and 202 of the big bundle, the larger bundle.
14 A. Yes.
15
16 Q. Do you see option 1 and option 2 --
17 A. I see that.
18
19 Q. -- on page 201?
20 A. Yes, I see it.
21
22 Q. Option 1 was to increase the existing controls in each
23 of the tested zones. You knew, didn't you, that there was
24 no testing in York Street, Berala?
25 A. Testing zones, I don't understand. What are you
26 saying there?
27
28 Q. Where were the zones that Hill PDA tested?
29 A. They're reflected on the map, so - can you point me to
30 the map?
31
32 Q. If you go to page 191, do you see the coloured
33 photograph there?
34 A. Yes, I do.
35
36 Q. Do you see the two sites for testing? One was an R4
37 site and the other one was - sorry one was a B2 site,
38 that's --?
39 A. Where are you getting B2 from?
40
41 Q. I think one was an R3 site. Number 1, I believe, is
42 the - let me just get this clear. Do you see the two
43 boxes, 1 and 2? They were the two sites that were tested,
44 do you remember that?
45 A. When you say two boxes, what are you --
46
47 THE COMMISSIONER: I would be surprised if the witness

1 said "I can remember this". This is a big document.
2
3 THE WITNESS: Yes, it is.
4
5 MR BOLSTER: Q. All right. Sitting there today, you
6 don't recall which sites were tested?
7 A. As I said it would have been within the town centre
8 but --
9
10 Q. Within the town centre?
11 A. -- that's as broad as I --
12
13 Q. York Street, Berala, is in the town centre?
14 A. If you look at the maps, York Street, Berala, is -
15 does fall within the town centre.
16
17 THE COMMISSIONER: Q. Do you mean it's within the
18 400 metre --
19 A. Within the - yes.
20
21 Q. The radius of, what is it, the train station?
22 A. Yes.
23
24 MR BOLSTER: Q. Go back then to page 201.
25 A. Sorry, one second.
26
27 Q. Ultimately where it was tested will speak for itself.
28 A. Yes, definitely.
29
30 Q. Do you see option 1 was to increase existing controls
31 in terms of FSR for each zone tested. That wasn't an
32 upzoning from R3 to R4 or from R4 to B2, was it?
33 A. If it says increase surface size, it would mean the
34 floor space.
35
36 Q. Option 2 was to retain existing control; do you agree
37 with that?
38 A. I see that. Yes, I agree.
39
40 Q. What I want to suggest to you, Mr Mehajer, is that
41 there was no-one in terms of council planning staff, or
42 Hill PDA, recommending any upzoning for the land on the
43 south side of York Street, Berala. Do you agree with me
44 about that?
45 A. I can agree that, yes.
46
47 Q. Yet, when you came to the workshop, council staff were

1 recommending R4 for that zone; correct?

2 A. In particular spots, yes.

3

4 Q. Council staff had told you that at the February
5 workshop, a number of councillors had proposed B2 for that
6 area; correct?

7 A. Yes.

8

9 Q. All right. You ultimately supported the B2 zoning;
10 correct?

11 A. That would be correct.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42 Q. All right. We will turn then to South Auburn,
43 Mr Mehajer. It is in the same large folder that you have
44 in front of you, I believe in the tab ahead. Mr Sear will
45 help you find that.

46 A. Thank you.

47

1 Q. I understand that consistently throughout the dealings
2 of council with this project you declared a pecuniary
3 interest, correct?

4 A. Correct.

5

6 Q. Associated with the ownership of a property by a
7 member of your family; correct?

8 A. Correct.

9

10 Q. You didn't attend any votes, or anything to do with
11 this particular matter; correct?

12 A. Correct.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

MR BOLSTER: Q. Did any councillor seek to talk to you
28 about this proposal?

29

A. There's been no discussions with councillors with
30 regards this proposal.

31

32

Q. None at all?

33

A. No.

34

35

Q. Let me ask you a broader question and here I am only
36 talking about the process that operated whilst you were a
37 deputy mayor. You were elected deputy mayor in
38 September 2012?

39

A. Correct.

40

41

Q. Yes? At the time you were elected deputy mayor, that
42 election took place in this room; correct?

43

A. Correct.

44

45

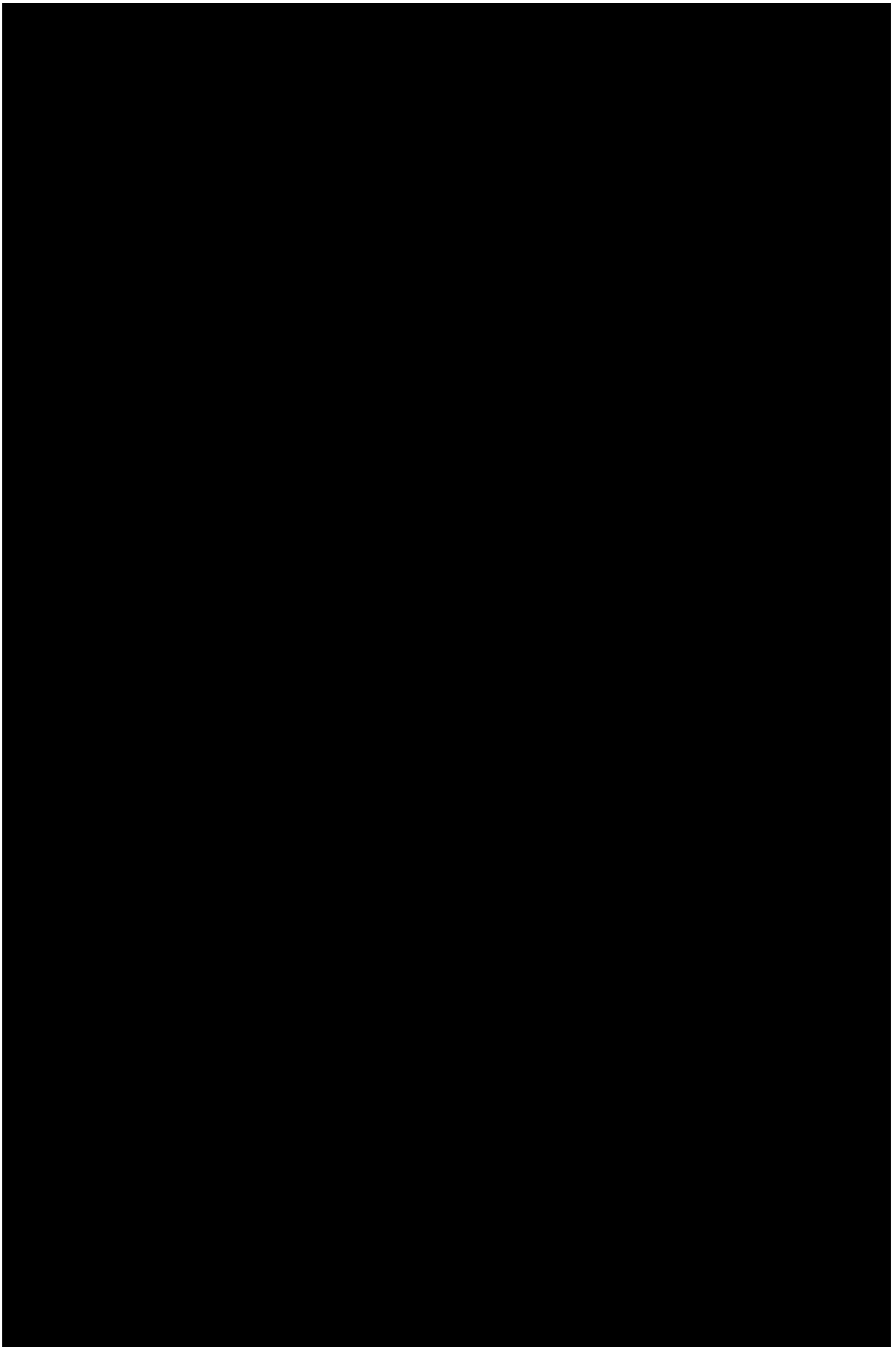
Q. You were nominated by who?

46

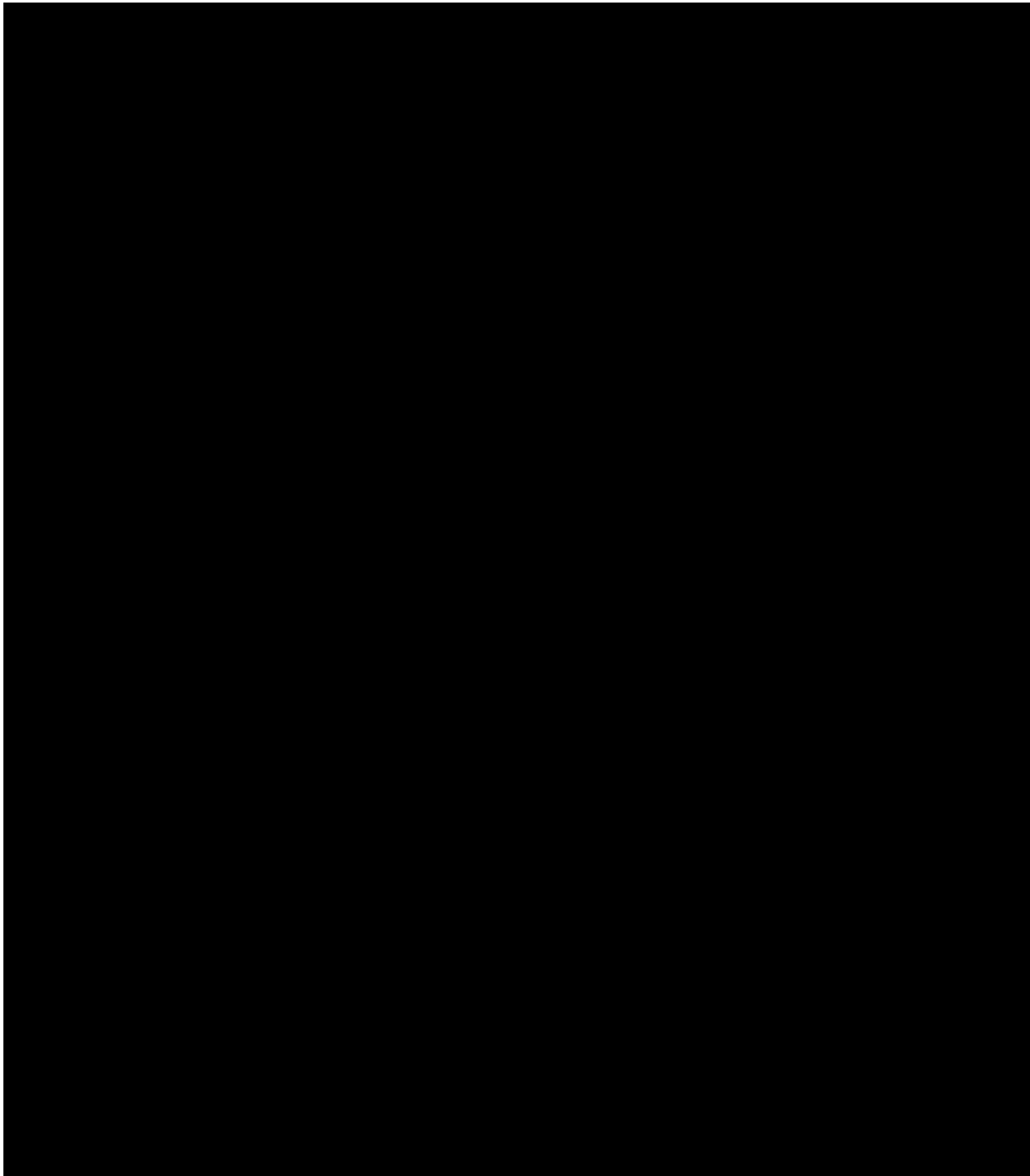
A. I cannot recall. It has been on four different
47 occasions.

1
2 Q. The vote was tied five/five?
3 A. Correct.
4
5 Q. The ballot favoured you?
6 A. Thankfully, yes.
7
8 Q. The following year you were nominated again; the vote
9 was tied five/five?
10 A. Yes.
11
12 Q. The ballot favoured you?
13 A. That's correct.
14
15 Q. The same thing happened the year after that?
16 A. Yes, and the year after that.
17
18 Q. I want to ask you some questions about that last
19 year --
20 A. The last --
21
22 Q. -- September last year.
23 A. As in, yes, the fourth term.
24
25 Q. Is it fair to say that there were five people who
26 discussed your candidature with you, namely, Mr Oueik,
27 Mr Attie, Mr Yang and Ms Lam?
28 A. When do you say "discussed"?
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



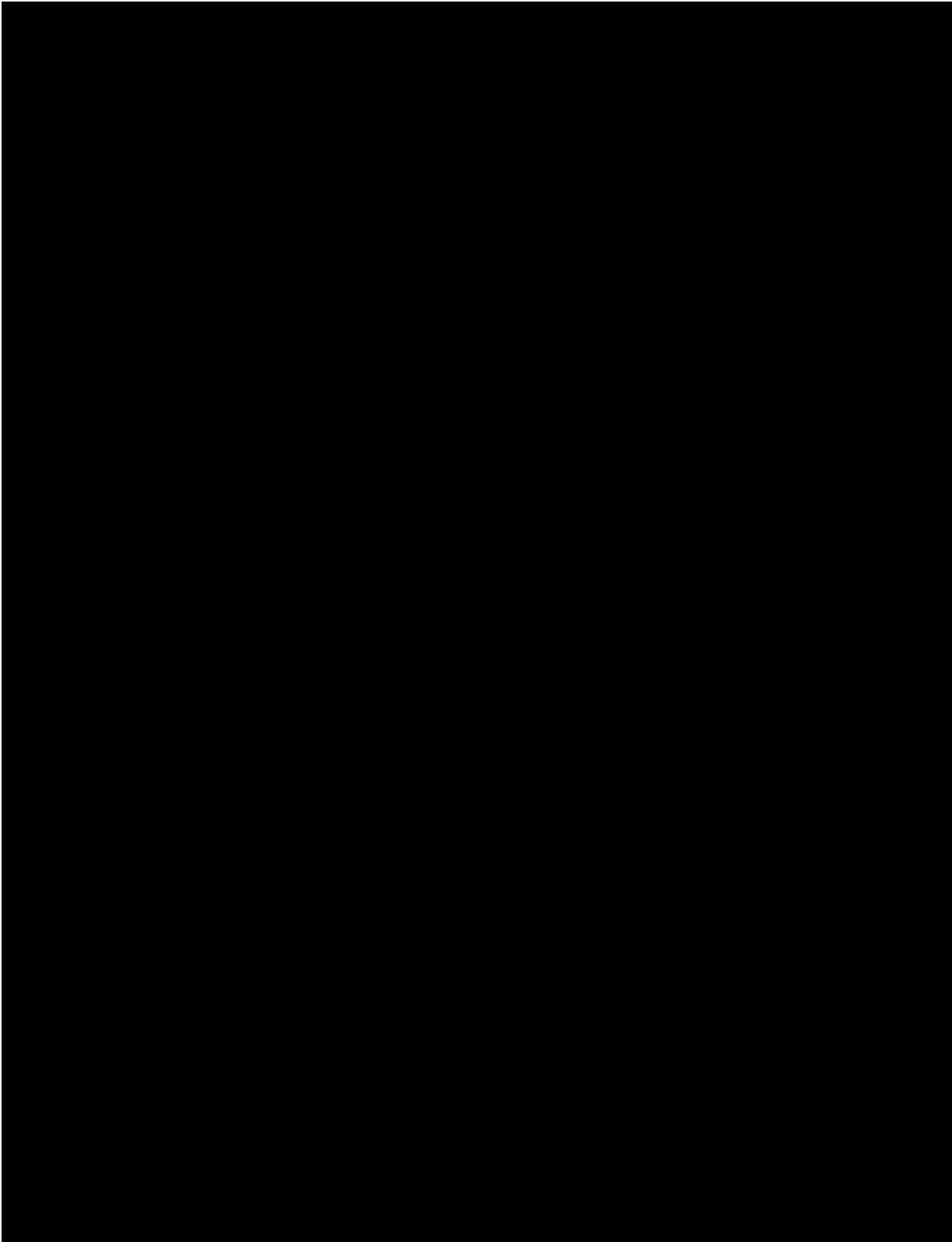
MR BOLSTER: Q. I just wanted to know whether Mr Oueik, Mr Attie, Councillor Lam and Mr Yang supported you for mayor, for deputy mayor, when you decided to run in 2012?
A. I know who supported me and I can recall that, and the simple answer is they supported me.

Q. The following year the same people supported you, correct?

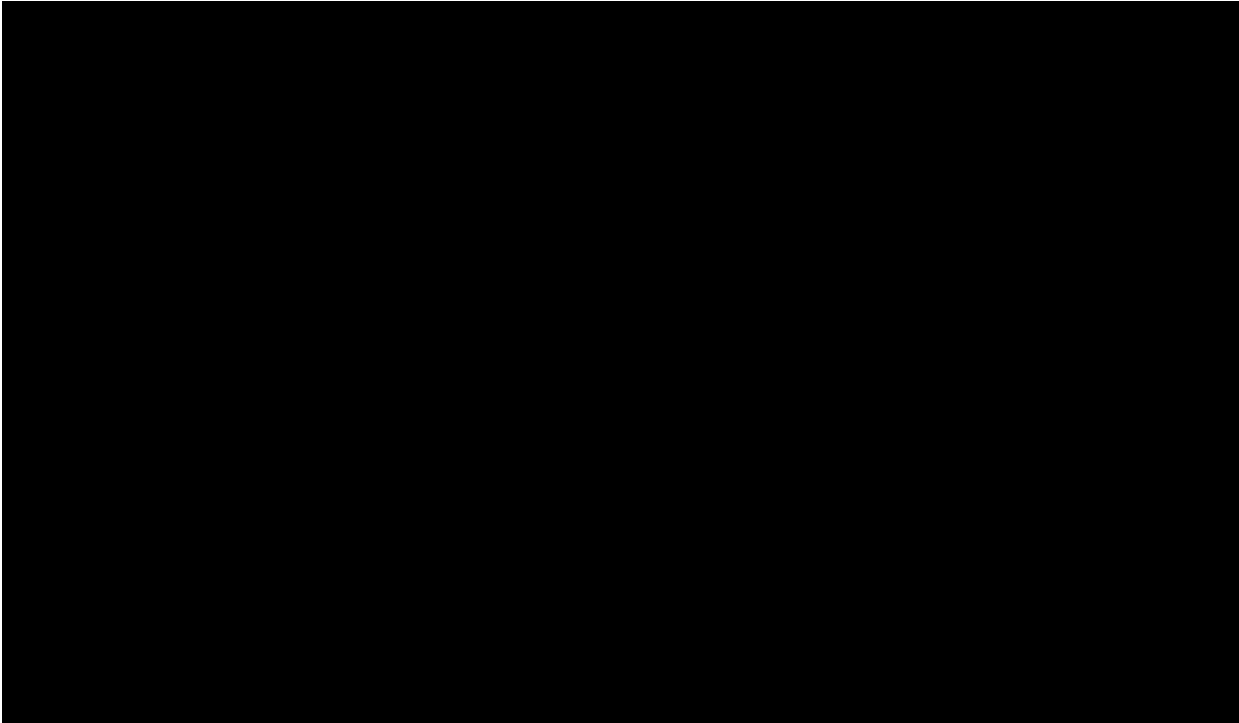
THE COMMISSIONER: Isn't there a record about this?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

THE WITNESS: The same year, yes, and there was only one year there was a variation, but I'm not sure which year that was.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



Q. You are aware, Mr Mehajer, about a planning proposal that affected land in Grey Street, Silverwater?

A. I'm aware of it purely because as the deputy mayor, I know what goes on in the council, but other than that --

Q. Did you attend a site visit at that property?

A. Silverwater? No.

Q. Who was the main proponent or supporter, perhaps the word "supporter" is a better word, of that project on council?

A. I don't think I can pinpoint a main person or a suspect that was steering this matter, if that's where you're heading.

Q. Was there a pair of people who were the main proponents of it?

A. I cannot identify that or work that out.

Q. Was Mr Attie agitating in favour of that project from --

A. As I said, I really cannot pinpoint a particular councillor that's facing --

Q. Is that because you don't recollect Mr Attie being a proponent?

A. No, only because I believe I was supportive of that application, and I cannot see or distinguish the difference

1 where he's, or any other councillor, was pushing this
2 matter forward because I was in support as well.

3
4 Q. Why did you think the proposal was a good idea?

5 A. Purely because of my understanding and background in
6 construction, infrastructure, and so on, and the
7 requirements and the need for the LGA with buildings,
8 high-rise developments, rezoning, that's where my belief
9 comes into play and my understanding of why we need change
10 within our vicinity.

11
12 Q. Did you appreciate that the final resolution that the
13 council made about this before it was suspended involved a
14 rezoning of the site from B1 to B2 and involved a
15 consequential amendment of the Auburn employment land
16 strategy?

17
18 THE COMMISSIONER: Don't answer that question. I do not
19 think that is right, what you just said. You said B1.
20 I am pretty sure it is B6.

21
22 THE WITNESS: Yes.

23
24 MR BOLSTER: I did. I think that's right. I do
25 apologise. Please ignore the question. I'll start again.

26
27 Q. Did you appreciate when council voted in support of
28 it, and you voted in support of it, that it involved a
29 change from B6 enterprise corridor to B2?

30 A. Considering that the zoning is right, the B6 and so
31 on, from my recollection and my understanding of how
32 I operate is if I believe it's within a town centre,
33 I always support for an upgrade, but if it's not within the
34 town centre, you always see myself as objecting to any
35 planning proposal, even if it's spot rezoning and so on.

36
37 Q. Was it in a town centre, Mr Mehajer?

38 A. If it's not in a town centre it would have been - and
39 it's a ward in particular where there's infrastructure and
40 a need along a busy road and along a corridor that's in
41 need of apartments or mixed use development.

42
43 Q. You had formed the view, had you, that
44 Silverwater Road needed large-scale residential apartments,
45 had you?

46 A. If you ask me, yes, entire Silverwater Road and
47 Parramatta Road, if you ask me yourself.

1
2 Q. I want to ask you some questions then about
3 Marsden Street, Lidcombe.
4 A. Yes.
5
6 Q. Are you familiar with that planning proposal?
7 A. I am familiar.
8
9 Q. Did you go through the AECOM report when it came
10 through?
11 A. It had come through and presented to us, I would have
12 went through it, naturally.
13
14 Q. To be fair to you, I want you to have a look at the
15 report to make sure you're on top of it. If you have a
16 look at the Marsden Street bundle and go to page 132. You
17 are familiar with AECOM's work, I take it?
18 A. Yes, I am.
19
20 Q. Have they ever done any work for you?
21 A. As in work for me as in --
22
23 Q. For your building projects. They're town planning
24 consultants.
25 A. As in my private business dealings?
26
27 Q. Yes.
28 A. No, I've never worked with AECOM.
29
30 Q. But you have seen them do any reports for council?
31 A. I've seen them on many panels of council and
32 government bodies.
33
34 Q. What's your view generally of AECOM's work?
35 A. They're, in my eyes, tier 1.
36
37 Q. Tier 1?
38 A. Tier 1 or tier 2.
39
40 Q. If you go to page 181, do you see a summary of the
41 various scenarios that were on the table before it went to
42 council for a final determination?
43 A. Mmm-hmm.
44
45 Q. Options - there was an existing scenario and
46 scenarios A to F were considered by AECOM. Do you remember
47 that?

1 A. Yes, I do.
2
3 Q. Do you remember where alternative scenario G came
4 from?
5 A. To be honest, no, I cannot recall an alternative
6 scenario, wherever that came from, but I'm assuming it
7 would have been from --
8
9 Q. When this matter was before council, did you know that
10 Mr Oueik declared an interest?
11 A. The only time we know they declare an interest is
12 during the meetings, so that's the only time.
13
14 Q. He declared an interest when this report was
15 considered and council made a decision to adopt alternative
16 scenario G?
17 A. I believe I also declared as well.
18
19 Q. You declared?
20 A. I believe so.
21
22 Q. Oh, did you?
23 A. Yes, I believe so.
24
25 MR DUGGAN: To assist my friend, as I understand it, he
26 was considering purchasing a property, or he was in the
27 process of purchasing a property.
28
29 MR BOLSTER: I thought it was earlier on, though. I don't
30 think he declared later. I just want to check that.
31
32 THE WITNESS: My declaration would have been further down
33 the track rather than - so the dates would be around this
34 time.
35
36 MR BOLSTER: Q. Just sitting there, do you recall
37 whether you participated in the final vote which adopted
38 scenario G?
39 A. As I said I cannot recall this. I've declared
40 multiple interests in the past.
41
42 THE COMMISSIONER: Is it page 350? What is this planning
43 proposal number?
44
45 MR BOLSTER: No, it is well before that.
46
47 THE COMMISSIONER: Well before that?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

MR BOLSTER: There is a minute --

THE WITNESS: Well, if that's the case, yeah, that's the only one I declared is 289, 289/15, so 2015; so, having said that, this is 2014.

MR BOLSTER: Q. When did you buy that property in the --
A. I didn't purchase the property. It was in talks - I exchanged contracts with the real estate agent. It was just in negotiations but I never purchased the property.

Q. Roughly when was that, though?

A. It was weeks before the 285/15 meeting.

Q. The 285 meeting was on 2 September 2015?

A. Yes. So having that said, it would be on or about August 2015 I would have had a contract exchanged between, or sent to me, but I never purchased a property within that vicinity.

Q. I think the meeting that adopted the study was in June. Anyway, look, let me ask you this: AECOM recommended R4 for the area of land, if you go to the map, at, say - if you go to 175 --

A. Yes.

Q. -- you will see there there's scenario E.

THE COMMISSIONER: What page are you on?

MR BOLSTER: Page 175.

THE WITNESS: Yes, I see that.

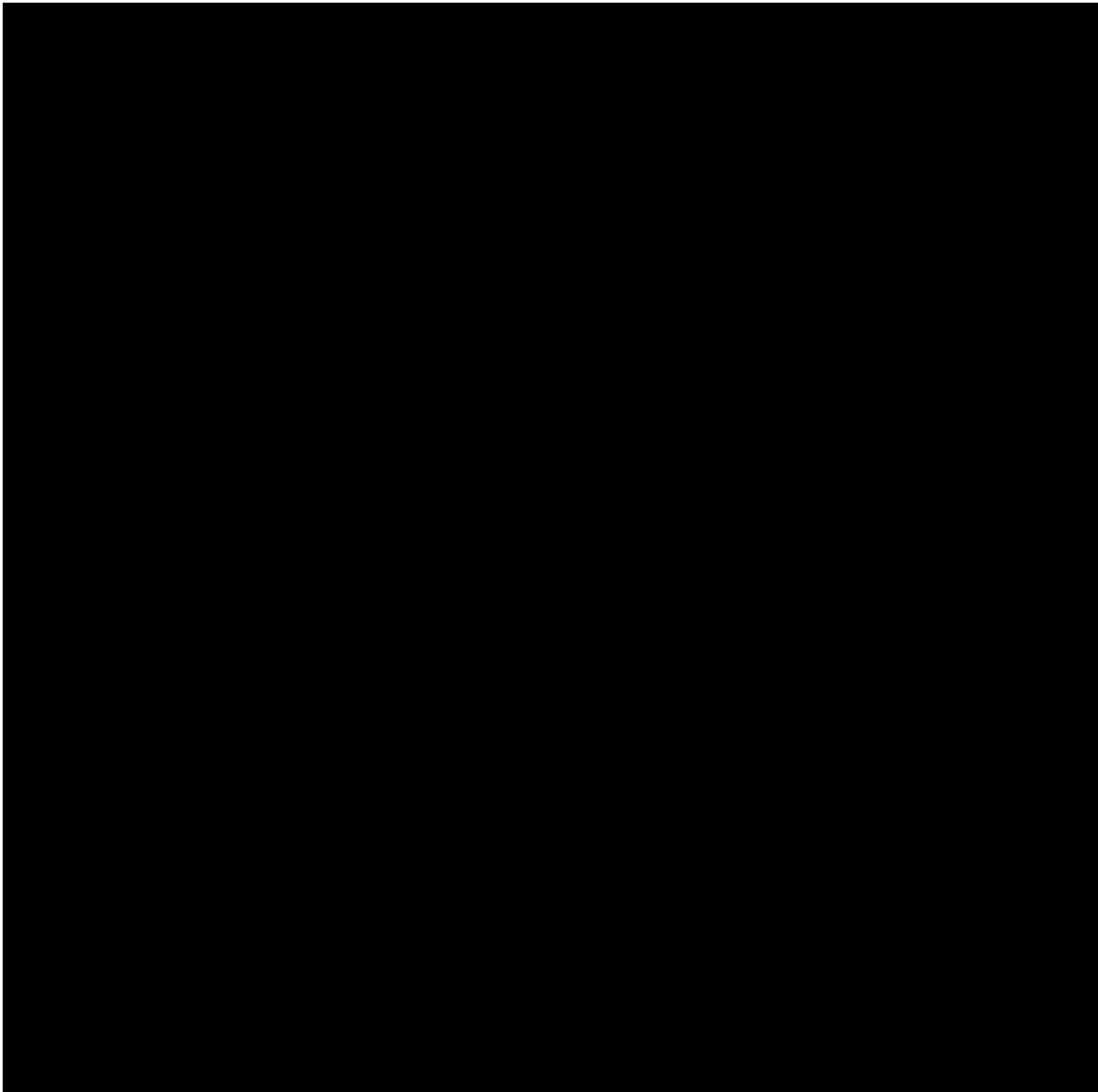
MR BOLSTER: Q. Do you see scenario E has between Marsden Street, James Street and Mark Street, and the subject of the original application, it has a B4 zoning and if you go to page 179 --

A. Yes.

Q. -- you see option (f), which is the preferred scenario, had that area as R4?

A. Yes.


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



MR BOLSTER: I think we have reached the end of matters that I wish to deal with, Mr Commissioner.

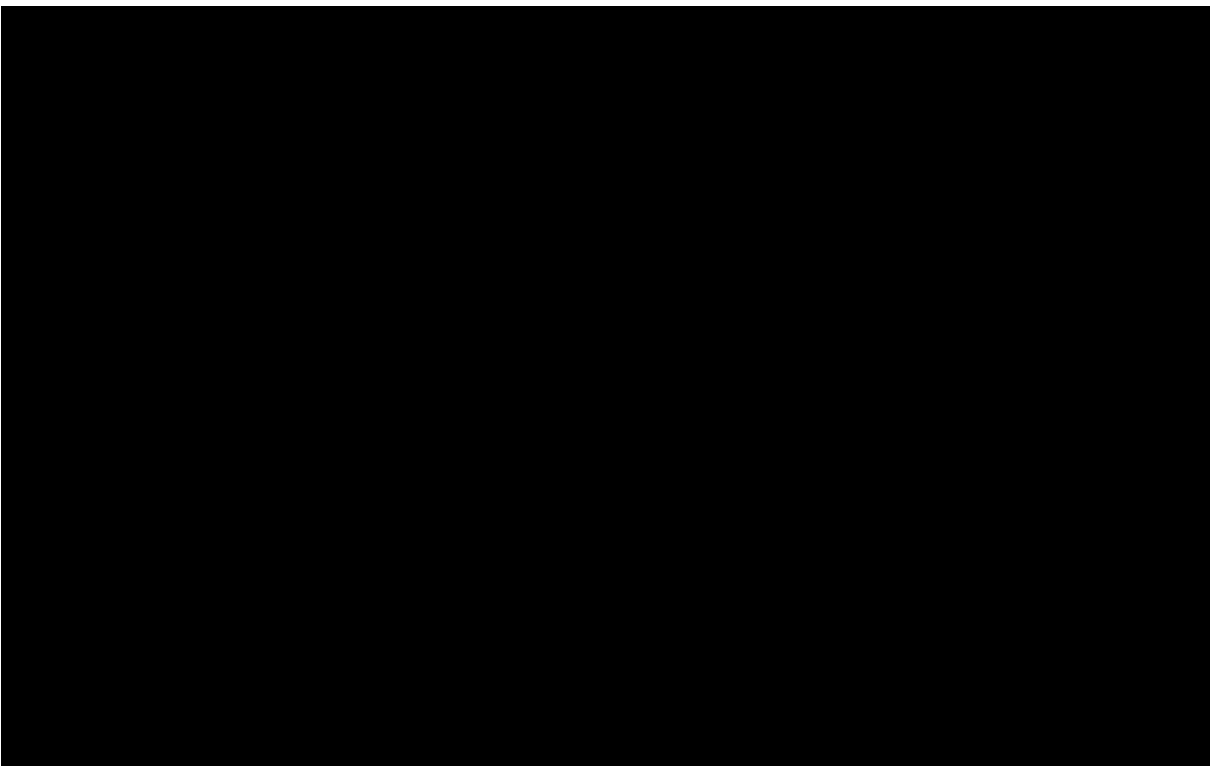
THE COMMISSIONER: All right. As I said, you are excused for today, but the summons still requires you to come back for public hearings.

THE WITNESS: Sure.

THE COMMISSIONER: I will make an order or give a direction eventually that the transcript of today become part of the exhibits for the public hearings, 



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



██████████ we are adjourned now, are we, until 9.30 tomorrow?

MR BOLSTER: Yes.

THE COMMISSIONER: We are adjourned now until 9.30 tomorrow and we anticipate going back into the public hearings at 11am tomorrow. All right. I will adjourn now.

<THE WITNESS WITHDREW

AT 3.55 THE PRIVATE HEARING ADJOURNED ACCORDINGLY