

STATEMENT OF A WITNESS

Version 4.2 (07/05)

In the matter of: Auburn Public Inquiry
Place: Auburn City Council
Date: 17 August 2016

Name: Karl Okorn

STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give at the hearing of the Auburn Public Inquiry as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true.
2. I am 42 years old.
3. I make this statement in addition to the statement I previously made to the Auburn Public Inquiry dated the 14 June 2016.
4. In relation to the premises situated at 1A Henry Street, Lidcombe, as the Manager Development Assessments, I supervised Development Control Officer Jason Mooney who ultimately took enforcement action against the owner, Mr Warren Jack.
5. It is my recollection that the (former) Auburn City Council's enforcement commenced in 2014. There were two issues, relating to this premise, which was an old Salvation Army Hall within an R2 – Low Density Residential zone. The first was that it was being used for a commercial purpose. The second was that there were illegal building works at the premise. The illegal building sought to transform the community facility into a residence. While it is zoned residential, the property is flood affected (adjacent to a storm water drain) and required Council approval prior to any development.
6. It is my practice to have weekly meetings with the Development Control officers during which I am updated as to the status of their investigations. I do not keep notes of these meetings myself however, the Development Control Officers generally make notes on their files regarding the various outcomes for each of the matters discussed.

Witness: GLENN DAVIES 17/8/16

Signature: _____

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July 2015, the nature of this document is such that it would likely have been tabled by Jason Mooney at a regular team meeting with the Development Control staff.

16. In relation to the response to this letter, Jason would have discussed it with me, I would have provided him with a direction, and Jason would have created the reply. While I note that the email was 'cc' to me, I don't have an independent recollection of the matter.
17. On the 12 November 2015, I am aware that Jason Mooney had cause to conduct another site visit. Development Control Officer Matthew Andrew was also present. It was at this meeting where Warren Jack alleged that he was told for \$200,000 he could have the matter sorted.
18. After this visit I recall that I had a meeting with Jason and Matthew. We discussed what had happened at the site. When Jason advised me about the allegation relating to the \$200,000 offer, it caught my attention. I asked a series of specific questions of Jason about this. I recall enquiring of Jason as to whether Warren Jack had named any persons specifically or provided any other evidence or details regarding his claim. Jason indicated that no such detail was given. I asked Jason how he had responded to Warren Jack in relation to his claims. Jason told me that he had advised Warren Jack that such matters should be reported to the ICAC and to the Council's General Manager.
19. As a result I was satisfied that the appropriate advice was given to Warren Jack and I requested that Jason and Matthew create a file note of the site visit and detail the comments made by Warren Jack.
20. I did not make any further inquiries regarding this matter, as I simply thought this was an empty threat from a disgruntled owner, particularly given that Warren Jack did not offer any further information or details to support his allegation.
21. It is my understanding that corrupt conduct is required to be reported to the Council's General Manager (and subsequently to the ICAC) where there are reasonable grounds to indicate that corrupt conduct has occurred or is occurring.
22. I did not report this matter to my Supervisor. I do recall that I did briefly mention the matter to the then Executive Manager, Planning, Glenn Francis, however, this was in passing and could not be considered a formal report.
23. Prior to the recent court hearing, I did not have any discussions with Viv May or Hamish McNulty regarding the Mr Jack's reference to \$200,000 or regarding the possibility of Ned Attie's involvement in the Henry Street matter.

Witness: Glenn Dawes 17/8/16

Signature: _____

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24. Ultimately, Warren Jack was issued with an infringement notice which he recently challenged. It was at this hearing, on the 20 June 2016 at Parramatta Local Court when I first heard Warren Jack allege that it was Ned Attie who had been giving him advice regarding the Henry Street Property.
25. I immediately advised Hamish McNulty and as I understand it, a referral was subsequently made to the ICAC.
26. On the 10 August 2016 I had another meeting with Warren Jack about the property. Council has ordered that he commence rectification works to the illegal building works by 15 August 2016. I made a file note of this meeting.

Annexure A – File Note

27. On 12 August 2016 Council commenced civil enforcement proceedings in the Land & Environment court seeking to have the orders complied with.

Witness: GREEN DAVIES 17/8/16

Signature: _____

Karl Okorn

From: Karl Okorn
Sent: 11 August 2016 10:24 AM
To: Hamish McNulty
Subject: FW: Meeting with Mr Warren Jack regarding 1A Henry Street, Lidcombe

Hamish,

Good morning. Please note the below record of discussion held yesterday as detailed below.

Property: 1A Henry Street, Lidcombe

Date: 10 August 2016

Location: Council admin building (atrium) – Auburn Office

Time: 4:00PM

Attendees: Oyshee Iqbal (OI), Karl Okorn (KO), Warren Jack (WJ), Female accompanying WJ (not named).

- Duty planner OI received duty inquiry from WJ regarding lodgement of DA for the subject property and advice regarding Council Orders.
- WJ provided OI with a copy of letter sent to him from Council solicitors Storey & Gough (S&G).
- OI attended KO office to seek advice in this matter.
- KO and OI met WJ and his companion (not named) in the Council atrium.
- WJ advised KO that he had received a number of different advices from different people and so wanted to ask Council what he should do with the Order served on him. He indicated that he did not want advice from Council's Jason Mooney (JM) as JM had shown a bias against him in recent court proceedings.
- KO advised that he could comply with the Orders and also sign the "irrevocable undertaking" prepared by S&G or he could do something other than that, for which he would need to obtain his own legal advice. KO again advised WJ that Council could not provide him with any advice other than to comply with the Council Orders as this was a matter before the courts. KO refuted the claim made by WJ against JM.
- WJ indicated that the letter to him from S&G required him to undertake works on the site by Monday and that he was not able to do that as it was difficult to secure tradesman. Moreover, he indicated that his builder told him he did not have to comply with the Orders.
- WJ asked KO if he moved out of the subject property, would that be sufficient.
- KO advised that he would need to get his own advice in this matter, but that he should comply with the Councils Orders.
- WJ stated that he could get advice from Council for \$200K.
- KO requested that WJ clarify his comment or withdraw it.
- WJ stated to KO words to the effect "you know what I am talking about"
- KO again requested that WJ clarify his comments or withdraw them
- WJ and companion left the building and meeting ended 4:05PM.