

WINGECARRIBEE SHIRE COUNCIL PUBLIC INQUIRY

**At Wingecarribee Shire Council Chambers, Civic Centre,
Elizabeth Street, Moss Vale, NSW 2577**

Before: Mr Ross Glover (Commissioner)

**Mr David Parish (Counsel Assisting)
Mr Angus Broad (Officer Assisting)
Ms Bron Hewson (Officer Assisting)**

On 29, March 2022 at 10.18am

(Day 2)

1 THE COMMISSIONER: Welcome to the second day's
2 proceedings. Mr Parish, your next witness?
3
4 MR PARISH: Thank you, Commissioner, my next witness is
5 Sara, spelt S-a-r-a, Haslinger, H-a-s-l-i-n-g-e-r.
6
7 THE COMMISSIONER: Yes, thank you.
8
9 <SARA HASLINGER, affirmed: [10.18am]
10
11 THE COMMISSIONER: Thank you, Ms Haslinger. If at any
12 time this morning you need a break, for obvious reasons,
13 please let us know and that can be accommodated.
14
15 MR PARISH: Thank you, Commissioner.
16
17 <EXAMINATION BY MR PARISH:
18
19 MR PARISH: Q. Ms Haslinger, can I start with a bit of
20 background. Can you tell me how long you've lived in the
21 shire area and what your job experience in the area is?
22 A. So, I think I've been here since 2017. My extended
23 family, my parents, have been down here for about 20 years,
24 so we've been around the shire as a family for a long time.
25
26 Q. Thank you.
27 A. As far as work goes, I'm a lawyer by trade, but I do
28 some traditional legal work, but I also do a lot of local
29 government, local, state and Commonwealth levels
30 consulting.
31
32 Q. Do you do legal work in the shire area or outside of
33 the shire?
34 A. I have done a little bit of legal work in the shire
35 area. I have acted for Wingecarribee Shire Council a
36 number of years ago when I was in a previous role. There
37 were a couple of construction disputes, that's an area I've
38 worked in, I was a barrister in construction law, but most
39 of my work is in Sydney.
40
41 Q. Thank you. You've provided a submission with the
42 support of the Friends of Wingecarribee. Can you please
43 explain who they are?
44 A. The Friends of Wingecarribee is a not-for-profit
45 group, I think technically, or some kind of association and
46 they are involved in education, assisting people who want
47 to potentially run for council or support people who want

1 to run for council, I think.

2

3 Q. Thank you. You provided a submission with a
4 particular focus on the bushfires of 2019/2020. Can you
5 tell the inquiry why that's particularly personal to you?

6 A. Yes, the fires that jumped over the Shoalhaven River
7 in early January, my husband and I had agreed that, if
8 fires jump over the Shoalhaven River we would evacuate our
9 home in Exeter. And they jumped and on RFS advice we
10 stayed at home, but then the fires came up through
11 Bundanoon and on 4 January we lost our home at about 10pm.

12

13 Q. You've given some evidence in your submission about
14 your experience of an extraordinary meeting of the council
15 after the bushfires in January 2020; was that the
16 29 January 2020 meeting?

17 A. Yes.

18

19 Q. Did you attend that meeting in person?

20 A. Yes.

21

22 Q. Can you tell me about your experience at that meeting?

23 A. I'd sought permission to speak at that meeting. By
24 that stage I'd met quite a few people who'd lost their
25 homes across the shire, and there were quite a few of us
26 who had lost our homes in the fires who had decided to
27 attend that meeting and I wanted to speak in particular
28 about the issue of development application fees not being
29 waived by council and the experience that many of us who
30 lost our homes, the experience we were having when we were
31 relating to the council in any way, whether it be community
32 meetings or, you know, just trying to understand what was
33 going on during that recovery period.

34

35 Q. Yes, you lost your home, was it 4 January, and the
36 meeting was on 29 January; can you tell the inquiry about
37 your experience in dealing with council after you lost your
38 home but before that meeting on 29 January?

39 A. So, in the early days, the first thing that comes to
40 mind is that it was as if council didn't exist. Part of
41 the experience was that council just wasn't there. There
42 was very little support, there was very little activity,
43 there was very little voice of council in those early days
44 other than council coming out and saying that they would
45 not waive development application fees, that was in the
46 media; other than that, there really just wasn't anything.
47 There was no acknowledgment for those of us who had lost

1 our homes, there was no sense of procedure or any process
2 to be involved in. We were just flailing, waiting to
3 understand what we needed to do.
4

5 Q. Do I take it from that then in the period prior to the
6 meeting on 29 January any information or communication from
7 the council was predominantly through the media; is that
8 correct?

9 A. Yes. I don't remember receiving anything before
10 29 January from council in relation to losing our home,
11 yeah.
12

13 Q. Did you in fact speak at the meeting on 29 January
14 2020?

15 A. Yes.
16

17 Q. Can you tell me about your experience in speaking at
18 that meeting?

19 A. To be frank, I've seen it once on video, I'll never
20 let myself watch it again, it's quite horrendous. When I
21 watched it, which is maybe a year ago now, I watched myself
22 in extreme trauma. You know, I'm a public speaker, I'm a
23 litigator, I'm very comfortable public speaking, and yet,
24 on that day I was just in extreme grief and anger and
25 trauma trying to explain to council what we, those of us
26 who'd lost our homes, what we needed and expected from
27 council and it felt it was landing on deaf ears, and so, as
28 I spoke, it was highly emotional and very difficult, sort
29 of, you know, five minutes, I guess.
30

31 Q. "Landing on deaf ears", do you mean by that that you
32 don't feel like, when you were speaking at this meeting,
33 that the councillors were taking on board what you were
34 saying or empathising with what you were saying; is that
35 what you mean by that?

36 A. I think councillors and senior staff in council, it
37 felt that there was no engagement with what I was saying
38 from any of them.
39

40 Q. After that meeting, can you tell me about your
41 experience with dealing with either councillors or senior
42 staff; was that a good experience, a bad experience or a
43 neutral experience?

44 A. Horrendous.
45

46 Q. In what way was it horrendous?

47 A. So, contact over these weeks and months with council:

1 with councillors it was only either at that council meeting
2 or at a meeting - community meetings that had been set up
3 by council. And, with council staff, it was only in
4 relation to the waiver of the DA fees. We didn't have
5 any - there was, at some stage I remember receiving \$500 as
6 support from the council, so there would have been
7 engagement with that, but I think my husband led that.

8
9 So, with the councillors, the community meetings and,
10 you know, the bias I have is that I'm - part of my
11 education and work experience is how to run these types of
12 meetings, particularly in crisis and trauma events for
13 communities. So, I attended a meeting at Bundanoon Hall
14 with many others who'd lost their homes and others, you
15 know, just community members impacted by the fires, and I
16 was appalled by the way the meeting had been put together,
17 what was being said, how it was being run.

18
19 The fact that I walked into the room, and I don't just
20 mean for myself, but for any of us who lost our homes,
21 no-one came up to us and simply said, "I acknowledge that
22 you're here, that you've lost your home, that this must be
23 a very difficult process". Senior council staff were also
24 there, they all knew me, so they knew that I'd lost my home
25 and that I was in the room, and it wouldn't have been
26 difficult to just walk up and acknowledge that I or others
27 in the room had lost our homes.

28
29 The process itself then was kicked off with the usual
30 introduction of the mayor and the councillors, and there
31 was a bit of an uproar at that because we felt that there
32 was no sense of acknowledgment of the land we were on,
33 there was no sense of acknowledgment first of victims of
34 the fires being acknowledged, it was just still all about
35 council.

36
37 We were told then during the meeting that part of the
38 purpose of that meeting was to ask us how we thought money
39 should be spent that Federal Government was going to
40 provide to council, and most of us were just so angry that
41 we be asked off-the-cuff, with no preparation or anything,
42 how we felt they should be doing their jobs, that is,
43 council.

44
45 Councillors and council, many of us felt, should
46 have - and I should speak for myself - I felt should have
47 had meeting after meeting, plans and processes in place to

1 be making these kinds of decisions to then go to the
2 community knowing that you're talking, not just to your
3 community, but you're talking to highly traumatised people.
4 And, you know, most of us were running away from the fires
5 watching our homes go down, and so to be called to a
6 meeting to say, "Look, we think we've got \$300,000, how do
7 you want us to spend it?", just felt completely gross, just
8 shocking. The way it was conducted, the tone, it was
9 egotistical, it felt very unthought, unthinking. I left, I
10 left early, I stormed out.

11
12 Q. Did you feel personally attacked in your advocacy, in
13 particular about the DA fee waivers by any member of
14 council?

15 A. Yes, I had two strange events happen. At the meeting
16 on 29 January, when the meeting was finished a very strange
17 event happened and it was a conversation - I stepped
18 outside and, you know, everyone was leaving and I was
19 standing on my own and the mayor came towards me and, I
20 can't remember the whole conversation, but he put his hand
21 out, he said something about, "Just remember I have a lot
22 of support in this town", and I thought that was a very
23 peculiar thing to say to someone who has just spoken very
24 emotionally at a council meeting who's lost their home in
25 the fires, I thought that was very odd. And then he put
26 his hand out to shake my hand, and I looked at him and
27 said, "Mayor, I'm not going to shake the hand of someone I
28 don't have any respect for, I'm sorry, but that's not what
29 I'm going to do", and then he lent forward and said
30 something again about, "Just remember I have lots of
31 friends in this town", and it was like a threatening tone,
32 it was very odd; I decided to leave it, I turned, without
33 stepping away I turned to indicate to my husband I was
34 feeling upset. He came towards me and said, "Are you all
35 right?" He looked at the mayor, and I said, "Yes, I'm fine
36 now" and we walked away. Then --

37
38 THE COMMISSIONER: Q. Sorry, just before you go on,
39 sorry to interrupt you. When the mayor said those things
40 to you, the impression I'm getting is that you found that
41 somewhat intimidating; is that a fair summary of your
42 evidence?

43 A. Yeah, very intimidating. I mean, I'm not one to be
44 intimidated, and so, I thought it was very strange that,
45 why are you wanting to intimidate me? What am I doing?

46
47 Q. This was, so I understand the timeline correctly,

1 after you'd spoken?

2 A. It was that day straight after the meeting. There's a
3 meeting room downstairs somewhere and we'd walked out, and
4 most people had left the meeting, and it was literally
5 five metres from the door.

6

7 Q. Yes. I think I've seen the video, my recollection is
8 you spoke in the early part of the meeting, is that right,
9 and then --

10 A. And stayed.

11

12 THE COMMISSIONER: And stayed, I see. Thank you. Sorry,
13 Mr Parish.

14

15 MR PARISH: Q. Carry on?

16 A. The other event, I don't know the exact timing, but I
17 came home. So, the crisis accommodation we had after the
18 fires was my mother's house, we're still there. And I came
19 home one day to mum's house, and mum was markedly upset,
20 and I said to her, "What's happened?" And she said, "I've
21 received some phone calls today that the mayor has been on
22 radio defaming you". And I said, "What are you talking
23 about?" And she said, "Well, I've had some friends, local
24 people, just ringing me saying that the mayor was on 2GB" -
25 is it 2GB? No, the local radio station, I never remember,
26 I don't listen to it.

27

28 Q. 2ST, would that be right?

29 A. Might be, and he said that - he said something to the
30 effect that I had set up an architect to call to try and
31 trap him, or council, into some kind of terrible situation
32 with the DA fees, and he had used some language, I can't
33 remember now, but he'd used some language about me, and so,
34 these people were ringing my mother very upset for her and
35 for me and saying, "We've just heard this". Now, he didn't
36 use my name, but the fact that they rang my mother, you
37 know, left a sense that that was the impression he was
38 giving.

39

40 He was referring to an event that had occurred where
41 our architect had actually called the council asking just
42 for the amount on the DA fees, which as I understand when
43 architects design homes one of the first things they do is
44 they ring council and say, "Look, just let me know all the
45 fees", because then they let you know as the owner of the
46 property what all the different fees will be. And I later
47 found out that the mayor and others had requested a copy of

1 that conversation that our architect had had with a council
2 staff member to listen to that conversation, I don't know
3 why.
4

5 The architect wasn't even - like, through some kind of
6 architect professional body they had amazingly offered free
7 architectural services to everyone who lost their homes,
8 and so this woman we'd never met, she was an architect in
9 Queensland and she said, "Look, please let me do this for
10 you. I will find out all the council fees for rebuilding
11 your home, I'll get all of that ground work done for you,
12 and then I'll put together some basic designs for a new
13 house as quickly as I can", and so, that's what she was
14 doing for us.
15

16 Q. Can I just ask you on that topic, how did you find out
17 about this recording of the meeting and the listening of
18 that meeting by the mayor and others? Do you recall how
19 you found out about that?
20

21 THE COMMISSIONER: Q. Sorry, I think, is it a phone call
22 that was between the architect and the council?
23

24 A. Yeah.
25

26 MR PARISH: Q. That's correct, that's what I'm asking
27 about.
28

29 THE WITNESS: Yeah, I can't remember exactly. It must
30 have - I think what triggered it was the fact that he'd
31 gone onto the radio and was talking about, that we'd set
32 this thing up, and I was confused and sort of saying to
33 everyone, and at that time there was people all around me,
34 constant conversations about fires, saying, "What's this
35 about my architect's call?" So we rang the architect and
36 said, "Did you make a call into council?" She said, "Yes,
37 I went to get the DA fees". I mean, it must have been
38 someone from council, I don't know, but some conversation
39 I've had with someone has left me with the understanding
40 that either a council staff member or the mayor had
41 requested a copy of that conversation - I think he refers
42 to it on the radio - and had then listened to that
43 conversation to understand, I guess, the content of the
44 conversation and then was inferring.
45

46 THE COMMISSIONER: Q. Had you heard the mayor's comments
47 on the radio?

A. No, I don't listen to that radio station.

1
2 Q. When you say it was described to you that he'd said
3 words to the effect that this had been a, I think you said
4 a set-up or something of that kind, what did you understand
5 that to mean?
6 A. At the time, I don't - I didn't really know what that
7 meant because I didn't understand what phone call he was
8 really talking about.
9
10 Q. I see.
11 A. So then we had to ring the architect in Queensland to
12 say, "What's happened?" And then I guess I've just put it
13 all together.
14
15 Q. Plainly enough from your evidence it wasn't a set-up,
16 was it?
17 A. No, oh no, definitely.
18
19 Q. Thank you.
20 A. I mean, that's just bizarre, nothing like that.
21
22 MR PARISH: Q. I want to go on to ask you some questions
23 about the rebuild phase and your interactions with the
24 council in that phase of your experience, but before I get
25 to that topic is there anything else you want to tell the
26 inquiry in respect of your experiences in that immediate
27 aftermath in your dealings with council at that point in
28 time?
29 A. I think that it would have been much easier had the
30 council not existed. The council offered nothing other
31 than angst and more - more sense of trauma and anger and
32 frustration. There was literally no purpose for any of the
33 interactions by council that were positive, and so, from my
34 perspective, yeah, it would have been much better had they
35 just not existed.
36
37 Q. I take it then that you have no constructive criticism
38 to add to what you've already added, it was all negative;
39 is that how I take your evidence?
40 A. I can turn it into constructive criticism. The
41 turning it into would be, if council - when the fires, you
42 know, go back to November, if they had at that stage
43 engaged someone, assuming that they had nothing in place at
44 that time, if they'd engaged some experts - and there are
45 plenty of locals who are experts in this area - to put
46 together some crisis management planning and to set out the
47 process for how to engage with those who are directly

1 impacted by the fires, it just would have made all the
2 difference. If there'd been some process in place where
3 someone could contact us and say, "We understand you've
4 lost your home, here are some things you can do, or here's
5 how we can support you, here are some resources", anything.
6

7 But actually what we got was, the first contact we got
8 was an organisation in New Zealand, not anyone in
9 Australia. It was an organisation in New Zealand connected
10 to Red Cross giving a crisis management one sheet cheat
11 sheet for how to deal with crisis, and we started following
12 that, so it wasn't even Australian.
13

14 Q. Do I take it from your evidence then that it was not
15 only the tone and the course of events after the fires, but
16 also a lack of preparedness in your impression before the
17 fires that contributed --

18 A. Absolutely.
19

20 Q. -- to your negative experience?

21 A. And that ongoing lack - it went from lack of
22 preparedness to unwilling to start preparing now. At no
23 time after the fires did it seem that they kick-started a
24 process of developing plans or steps to take. You know,
25 the ongoing issues as we went into the rebuild remained as,
26 you know, horrible as they were back in January, and so, it
27 just seemed they just decided, well, the fires have been
28 and gone so we won't put anything in place.
29

30 I had been contacted by a mayor: now, this shocked me.
31 Because I'd been blogging my story online, and I had quite
32 a big local response to that, the mayor of Wollondilly
33 reached out to me and said, "I want to offer my support, my
34 condolences, what can I do? Can I help?" And I thought,
35 gosh, this isn't even the mayor of where I live, it's
36 actually, he didn't even know, but it's the mayor of where
37 I grew up. And so, there was - just nothing like that had
38 happened.
39

40 Q. Can I turn to the, I'll call it the rebuild phase, and
41 can you tell me of your experience in respect to the
42 rebuild phase; is that a more positive experience, is it
43 more of the same from your impression?

44 A. I've got to cast my mind to it now.
45

46 Q. Yes.

47 A. We're still in it, we're not home.

1
2 Q. Yes, of course, of course.

3 A. So, we're still rebuilding. So, my experience of
4 engagement with council is fairly similar during the
5 rebuild: lack of processes, lack of thinking on their part
6 about how to engage with someone who's lost their home;
7 lack of thinking on the technical elements of what would
8 have to happen through a DA process; lack of thinking about
9 cost of different things. You know, you don't think about
10 all of the things that happen. You know, there's a lot of
11 dead trees still on my road that are on council land that
12 just don't get touched, you know, and we get told there's
13 no funding for it and so they're not doing anything for it.
14

15 But during that process some very simple things. We
16 had to work incredibly hard, and my husband and I were
17 lucky enough to have found two local experts, a planner and
18 a fire expert, who helped us along the way to try to lodge
19 a DA for the rebuild, and the biggest issue we had was that
20 our property was then qualified as being in the flame zone.
21 And the issue with going from a normal build to a flame
22 zone build, for our house, was going to cost us
23 approximately \$250,000 extra because of the materials that
24 you have to use, and so, we were scrambling desperately to
25 understand what to do in that process, so we were engaging
26 with council to understand council's expectations, the DA
27 process, the fact that we were in flame zone, what could we
28 do to try and move the house onto different parts of the
29 property to reduce those costs, those kinds of things, and
30 again we found the engagement with council was either a
31 barrier to moving forward, a block to moving forward, or
32 just a frustration and a time delay moving forward.
33

34 It could be as simple as, we would ring in and the
35 insensitivity of people from council on the phone calls, in
36 my mind - and again, someone working in government for
37 many years - a simple solution could have been on my file
38 just put "lost home in fires", and then every time someone
39 opens the file they know, right, here's a person, here's
40 one of our families, we need to look after them a bit more.
41 That's not what happened. Every time we'd ring it would be
42 someone else we'd talk to, and then you'd have to re-go
43 through your whole story again.
44

45 We had to go through a fairly complicated process
46 getting the DA approved, we were told it would be set up,
47 it still took quite a bit of time, and then when we decided

1 we needed to actually try and move the house to a different
2 location on the land to get out of flame zone we then had
3 to go through a different phase and another DA application.
4

5 So there was complication and I think the issue I had
6 with council during that process was lack of forethought on
7 their part, lack of planning and processes or creating
8 those processes in that time, but also it seemed lack of
9 skill; they just didn't seem to have the skill in council
10 to actually deal with any of this. So, yeah, not great.
11

12 THE COMMISSIONER: Q. Was there a policy or procedure
13 that you were aware of in council in dealing with someone
14 in your situation?

15 A. No.
16

17 Q. So, do I understand you correctly that, every time you
18 contacted council, it would feel like you were back at
19 square one?

20 A. You were back at square one, that's exactly right, and
21 this is my second DA with this council, so we'd already
22 experienced a DA process outside of the fires, you know,
23 long before the fires and that was shocking. So, this was
24 just as bad except it was clouded by the fact that we were
25 in trauma and trying to speed things up as much as we
26 could.
27

28 THE COMMISSIONER: Yes, thank you.
29

30 MR PARISH: Q. Did you have a single point of contact at
31 council or?

32 A. No. There was one point - well, so when - because of
33 my role, because of, I guess, my more public voice during
34 that time, and because I had worked with council, I was
35 able to make phone calls at senior levels. And so, when
36 things got really bad I was able to ring one senior staff
37 member who was fantastic, he no longer works for council,
38 he was fantastic staying with us and saying, "Right, I will
39 go and find out and then I will come back to you", and he
40 actually would come back to us within days or weeks.
41 No-one else ever offered anything like that.
42

43 Q. Who was that?

44 A. Mark --
45

46 THE COMMISSIONER: Q. Mr Pepping?

47 A. Yes.

1
2 THE COMMISSIONER: Thank you.
3
4 MR PARISH: Q. In your view, would you have had less
5 access to someone like Mr Pepping if you had not had a more
6 vocal role at an early stage and being someone who was able
7 to advocate?
8 A. No-one else had that access.
9
10 Q. Quite, and how do you know that? What's your
11 knowledge that other people didn't have that same level of
12 access?
13 A. So, in the community I was part of a group of local
14 community leaders who were working with council to try and
15 work through things like building a tourism plan or
16 engaging more with council and local business owners. I
17 was on the Chamber of Commerce, I had worked with Mark as a
18 lawyer on a couple of disputes in Wingecarribee, but also
19 because at State Government I was the executive director of
20 Infrastructure New South Wales and Mark and other senior
21 staff were aware of that, and so, I could ring in and say,
22 "It's Sara Haslinger, put me through", and it got to the
23 point with Mark where I could just ring his mobile. No-one
24 else, yeah.
25
26 MR PARISH: I'm going to ask you a few questions about the
27 bushfire recovery and response report. Commissioner, do
28 you have any other questions you want to deal with at this
29 time before I change topics slightly?
30
31 THE COMMISSIONER: Yes.
32
33 Q. Sorry, I'll remember to keep turning my microphone on
34 by the end of these hearings. Earlier in your evidence you
35 described what I understood to be a community meeting, and
36 you described it as egotistical; do you remember giving
37 that evidence?
38 A. Yes.
39
40 Q. And that was the meeting, as I understand it, where
41 feedback was sought on how to spend the \$300,000
42 Commonwealth grant, I think that was; is that right?
43 A. I think that's right.
44
45 Q. And you described the feeling at the meeting being,
46 why is this happening here and now? From that do I
47 understand the concern to be, this was not the appropriate

1 forum to seek input rather than the fact that input was
2 sought at all? Do you understand my question?
3 A. Yes. Well, there's a few layers to that.

4
5 Q. Yes.

6 A. I don't believe that input should be sought from
7 people in trauma, and you wouldn't be anything else but in
8 trauma when you've just gone through what we'd all gone
9 through, in a public forum.

10
11 Q. Yes.

12 A. But potentially at all, and so, I think asking for
13 feedback on how to spend money, you might feel you want to
14 ask those who are most directly impacted, so then you would
15 design a process that's more intimate, much more caring,
16 much more focused on, these are the people we're
17 interacting with and this is what they've been through, so
18 let's first ask permission from them if they want to engage
19 in that kind of conversation because most of them are
20 probably not going to be ready, and that's where we all did
21 find ourselves, not ready.

22
23 Now, it's a little unfair because I've designed those
24 processes for governments all over the world, I've done
25 that kind of work, and so, I knew that that's what was
26 missing.

27
28 At the meeting it was very strange, and it was also
29 the first public meeting that we'd all attended in
30 Bundanoon.

31
32 Q. I see.

33 A. There were other public meetings, I think they had
34 four or five of them across the shire, but for the first
35 time that your councillors, your mayor or the general
36 manager appear before you, you would expect that the first
37 conversation is, can we just take a moment and offer our
38 condolences and talk about the horrible situation that you
39 must find yourselves in and let's find out what you need,
40 and are those needs being met? Not, this is who we are and
41 we're wonderful and we're going to get this money and, you
42 know, we're here - it felt like a token gesture.

43
44 Q. Can you just expand on why you describe the meeting as
45 egotistical?

46 A. We filmed part of it, I think the meeting is filmed.
47 It was all about themselves, they kept - the introductions

1 were about themselves, the - Wendy Tuckerman was there, the
2 Minister, and it seemed there was this real focus by the
3 mayor to - you know, oh, we've got Wendy here. And I'm
4 like, we don't care who's here, we've just lost our homes.

5
6 Q. Yes, I understand.

7 A. So it was that, that was the egotistical part.

8
9 Q. Going back to the meeting on 29 January, I think I
10 have that date right, one of the issues that you raised are
11 comments made during the meeting about a DA fee waiver
12 resulting in double-dipping given the presence of insurance
13 policies; do you recall comments of that kind?

14 A. (No audible answer.)

15
16 Q. I know you know, but you have to say "yes" for the
17 transcript.

18 A. Yes, sorry.

19
20 Q. That's all right. Do you have a view about those
21 comments?

22 A. Yeah, so the mayor and others had made comments, in
23 particular the mayor I think in a media interview, that
24 there was no way that council would waive DA fees, even
25 though other councils had already done it, there was no way
26 this council would waive DA fees because it would be like
27 double-dipping. That is, the insurance company are giving
28 them money and now they're asking for money from us
29 essentially by not - by us not charging the fee. And I was
30 left with, well, clearly you don't understand how insurance
31 works and clearly you don't understand the complexity of
32 how many different insurance style, policy styles, will be
33 out there for all of us who have lost our homes, and we're
34 not asking for money, we're asking for a waiver of fees
35 that are toward administrative costs that you will have to
36 incur in any event, so I can't see how there can possibly
37 be any double-dipping. The impression I was left with was,
38 I felt somehow we were being accused of wanting money from
39 our insurers and wanting money from other places.

40
41 Q. Earlier in the answer you indicated you felt that
42 displayed a lack of understanding of insurance; do I
43 understand that to include concepts like what the actual
44 insurance policy wording says about those things, which may
45 well be individual depending on the policy that was bound
46 between the homeowner and the council?

47 A. Absolutely. You know, every policy - I mean, in

1 amongst those I've met none of us - I've not seen the same
2 response to the policies in any of us.

3

4 Q. And also, there may well - tell me if this is part of
5 it - that, if a fee isn't paid, the insurance company may
6 not indemnify the policyholder for that fee; that is, you
7 don't get insurance coverage in some cases, depending on
8 the type of the policy, for a fee that hasn't actually been
9 paid?

10 A. That's right, that's right. But then there are other
11 policies - I mean, my policy, without going to all the
12 detail of it, my policy is a good example. It was, because
13 it was a complete property destruction they just paid out
14 the maximum on the policy.

15

16 Q. Yes.

17 A. But that maximum - and this was my point when we were
18 talking about the DA fees being waived - that maximum was a
19 dollar amount that came nowhere near covering what we have
20 had to do to move home, and hundreds of thousands of
21 dollars short and yet I had a very good policy in place.

22

23 Q. Yes.

24 A. And so, I think I was an example of someone who had
25 the best of everything we could possibly have, and yet, we
26 were still at an enormous loss, and so, there was no
27 double-dipping or anything to ask that the \$10,000, which
28 was approximately the DA fee, to be waived because what
29 that meant to us was that locked sum from the insurance
30 policy could be stretched further to try and stretch it as
31 far as we could to build a home and deal with all of the
32 other property loss.

33

34 Q. To your recollection were the - I'll call them the
35 double-dipping comments - were they applied to everybody in
36 your situation; that is, everyone in your situation should
37 have insurance, so we shouldn't be waiving fees; was that
38 how --

39 A. Yeah, it just seemed like a blanket position that had
40 been taken on by council very early, and in the face of
41 other councils coming out very quickly, like Shoalhaven and
42 I think Wollondilly and saying, we'll waive - and, without
43 question, we'll just waive DA fees.

44

45 Q. One of the other issues that you raised in your
46 evidence is a lack of plans and policies and clear
47 guidelines as to who was responsible for what. An

1 observation you also made in your submission is that that
2 became apparent through January and February but played out
3 in the public and in the media by councillors?

4 A. Yes.

5
6 Q. Do you recall making that observation? Can you just
7 expand on that for me? What caused you to make that
8 observation?

9 A. A few things. First, the lack of engagement with us
10 as property owners; the lack of a contact person or a
11 process for us to be put on to walk through the journey,
12 and then through the media came these fights between our
13 councillors at a time when, on the one hand I can
14 appreciate that if there are councillors who feel very
15 strongly that a particular group of councillors is doing
16 the wrong thing by the community, I can appreciate that
17 they will use the media to put their view out there so that
18 everyone can see it. But truly, (1) it seems like this
19 council have been doing that for years anyway, so it wasn't
20 behaviour that was unique to this situation. Also, just
21 again, it just disengaged from the reality, which is, we've
22 lost our homes. Fighting amongst councillors, this is not
23 appropriate or professional or the right time to do this;
24 can you not all sit down, engage some experts, find out
25 what to do and simply follow the advice? Instead your
26 personalities and your egos are driving these media
27 tit-for-tat arguments in a public forum that just causes us
28 to feel more abandoned, more stuck in the reality that
29 we're homeless.

30
31 Q. I take it, you were looking for civic leadership at
32 that time?

33 A. Oh, as I said, the mayor of Wollondilly, after he
34 contacted me, which is exactly what I would expect of a
35 mayor - you know, you would expect a leader like that would
36 contact - I mean, across our shire I think we had 74 homes
37 lost; it's not difficult to contact 74 families. Would you
38 not have done that in the first few weeks? You know, that
39 didn't happen. And then, when it did happen from
40 Wollondilly I started following what he was doing in his
41 community online and how he was engaging as a leader, how
42 he was on the street or in people's homes all of the time,
43 and that's not just about the mayor, that's all of the
44 councillors. And I just think, gosh, this council just
45 didn't do it.

46
47 I'm not suggesting that I didn't see councillors at

1 these council meetings or at community meetings, but not
2 behaving the way we needed, you know, complete lack of
3 leadership.

4
5 Q. The final issue I wanted to take up with you at the
6 moment was, in your submission you point to many staff
7 stepping up and above the call of duty and did what they
8 could in the circumstances. Could you just expand on that,
9 give me some examples of where council staff did good work
10 in that period?

11 A. I have to pause and really think.

12
13 Q. Yes.

14 A. Look, Mark Pepping did, but again, I was able to make
15 a private phone call, so how good an example is that, I'm
16 not so sure. But when I did ask him, he did do whatever he
17 could to help us through a difficult part to get us out of
18 flame zone building.

19
20 Because I'd been blogging I had a few anonymous people
21 contact me to say, "Look, I'd just like you to know I'm a
22 council staff member and, you know, this is how I feel and
23 this is what I've been trying to do, and we're so sorry",
24 and, you know, there was an emotional outpour by some
25 council staff that felt very necessary at that time, you
26 know, by council.

27
28 And then there was one person, I wish I could remember
29 their name, there was a person, I think in the planning
30 team, who my husband felt was very supportive. Not able to
31 get a lot done, but very supportive.

32
33 THE COMMISSIONER: Yes, I understand. Thank you.
34 Mr Parish.

35
36 MR PARISH: Q. Can I just raise two topics out of what
37 the Commissioner's just covered with you. Firstly, back to
38 the Bundanoon meeting. You made an observation in your
39 submission that:

40
41 *Prior to the proposed meeting we discussed*
42 *whether the forum would be safe for us.*

43
44 Is that referring to that Bundanoon meeting?

45 A. Yes.

46
47 Q. And who's "we", who else were you discussing this

1 with?
2 A. There were other - other people we'd met who'd lost
3 their homes in the fires, and so, we were all talking about
4 whether it was an emotionally safe place.

5
6 Q. Okay. Then you go on to say:

7
8 *We were right to ask the question as from*
9 *the start the meeting was not safe.*

10
11 Can you expand on that? Are you referring to the
12 emotional safety of the meeting?

13 A. Yeah, referring to the emotional safety. There was
14 one person there who is a Bundanoon local who is known
15 for - I think she's a psychologist - and she did come up to
16 a couple of us and say, "Are you okay?" And when I stormed
17 out she followed me and said, "Are you okay?", and we
18 spoke, but yeah.

19
20 Q. The second topic I wanted to raise out of the
21 Commissioner's questioning was, you mentioned your blog.
22 Do you draw a link between your blogging and perhaps
23 getting better customer service than people at that point
24 in time who weren't blogging in your impression at least?

25 A. I hate to say "yes", but yeah, I think so. I think
26 because the blogs were an outpouring - because, you know,
27 I'd been through other crises in my time but I'd also
28 worked with communities in crisis in lots of other
29 locations in my career, I was adamant that there had to be
30 lots of outpouring of connection and that was going to be
31 critical to keep us going, because I knew it would be a
32 long journey of rebuild and there had to be some sense of
33 connection.

34
35 And so, in the blogging, because there was a big
36 outpour of - I was describing literal daily experience of
37 what it was like to go from fire to homeless, I think a lot
38 of local people came to know my name and, you know,
39 sometimes I would walk down the street and strangers would
40 walk and hug me, and that kind of connection was happening
41 a lot and I think, yes, I think in council my name became
42 something a bit different to if someone else had called or,
43 you know.

44
45 Q. Accepting that as you do, do you think that's
46 indicative of a properly functioning council that you
47 receive better customer service than someone who doesn't

1 have a blog?
2 A. Well, I described it, I described it - there was a
3 point where I decided to watch the video on 29 January and
4 I found it very traumatic to watch, and I said to my
5 husband just at home in conversation, "It is shocking, it
6 is horrendous, it is the worst of the worst when you have
7 to publicly be willing to live your trauma in such a public
8 way just to be heard so that everyone else can get some
9 access to some of this". And then my sense was that it
10 didn't work anyway; all that happened was, I got access.
11
12 Q. Thank you. I'm just going to show you something in
13 tender bundle B.
14
15 THE COMMISSIONER: Just give me a moment, Mr Parish.
16
17 MR PARISH: Q. As a lawyer you'll know that I'll just
18 establish what we're looking at and the provenance of it
19 first?
20 A. Yes.
21
22 Q. So, can I just start with page 272 of tender bundle B.
23
24 THE COMMISSIONER: Just give me a moment.
25
26 MR PARISH: As a lawyer, you also know that the Presiding
27 Judge or Commissioner's always a bit slower than you.
28
29 THE COMMISSIONER: Thank you, I was just checking for the
30 benefit of anyone who is following along, tender bundle B
31 is available on the inquiry website. Yes, sorry, which
32 page, Mr Parish?
33
34 MR PARISH: Q. And, for everybody in that respect
35 page 272 of that tender bundle. Do you have that too,
36 Ms Haslinger?
37 A. Yes.
38
39 Q. Do you have the Wingecarribee Shire Council Bushfire
40 Response and Recovery Review 2021?
41 A. Yes.
42
43 Q. Do you recall if you made any submissions or had any
44 engagement with this review process?
45 A. I read it. I read the report.
46
47 Q. That was going to be my next question. So, you read

1 it but you don't recall specifically whether you were
2 engaged in this process?

3 A. No.

4
5 Q. Were you engaged in any processes, or did you engage
6 in any surveys or reviews or responses after the bushfires?

7 A. No.

8
9 Q. At all?

10 A. No. Obviously, only this.

11
12 Q. Yes, quite. Accepting that you probably don't have a
13 great memory necessarily of what is in this 30, 40,
14 50-paged report - 70-paged report, can I take you to
15 page 296 of the bundle. Do you have that?

16 A. Yes.

17
18 Q. Do you see a heading halfway down the page, "Community
19 Views"?

20 A. Yes.

21
22 Q. Could I just get you to read the first - well, read
23 the chapeau and then read the first bullet point?

24 A. Yes.

25
26 Q. Do you agree with that summary, that:

27
28 *The community was strong in their voice*
29 *that the council lacked empathy.*

30
31 Was that your experience?

32 A. Absolutely.

33
34 Q. You've given some evidence which makes it fairly clear
35 to me at least that those were examples of a lack of
36 empathy. Are there any other examples that you want to
37 draw the inquiry's attention to that were examples of a
38 lack of empathy from council?

39 A. I think the difficulty with examples of the lack of
40 empathy was that the lack of empathy came in the
41 non-engagement, and so, it's almost a negative.

42
43 Q. Yes. In the second bullet point there, I'll let you
44 have a read of that. I might do this in two parts.
45 Firstly, was that your impression too, accepting that
46 you've already given some evidence to that effect, I take
47 it, that the council had no plan for recovery?

1 A. That's definitely the impression.

2

3 Q. That's the impression you were left with. And, as
4 someone who's been affected by the bushfires, that second
5 line there, that:

6

7 *There were no up-to-date contact lists for*
8 *those affected by the fires.*

9

10 Can you give me your views on that, what your
11 impression of that is?

12 A. Um, sorry.

13

14 THE COMMISSIONER: Q. I think - or do you know it to be
15 the case, that there were no up-to-date contact lists from
16 your experience?

17 A. Absolutely, I'm sure. Later on during 2020 I was
18 actually in a role working with Laing O'Rourke, and in that
19 role I was the, I guess, one of the voices for Laing
20 O'Rourke in helping manage the relationships between
21 community members and their staff when they would go on
22 site to do the clean-up across New South Wales, they
23 cleaned up over 3,000 homes, and I would have to do all the
24 interviews on radio and that kind of thing and travel
25 around and meet people, and when it came to Wingecarribee I
26 had been informed that Laing O'Rourke had a contact list
27 obviously, because they were doing the clean-up on 74
28 houses, and when they'd spoken to Wingecarribee,
29 Wingecarribee had said that they didn't have anything like
30 that.

31

32 Q. Thank you.

33 A. So, I was aware that that was the case.

34

35 MR PARISH: Q. Just on that next bullet point, if you
36 can read that to yourself.

37 A. Yes.

38

39 Q. Is that your experience, that it's now too late to be
40 having a conversation, presumably about the plans for
41 recovery, and that many were appalled by the lack of
42 response by council?

43 A. I think my response to that depends on - it depends on
44 the perspective, meaning for me it's never too late; I'm
45 going to live here the rest of my life, so to develop a
46 good, strong, well-led council that come and apologise for
47 the debacle and show us plans going forward would be

1 wonderful because we are going to be in the rebuild, you
2 know. I mean, I've still got dozens and dozens of trees
3 that I have to pay to bring down, you know, as do
4 neighbours and others, so the rebuild will go on for
5 many years. So, in some respects it's never too late to
6 engage with us, but I think the context of this is, yes,
7 everything had been a debacle and nothing was done, and so,
8 from that perspective it was too late.

9
10 Q. I'll just take you to the last bullet point on this
11 page, if you could read that:

12
13 *The review also had many positive stories.*

14
15 A. M'mm.

16
17 Q. Can I just start by asking, did you have any
18 experience with the Community Recovery Hub?

19 A. No.

20
21 Q. Do you know what the Community Recovery Hub is?

22 A. No.

23
24 Q. Do you recall anyone ever from council telling you
25 what the Community Recovery Hub was?

26 A. No.

27
28 Q. Can I just take you over the page. We've been dealing
29 with the key themes from the community meeting and I just
30 want to go through the key themes from the community survey
31 as well. They seem to be slightly more broader in the way
32 they're framed, but can I just get you to perhaps read
33 through all of those and I'll then ask you some questions
34 about them.

35 A. Yes.

36
37 Q. Given that we've covered some of this ground already I
38 might just ask: do you generally agree with, from your
39 experience, the snapshot of the major themes which are set
40 out here?

41 A. Yes.

42
43 Q. Are there any which you disagree with?

44 A. No.

45
46 Q. Is there any other matters in respect of the bushfires
47 or more generally that you wish to tell the inquiry at this

1 time? This is your chance to address any other topic or
2 expand on anything that we haven't asked you in respect of
3 the bushfires.

4 A. A couple of things. A continued, it seems, lack of
5 understanding that recovery from those bushfires for those
6 who lost - well, for some who lost family members, but who
7 lost homes, who lost animals, who lost trees and fencing on
8 properties, it's going to be a long time to get to a point
9 where we feel recovered. You know, we haven't even moved
10 home yet and we're nearly two-and-a-half years down the
11 track.

12
13 I appreciate that after the bushfires came a pandemic
14 and so attention was moved away from bushfires, but again,
15 the lack of planning and resourcing in council meant that
16 that sense of moving away from the bushfires - the impact
17 of the bushfires to COVID and the pandemic was just
18 heightened. And so, even now I think the overlay of lack
19 of leadership and preparedness in council, even when we see
20 new councillors, new staff, changes in council, I don't
21 - I'm not convinced that you'll actually see any change in
22 community engagement through strong leadership and good
23 process for many years and I think that the councillors who
24 have been in place for a long time don't seem to appreciate
25 the cost of their poor leadership for so many years on
26 community members and it's a very direct cost on our lives.

27
28 And I think, you know, the next group of councillors
29 who come through - and I hope there's a whole lot of new
30 councillors that come through - it will take them
31 many years to change the impact of what has happened in
32 this community from this council. And as I understand, and
33 in my engagement with council staff, the changes there will
34 take as long if not longer to build an empathetic, vibrant,
35 well-structured council and I hope that that's not lost.

36
37 Q. Do you think if the suspended councillors are
38 reinstated, they will be in a position to positively affect
39 the recovery from the bushfires?

40 A. No. The only response that I have to the idea that
41 they would be reinstated is to consider leaving my shire
42 and going somewhere else or to work out how to live in a
43 town disengaged as much as possible with council which, for
44 someone like me who's very community-minded and was on
45 every other committee possible, and did consider running
46 for council, I - yeah, that would be - that would be
47 devastating to think that I would cut off that part of my

1 life being heavily engaged in my community because of a
2 group of individuals.

3

4 THE COMMISSIONER: Q. I'm just going to finish with a
5 couple of general propositions and I'm going to ask you
6 these questions in a way that's directed to the evidence
7 you've given about your experience in dealing with the
8 council after the loss of your home, all right?

9

10 So, in your view in those interactions did the council
11 provide strong and effective representation, leadership,
12 planning or decision-making?

13 A. The council provided no leadership, planning process
14 or anything else.

15

16 Q. In your experience did the council work with others to
17 ensure that appropriate services were secured for the local
18 community needs at that time?

19 A. No.

20

21 Q. This question I'm going to direct to your view and
22 interactions with the governing body. Do you think that
23 the governing body, that is, the councillors, provided
24 effective civic leadership to the community during that
25 time?

26 A. No.

27

28 Q. And, seeing as though you've given some evidence about
29 the mayor or your interactions with the mayor, do you think
30 that at that time he acted as a leader of the council and
31 the local community?

32 A. No.

33

34 Q. Do you think that his actions at that time advanced
35 community cohesion or promoted civic awareness?

36 A. No.

37

38 Q. And, in answering all of my questions, do I understand
39 you to draw on the various matters that you have explained
40 to me in your evidence today?

41 A. Yes.

42

43 THE COMMISSIONER: Thank you. Mr Parish, is there
44 anything arising?

45

46 MR PARISH: No, Commissioner.

47

1 THE COMMISSIONER: Q. All right, Mr Parish has already
2 asked you the question, but seeing as though you took the
3 time to make a submission and to come along to give
4 evidence today, is there anything else you wish to draw to
5 my attention or raise with me in your evidence?

6 A. Only to say that I, and I feel many I've spoken to in
7 the community, are desperate for change. We're desperate
8 for our local council to be a voice of cohesion, to be a
9 voice of care for our community, to be people who are
10 engaged at that very grassroots level and are bringing the
11 expertise or the intellect, or however you want to put it,
12 into our community to learn how to build communities by
13 engaging with the community.

14
15 Q. And do I take it that that's an observation at both
16 the organisational and governing body level?

17 A. They're missing, yes, and it is about both, yes.

18
19 THE COMMISSIONER: Thank you for coming along and giving
20 evidence, I appreciate that it's difficult, particularly
21 with a little one, but hopefully they'll never have to
22 experience a witness box again. Mr Parish, is there any
23 reason why Ms Haslinger should not be excused from her
24 summons?

25
26 MR PARISH: She can be excused, Commissioner.

27
28 THE COMMISSIONER: Thank you. That completes your
29 evidence, you are free to go and you are excused from
30 further attendance.

31
32 THE WITNESS: Thank you.

33
34 <THE WITNESS WITHDREW

35
36 THE COMMISSIONER: Mr Parish, we've got our next witness?

37
38 MR PARISH: I think we might. The next witness is
39 hopefully John Barrett.

40
41 THE COMMISSIONER: Just before you commence with
42 Mr Barrett, Mr Parish, is there another witness scheduled
43 for this morning's session?

44
45 MR PARISH: We may have available Ms Jennifer Stokeld?
46 Yes, we do.

1 THE COMMISSIONER: Just to give her some certainty, should
2 I give a marking?
3
4 MR PARISH: Can I just get a nod from the officer? But I
5 should be able to get a marking not before 12 o'clock at
6 this point.
7
8 THE COMMISSIONER: Yes, well, if she doesn't wish to hang
9 around outside she can be marked not before 12 o'clock.
10 So, as long as she's back just before 12, she's free to go
11 and get a refreshment if she so desires.
12
13 Yes, Mr Parish.
14
15 MR PARISH: As mentioned, my next witness is Mr John
16 Barrett.
17
18 THE COMMISSIONER: Thank you.
19
20 <JOHN BARRETT, sworn: [11.16am]
21
22 THE COMMISSIONER: Mr Parish.
23
24 MR PARISH: Thank you.
25
26 <EXAMINATION BY MR PARISH:
27
28 Q. Thank you, Mr Barrett. Can I just start with a bit of
29 background, perhaps we'll start with personal background.
30 Can you just explain how long you've lived in the shire and
31 what your vocation is?
32 A. I was born in the shire actually but spent a lot of
33 time in Sydney and overseas. My background basically is in
34 property and I have been employed with the Department of
35 Planning, Sydney City Council, University of Sydney and
36 Hong Kong Government, so an extensive background in the
37 public arena.
38
39 Q. Do I take it from that, that some of that background
40 is specifically in planning? When you say Department of
41 Planning, were you a planner or similar role?
42 A. No, I was involved in the property area. So, I'm a
43 registered valuer, I've got qualifications in project
44 management and I've got an MBA.
45
46 Q. Thank you. Can I just ask for a bit of background
47 about the organisation who you are here representing, the

1 Friends of Bowral. Can you perhaps give me some background
2 and history of that organisation?

3 A. It was felt, after we attended a meeting in 2017
4 regarding Station Street, that there was a need for greater
5 information to be obtained and an ability of the local
6 community to present their views to council and so it was
7 felt that a group of us who had various backgrounds in
8 planning, architecture, project management and the like,
9 we'd form a group and research more deeply into the
10 proposal that was being put forward by council.

11
12 THE COMMISSIONER: Q. Sorry, Mr Barrett, can I just ask
13 you to lift your voice a little bit? I'm just having a
14 little bit of trouble hearing you?

15 A. Sorry.

16
17 THE COMMISSIONER: That's fine, thank you.

18
19 MR PARISH: Q. Is it fair to then, from that background
20 just given, say that Friends of Bowral is concentrated
21 mainly in respect of the Station Street bypass, or does it
22 also deal with other planning and other development
23 matters?

24 A. We are broadening our focus now to include other
25 issues, development applications, and we're pushing for a
26 master plan to be developed for Bowral, and obviously the
27 Bowral Tip has been an issue of concern for various
28 community members, so our focus is now broadening out
29 especially in relation - or now that Station Street has
30 basically been stopped.

31
32 Q. Yes. I'll come to Station Street in a moment, but
33 just dealing with those other matters which you're
34 broadening you're scope on now, what are the identifying
35 factors or commonalities which draw either development
36 applications or planning decisions to your attention, and
37 how do you decide what is something which you will address?

38 A. Friends of Bowral, because of our involvement in
39 Station Street, its profile has increased and I guess
40 community members now are saying to us, "What do you think
41 about this development, it's concerning us. We think that
42 there's a need for a second set of eyes to look at the
43 proposal". We have got in our group, as I mentioned, town
44 planning expertise, architectural expertise and we can draw
45 on, through our community contacts, a range of other people
46 that can assist, but it's basically just trying to provide
47 additional resources to the community to reach a view on

1 proposals that have been put forward.

2

3 Q. Is it generally a role to oppose proposals and
4 developments, or do you support some as well?

5 A. No. No, we understand that there is a need for
6 development in the area, I think it's a matter of getting
7 that development right and making sure that the proposals
8 comply with the various legislation and guidelines, and we
9 focused on that more so than just blankly, you know,
10 stopping development.

11

12 Q. Okay, thank you. I'm going to ask you some questions
13 about the Station Street upgrade or the Bowral Bypass, it
14 seems to be synonymous with each other, and there's
15 multiple complex documents which set information out about
16 that, and you've provided very helpful submissions on it as
17 well, but you're probably as well placed as anyone in the
18 community to give a brief synopsis of the genesis and what
19 the proposal was. If I could ask you to explain to the
20 inquiry a little bit about the Station Street bypass and
21 its genesis?

22 A. Sure. The proposal has a long history and the mayor
23 often used to talk about a 20-year timeframe that the
24 proposal has been on the books, but it really gained
25 impetus in 2013 when council put together an application
26 for a grant for the construction of that bypass. It was a
27 document that provided for a 2.15 kilometre road along
28 Station Street, basically swinging from Victoria Street in
29 the north to Links Road in the south. That proposal went
30 to government for a grant in 2015, the grant was issued and
31 a funding deed was signed off.

32

33 Basically, the council then went through a period of,
34 I guess, refining their thoughts on the proposal and they
35 didn't start public consultation until September 2017, at
36 which time they had a shop front in Station Street which
37 had plans and details of the proposal. That all culminated
38 in a community meeting at the St Jude's Hall in September
39 2017 attended by in excess of 100 community members and at
40 that stage we were given a briefing of what the project was
41 all about, and at that stage we realised that there was
42 some major differences between what was being proposed in
43 the funding application in 2013 as to what was being now
44 proposed in 2017.

45

46 So, the matter went on from there. There was
47 approximately, I think, about 11 speakers and nearly all of

1 them bar one, I think, basically opposed the proposal.
2 They questioned some of the design principles and whether
3 in fact the project was workable. And so, after that
4 meeting, which I think irritated some of the councillors,
5 it was sent to a council meeting and that was on
6 14 February - sorry, 20 September - sorry, 14 February.
7 I'm reading without my glasses. At that council meeting
8 council had redrafted a lot of the proposal and it was very
9 clear to the community that there were some major changes
10 to what was being advertised back in September 2017.

11
12 So at that stage one of the major changes was the
13 deletion of a cycleway and footway over the southern rail
14 line and this was seen as a very important element to the
15 project to ensure pedestrian safety and just the
16 workability of having offset car parking that was being
17 promised by council as part of the funding deed. That was
18 a requirement by Transport for New South Wales. They said
19 that the proposal as it stood would result in a loss of car
20 parking at the station and they put a requirement in the
21 funding deed to have that offset in Kirkham Road.

22
23 And so, we just - we were alarmed at that. We thought
24 that, if there was to be car parking in Kirkham Road,
25 bearing in mind that there was existing car parking in
26 there, it wasn't formalised, it was just on the gravel edge
27 of the road, then in a sense it wasn't new car parking, it
28 was existing, it needed to be improved but it was existing,
29 so there was no real offset to the loss of car parking at
30 the station. So, that was a major issue.

31
32 There were other elements to the scope of the project,
33 deletion of some matters and deferral of other matters.
34 So, the design and the concept had changed from what the
35 community were briefed on in September 2017 and this,
36 again, concerned the community because we felt that there
37 was no consultation on those issues and some of them were
38 pretty important as far as safety and access to the
39 station.

40
41 The matter then proceeded to a further council meeting
42 in March 2020. There was a period of a number of two years
43 break in that. We became aware that government were
44 getting concerned about parking and also the pushback from
45 the community because it resulted, if this proposal went
46 ahead in the form it was being considered, it would result
47 in a loss of trees, Pin Oak trees, Camellia Hedge which is

1 quite historically significant, and also there was an issue
2 about the budget. So, the project was changing in its
3 design and it was changing in relation to the cost of the
4 project.

5
6 We were briefing a number of councillors because we
7 felt as though it was an issue that should be debated at
8 council and unfortunately it wasn't possible, the way in
9 which the council meetings were conducted, to have
10 meaningful dialogue and discussion at those council
11 meetings. And so, it basically resulted in the matter just
12 basically, whatever was being proposed at the time, bearing
13 in mind that there was no prior consultation prior to the
14 various council meetings: you'd have the agenda come out on
15 the Friday night and the meeting would be conducted on the
16 Wednesday and there was no opportunity, real opportunity,
17 to voice our concern about various changes to the project.

18
19 In March 2020 the project came back before the council
20 and that was a major change in the project from the loss of
21 car parking, 73 commuter carparks, eight of the mature Pin
22 Oak trees, which are very significant for the community,
23 they signal the arrival at Bowral, it's the entrance to
24 Bowral. They were planted by school children to
25 commemorate an event some 80-odd years ago, and we felt
26 strongly, as well as a large proportion of the community,
27 that that entrance to Bowral is so important that it
28 shouldn't be touched.

29
30 So, the issue of the cost was also a huge problem for
31 the community because it went from \$9.5m in the start of
32 discussions back in 2017, it escalated to about \$18m, and
33 as we all know, it ultimately ended up at about \$36m. So,
34 the project was really problematic for a large proportion
35 of the community. We had people sign various protest
36 letters and different things and we collected over 3,200
37 signatures, and that was basically saying that this project
38 shouldn't proceed.

39
40 So, we felt that the council hadn't really complied
41 with its own community engagement policy. We only had one
42 opportunity in September 2017 to comment on that particular
43 project. At that meeting there was some very detailed
44 comments made by people with very extensive experience in
45 these matters and council - well, I'm sure that they didn't
46 take very much notice of the comments made and, as I say,
47 at the time there was a very unpleasant comment or series

1 of comments made at the end of that by one of the
2 councillors.

3
4 So, I guess we're up to where the project basically
5 was stopped, mainly because of the continued concern
6 expressed by the community, the rising cost, the fact that,
7 you know, that the community was told in the early days
8 that its exposure to this, having regard to, I believe, the
9 grant of \$7.5m from government, our commitment would be
10 about \$2m; that obviously then changed significantly when
11 the total cost reached \$18m and ultimately \$36m. So, the
12 project changed in scope, cost and the community were quite
13 concerned about it.

14
15 Q. Thank you very much for that helpful overview, and I'm
16 sure it will assist the Commissioner understand these
17 issues. Can I just ask: your group was formed at about the
18 time that you found out about this proposal in 2017?

19 A. Yes.

20
21 Q. And it was an express reason for the formation of the
22 group to oppose the policy as at 2017; is that right?

23 A. Well, at that stage what we wanted to know was more
24 information about the project.

25
26 Q. Yes.

27 A. What we were being told, we were concerned that we
28 didn't think that the project was going to be - that it
29 would work bearing in mind 950 metres of road and the way
30 in which, sort of, the bulk of the group thought, you're
31 just moving a congestion point 950 metres down the road.

32
33 Q. Sorry to interrupt, but can I just expand on that
34 because I think it helps me understand it certainly. Was
35 there an acknowledgment, at least amongst your group, that
36 there were traffic problems that needed to be resolved?

37 A. Look, there is congestion issues in Bowral and we
38 acknowledge that, but we were very clear that the road
39 proposal as being spoken about by council would not solve
40 those traffic issues and that there were better proposals
41 that could be considered at far less cost, both in terms of
42 the environment as well as the physical cost of the roads.

43
44 Q. I guess, I think possibly in a more convoluted way
45 than I need to, I really should be asking, what really
46 concerned you at that initial proposal stage that you
47 thought that this was not the right project for Bowral, at

1 that early stage?

2 A. At 2017 --

3

4 Q. Yes.

5 A. -- it was - well, it changed from the original
6 application for grant funding, but at that point we became
7 aware that there were significant impacts on the entrance
8 to Bowral, on the way in which people would be able to
9 access Bowral Station. Safety was a huge issue for the
10 community because, as you most probably are aware, we're an
11 ageing community and people use the trains quite - they
12 used to use the trains quite regularly. We do have a
13 climate up here that in winter time it can become quite
14 oppressive, and so, the current parking arrangements at the
15 station were ideal for elderly people, it was a great
16 access point to the station for aged and for mothers with
17 prams and things of that nature, it was an ideal solution,
18 so all of that was going to change as a result of the
19 parole and we really were after more information as to how
20 they were going to deal with that.

21

22 One proposal, as I have mentioned, was parking cars
23 over in Kirkham Road and that to us was not a solution, it
24 wouldn't satisfy the loss of car parking on the eastern
25 side of the station, but in addition to that it wasn't
26 possible to have direct access onto the station, you would
27 have to cross Kirkham Road rather twice. Our thought was
28 that, if we had young mothers with young children in prams
29 that was just - that just is unacceptable, not to mention
30 elderly folk and infirm people.

31

32 So, look, there were some real issues early on in the
33 piece and, as I have mentioned, we felt as though we were
34 being disengaged with the council because we asked a number
35 of questions and we weren't getting answers. We did have a
36 meeting with the mayor and he explained, and he had his own
37 traffic engineers there, and that was helpful but it still
38 raised issues with us as to how practical the solution was
39 and those questions about the practicality of it were never
40 satisfactorily resolved.

41

42 But the issue of loss of amenity, the loss of heritage
43 entrance to Bowral were still sticking points for us. And,
44 why we had that two-year sort of hiatus in a sense, we
45 understood that there were further discussions taking place
46 with Sydney Trains, because they were very adamant that
47 there needed to be offset car parking at Bowral to

1 compensate for the loss of car parking as a result of the
2 (indistinct).
3

4 Q. Thank you. I appreciate your --
5

6 THE COMMISSIONER: Sorry, just before you go on,
7 Mr Parish, I propose to sit on. Both Mr Barrett and the
8 next witness have been waiting patiently, I think since
9 before 10, so we'll press through without the mid-morning
10 break today.
11

12 MR PARISH: I was going to ask that, so thank you for
13 that, Commissioner.
14

15 Q. I appreciate your position, the group's position may
16 have changed over time, but at that original 2017 point in
17 time was the predominant aim to prevent the bypass going
18 ahead or is it to try and work within the scope of what
19 might be done to make improvements, or was it a hybrid of
20 both?

21 A. It was a hybrid, I guess. There was a section of the
22 community that just didn't want to have the road, they
23 thought it was a complete waste of time. We took a
24 different view inasmuch as we wanted to get more
25 information about it and take a very practical approach to
26 it and just work through, well, what were the benefits of
27 it? Are there any other alternatives to what was a major
28 impact on, you know, the character of the Bowral
29 streetscape, and it was in that frame of mind that we
30 proceeded to ask for more information. We asked a number
31 of the councillors to assist in that and all but one,
32 Councillor Scandrett was very helpful. He would take
33 matters to council by way of question on notice and things
34 of that nature and unfortunately it was seen as - um,
35 you'll have to ask the mayor why he wasn't prepared to
36 answer the questions.
37

38 Q. Can I just ask a question about still in that initial
39 period. The Stage 1 plans were exhibited in about August
40 2017; is that about right?

41 A. Yes.
42

43 Q. Did you feel there was sufficient information at this
44 stage for you and your group to assess what the proposed
45 plans were for what the proposed bypass was?

46 A. The troubling aspect for me was that the supporting
47 documentation in 2013 for the larger road had a

1 cost-benefit analysis, and I guess I was focused on the
2 costs of this proposal and I'd asked the question, "Why
3 wasn't there an updated cost-benefit analysis for the
4 smaller road?" And that was never actually responded to.
5 But, to me, you can't just pick on little bits and pieces,
6 you've got to sort of look at the whole project, and
7 cost-benefit analysis will pick up on a lot of the issues
8 that need to be considered and I found that quite troubling
9 as did a lot of people in the community. If we'd have had
10 more information, then possibly that could have resolved
11 that issue, but certainly we got - we didn't get that
12 information.

13
14 Q. Thank you. Just moving on a month into that public
15 meeting in September 2017, can you tell the Commissioner a
16 little bit about that meeting, your impression of it, where
17 it was, who attended?

18 A. It was at the St Jude's Church Hall and, as I
19 mentioned, over 100 people of the community were there.
20 There was a good representation of councillors, I think
21 they were all in the front row, and a number of the senior
22 executive staff with their backs to us, which I found a
23 little bit, you know - well, sort of disengaged from them.
24 I would have thought that they could have either have been
25 up on stage and we could have seen their faces and seen the
26 body language, but they didn't, they were sitting in the
27 front with their backs to us.

28
29 Bob Lewis, who was the project engineer at the time,
30 gave a very comprehensive review of it and then it was open
31 floor. So, about 11, I'm sure, I'm pretty sure there were
32 11 speakers, and all of them were quite eloquent, a lot of
33 them had experience in engineering, architecture, town
34 planning, so they were - whilst they were community
35 members, they were very well informed community members.
36 They gave, I thought, very sound advice and opinions as to
37 what they thought about the proposal, and I think there was
38 one dissenter. And I know that council prepared a report
39 on that meeting and actually there was some errors in that
40 report because they had indicated that there were more
41 supporters for that - coming out of that meeting than there
42 were, but that, I think, was modified in a subsequent
43 council meeting.

44
45 But at the end of that meeting the community wasn't
46 thanked for its involvement and in fact some of the
47 speakers were admonished about what they had said, so --

1
2 THE COMMISSIONER: Q. Can you tell me more about that?
3 A. It was the mayor at the time, Councillor Halstead, and
4 he - I think he was concerned that we should have all just
5 embraced it and that was it but, as I say, there was a lot
6 of people there that were very well informed and had some
7 very practical solutions as to how this project should
8 proceed and I don't think that was received well. Anyhow,
9 at the end of that process he was required to apologise at
10 the next council meeting, I think.
11
12 Q. When you say "admonished", was it just Councillor
13 Halstead who engaged in that type of (indistinct)?
14 A. Yes, from what I can recall.
15
16 Q. I appreciate it was a long time ago and you may not
17 recall the precise words that are said, but what was said
18 using your best recollection?
19 A. It is a long time ago.
20
21 Q. And I appreciate in all of these things it'll be
22 something to the effect of.
23 A. Yeah, look, Commissioner, I believe that there is
24 another speaker from our group, Laurel Cheatham, and she
25 was the subject of those comments.
26
27 Q. We'll ask her as well, but doing the best - if you
28 can't remember one way or the other, please feel free to
29 say so, it's not a memory test.
30 A. Yeah, I can't, and I'd prefer not to speculate as to
31 that.
32
33 Q. That's all right. Earlier in answer to one of
34 Mr Parish's questions you said, and you may have been
35 coming to it before I interrupted you, that the meeting
36 irritated some of the councillors?
37 A. Yeah.
38
39 Q. What did you mean by that?
40 A. From what we could see of the councillors sitting in
41 the front row - and again, we couldn't see their faces so
42 we were sort of just seeing the body language as we could
43 see it from our positions in the hall - but people were
44 whispering amongst themselves, and it could have been good
45 things, they may have been saying, "Well, that's a fair
46 point", but the impression I think we all got was, you
47 know, they're not really happy with the sort of information

1 that's coming out of the community.

2

3 Q. Do I understand that's an impression that you formed
4 as an attendee at the meeting; is that right?

5 A. It is, yes.

6

7 Q. And did other people --

8 A. Yes.

9

10 Q. -- tell you that they'd formed the same view?

11 A. Yes.

12

13 Q. And did they tell you why they'd reached that view?

14 A. I think everyone thought that the body - you know, the
15 way in which the councillors sat at the front, and I would
16 have thought, you know, in a situation like that it should
17 have been more inclusive; you know, they could have sat on
18 the stage, faced the audience, asked questions themselves
19 of the speakers and really got engaged in the process. It
20 was an ideal opportunity, not only just to listen to the
21 comments, but to actually engage with the community and ask
22 questions and put their side of it.

23

24 Q. Tell me if this is an accurate summary of what you've
25 just told me, but what you're describing sounds to me like
26 a situation where some or all or a mix in between weren't
27 receptive to the community feedback despite this being a
28 forum for that very kind of thing to happen; is that --

29 A. That was the impression that a lot of people had
30 coming out of that meeting.

31

32 THE COMMISSIONER: Yes, thank you. Yes, thank you,
33 Mr Parish.

34

35 MR PARISH: Thank you, Commissioner.

36

37 Q. Can I just jump ahead to a point. Did you attend
38 subsequent council meetings, both more generally if so, but
39 more specifically in respect of Station Street matters?

40 A. I had - I have, yes.

41

42 Q. Can you give me your overall impression of those
43 meetings? Were they conducted efficiently and civilly, or
44 did you find them from time to time to be more adversarial?

45 A. In the meeting of 14 February, it was chaired by
46 Councillor Markwart, and he had a - well, he assumed the
47 chair position and he had the gavel, and he said - I can't

1 remember the exact words, but he said, "I've got the gavel
2 and I know how to use it" and I thought that was an
3 inappropriate comment; words to that effect, it'll be
4 recorded in the papers somewhere, but that to me was
5 inappropriate. I think at one stage, it may have been at
6 that meeting, there was a security guard on the door, which
7 again was intimidating because there'd been no suggestion
8 that there was ever going to be civil disobedience or
9 anything of that nature. I remember just a bunch of
10 concerned citizens, you know, we just want to listen to the
11 discussion, and to have a security guard there was
12 inappropriate. I'm sure it was at that meeting there was a
13 security guard there. But certainly Councillor Markwart
14 was disappointing in his comment at the start of that
15 meeting, and then the councillors would have the
16 opportunity to debate and I think from memory that debate
17 was fairly vigorous and that, yeah, obviously the
18 councillors would be able to give more detail on that.
19

20 Q. Thank you. During either that specific 14 February
21 meeting or other meetings that you might have attended, did
22 you form an impression of how the councillors treated and
23 interacted with each other when debating matters?

24 A. Yes, it was extremely disappointing because, you know,
25 the obligations of these councillors is basically to have
26 listened to the community and to encourage consultation and
27 have an open and free discussion in the council. My
28 experience in Sydney City Council and other organisations
29 that I've worked for, being it in boardrooms or whatever,
30 everyone is given the opportunity of expressing their
31 views, but it just seemed to me that that was not an
32 opportunity given to all of the councillors. I guess
33 you'll hear more detailed information about that from the
34 various councillors, but certainly the conduct was
35 disappointing.
36

37 Q. Can you tell me if you agree with this proposition:
38 that some or all of the councillors treated community
39 engagement the same way that they treated debating each
40 other in the council chambers? Is that a fair proposition?

41 A. Yes, that is a fair proposition.
42

43 Q. And was that an impression you derived specifically
44 from the meeting in September 2017 or is that an impression
45 you derived from other events, from media, from other
46 consultations?

47 A. We - it would have started back to that time, but we

1 have taken - we took more notice of how meetings were
2 conducted and did not specifically on Station Street but
3 other issues, but certainly in relation to Station Street
4 when the matters were listed for debate and decision, it
5 certainly deteriorated into not a productive meeting.
6

7 Q. Thank you. Following the meeting in September 2017,
8 you describe in your submission attempts to seek
9 information and engage council on certain matters. Can I
10 just start by asking, what sorts of information did you
11 think you as the Friends of Bowral group feel like you
12 ought to be entitled to in engaging on this project
13 specifically?

14 A. Well, because of the impact on the environment, the
15 loss of the historic oak trees, the Camellia Grove, which
16 is extremely important, the impact upon access to the
17 station, the loss of car parking, the costs of the project
18 and just the practicality of having 950 metres of roadway,
19 you know, the community was entitled to have answers on all
20 of those issues and how a council could justify spending at
21 that stage \$9.5m which was basically doubled not long after
22 it.
23

24 I think what irritated the community also was that, I
25 think it was about 14 February when basically the
26 councillors were asked to endorse approval to go to tender
27 on this project, the costs of the project was noted as
28 \$9.5m. Two months later there was a revision in the
29 council budget and the cost of the project escalated to
30 \$15m-odd. And to our way of thinking, that information
31 would have been available in council somewhere. If it
32 wasn't available, then the councillors should have said,
33 "Look, there's obviously going to be a cost increase, we
34 don't know the figure, but we should defer this particular
35 matter until we know the cost", because, you know, the
36 costs were escalating, we knew that, but to have it almost
37 double is pretty significant and should have been a warning
38 sign to the councillors that this project needs to be
39 looked at again.
40

41 Q. Are you familiar with the process for accessing
42 information under the Local Government Act?

43 A. Under the GIPA?
44

45 Q. No, under the Local Government Act?

46 A. No.
47

1 Q. I might just read it out to you and you may understand
2 the process but not the precise section:

3
4 *Under section 11 of the Local Government*
5 *Act a council and a committee of which all*
6 *the members are councillors must during or*
7 *at the close of a meeting or during the*
8 *business day following the meeting give*
9 *reasonable access to any person to inspect*
10 *correspondence and reports laid on the*
11 *table at or submitted to the meeting.*

12
13 Did you ever use that process, notwithstanding you
14 might not have known the exact legislative basis?

15 A. No. It wasn't brought to our attention either. I
16 would have thought an opportunity like that, the mayor or
17 someone within council should have said, "Well look,
18 there's an opportunity if you wanted to, to come and have a
19 look at those papers.

20
21 Q. You engaged with Councillor Scandrett on this matter;
22 did he ever refer to the process under section 11?

23 A. I can't recall him saying so.

24
25 Q. But in any event, that's not a process you used sort
26 of thing?

27 A. No. We did GIPA, information from council, and also
28 from State Government.

29
30 Q. Quite. Just in respect of the GIPA process, was it
31 your group's view that that information should have been
32 provided without having recourse to the GIPA?

33 A. Absolutely.

34
35 Q. Can you tell me why that is?

36 A. It should have been available to us. One of the GIPA
37 requests was basically about the environmental factors
38 report, the report of environmental impacts and the review
39 of environmental matters, and we thought that that
40 information should have been provided to the community it
41 the - well, very early on in the process given the impact
42 on the loss of heritage trees and other particular issues
43 that that document should have picked up on.

44
45 We paid our money to the council, the fee to GIPA that
46 information. We were told after about two weeks, I think
47 it was, that the document was not available, it was

1 actually incomplete, and yet, in a previous council report
2 which gained approval for the removal of the trees they
3 said that they had reviewed all of the environmental
4 impacts. Well, clearly, if that review of environmental
5 impacts had been completed, then I'm sure that would have
6 stopped them from removing the tree - or proposing to
7 remove the trees.

8
9 Q. Do you ever recall seeking information that you were
10 told was confidential or contained privileged advice or
11 anything like that?

12 A. I can't recall certainly in - what was the question
13 again, sorry?

14
15 Q. Do you ever recall being denied access to documents
16 you sought on the basis that they were confidential or
17 contained legal privilege or the like?

18 A. No, I don't think so.

19
20 Q. There was also, independent of the GIPA process that
21 you went through, the information that was exhibited both
22 at the beginning and from time to time. Was it your view
23 that the council should have provided more information or
24 information that perhaps wasn't exhibited but would have
25 been part of the process of determining the project?

26 A. Without doubt. I mean, you know, my sort of project
27 management background is that you've got to engage with all
28 stakeholders if you want to have a successful project and
29 try and meet their requirements - it's not always possible,
30 I know, but at least making the effort, and basically just
31 complying with the community engagement policy that council
32 has. When you read that document there's some glowing
33 statements in there and, if they'd complied with those
34 statements, I'm sure we would have got the information that
35 we were requesting, but they didn't.

36
37 Q. We've talked about the GIPA process and we've talked
38 about the exhibition of documents. Was there any other way
39 you were able to gain documents which bore on the viability
40 or otherwise of the project? Were you ever provided
41 documents by councillors, for instance?

42 A. I'm trying to - at the very end of the saga, as I
43 refer to it, there was some information. Because the
44 project was spinning out of control, both cost-wise and
45 just changes to the project, there was some information
46 that was provided to us and it - well, I wasn't entirely
47 sure whether it was privileged or not, but (indistinct)

1 information.

2

3 Q. And, who provided that information to you?

4 A. It was one of the councillors, um, and it - I'm not
5 sure whether I am required to not to identify that person?

6

7 THE COMMISSIONER: Do you press your answer?

8

9 MR PARISH: Yes.

10

11 THE COMMISSIONER: Q. What's the basis of your objection
12 to answering Mr Parish's question?

13 A. Well, it just would possibly be repercussions on that
14 person who was providing the information, that's all. If
15 it was privileged information then --

16

17 Q. I don't know whether it was or it wasn't. Is a way
18 for you to do it to write the name on a page which can be
19 given to me; would that deal with your concern?

20 A. That will deal with my concern, yes.

21

22 THE COMMISSIONER: Can Mr Barrett be provided with a piece
23 of paper?

24

25 (Witness writes on paper.)

26

27 THE COMMISSIONER: We'll mark as MFI-1 the notation made
28 by Mr Barrett during his evidence.

29

30 **#MFI-1 NOTATION MADE BY MR BARRETT DURING HIS EVIDENCE.**

31

32 THE COMMISSIONER: Mr Barrett, if Counsel Assisting
33 intends to pursue that issue - Mr Broad, I'll return the
34 MFI to you - with that person, those propositions will have
35 to be put to them. So, if it will become an issue in this
36 inquiry, I expect those matters will be fully ventilated in
37 the public domain in due course. So, anyone watching will
38 know that, if it is an issue which falls within the terms
39 of reference, they will be fully ventilated but I don't
40 propose to deal with it in any other way at the moment.

41

42 Yes, Mr Parish.

43

44 MR PARISH: Q. Can I ask, from the evidence you've given
45 this morning, is it your view that, if the council had
46 complied with the community engagement policy, you wouldn't
47 have had to take such steps as issuing requests under GIPA

1 or receiving information in other ways?

2 A. That's correct.

3

4 Q. It would have sufficiently covered the steps that
5 would have satisfied the Friends of Bowral that they would
6 have been provided with the information they needed?

7 A. That's correct.

8

9 Q. I just want to ask you some questions about the
10 escalating costs of the project. Was that, likewise,
11 something that you were trying to obtain information on as
12 those costs were rising?

13 A. Yes, it was, the cost-benefit analysis was a key
14 document that we were requesting, and again, it seemed to
15 be dismissed, requests.

16

17 Q. Your observation in your submission is that the true
18 cost was concealed from the community, and there was
19 similar secrecy and misinformation later on. Can you just
20 expand on why you say that that information was concealed
21 from the community?

22 A. Well, from our sort of analysis of it the information
23 was in council at the time and, in the spirit of advising
24 the community in the most complete fashion, they should
25 have advised us of increasing costs. I mean, I think it
26 was lost on the council that the ratepayers were ultimately
27 going to pay for this and for them, and at least some of
28 them are ratepayers, but you know, it's not reasonable to
29 proceed with a project knowing that there's going to be
30 cost increases and not informing the community.

31

32 Q. This question goes, I guess, more widely to your
33 understanding of the level of consultation that should have
34 taken plus, but in your view and Friends of Bowral's view,
35 ought there have been consultation at every price increase?

36 A. There should have been consultation at major changes
37 to the project, and that included the price increase, but
38 also the scope of the project. There were times, like the
39 last change in the project was about the loss of 73 car
40 spaces at the station, and the re-provisioning of some of
41 those car spaces at Mittagong Train Station.

42

43 Now, you know, the carpark at Bowral prior to COVID
44 was absolutely 100 per cent utilised, and to tell the
45 community that they would have to travel to Mittagong to
46 catch the train just wouldn't be acceptable, I'm sure. It
47 wasn't acceptable to us and we used to travel frequently to

1 Sydney on the train. Not to mention the impact on the
2 residents of Mittagong who, you know, they're looking for
3 more car parking down there and for Bowral residents to go
4 down and utilise their car spaces, I'm sure, was not being
5 thought of in glowing terms by the Mittagong residents.
6

7 Q. Thank you. You also talk in your submission about the
8 major and final change to the project without public
9 consultation on 25 March 2020, being the repositioning of
10 the Bundaroo Street roundabout and the loss of eight mature
11 Pin Oak trees. Was there any consultation on that change?

12 A. No, not to my - not that I'm aware of. It was
13 basically considered at that council meeting and that was
14 quite a devastating surprise to a lot of people.
15

16 Q. And that, I take it, was something that in your view
17 ought to have gone back to community consultation on?

18 A. Absolutely, yes.
19

20 Q. There was then, allied with that, the elimination of
21 the northbound bypass lane --

22 A. Yes.
23

24 Q. -- which I think might have been slightly earlier in
25 time. The plans at this 25 March 2020 stage, you say, were
26 not coordinated with the original plans as revised on
27 14 February 2018; can you explain what you mean by that?

28 A. There was a disconnect between the road that was - or
29 the new design of the road and the other section of the
30 upgraded Station Street, so that it didn't actually connect
31 in all respects and it was a major flaw, we thought, in
32 the - it smacked of, you know, the design being very
33 quickly cobbled together and not much detailed thinking had
34 been given to how it was all going to work.
35

36 Q. Is it fair to say that your observations by that time
37 is that the original plans were being compromised; is that
38 fair?

39 A. Yes.
40

41 Q. Is it fair to say that your impression was that they
42 were being compromised to get them through and commence the
43 project; is that fair?

44 A. That is exactly the way we looked at it and this was
45 trying to get this project through, you know, at whatever
46 cost and that wasn't the spirit or shouldn't have been the
47 spirit under which a council undertakes infrastructure

1 works.

2

3 Q. In your view, at what point was there a loss of
4 community confidence, if any, in the way the project was
5 being handled by council? And I want to distinguish there
6 between the actual original plan of the project itself as
7 distinct from the way it was being managed and dealt with
8 through council?

9 A. I think it was a continual decline of confidence as
10 the project tried to proceed. There was a period of a
11 number of years where, you know, what appeared to be not
12 much happening on the project and, you know, then we'd be
13 confronted with a revised version of the plan and that then
14 undermined community confidence that, you know, did council
15 know what it was doing and that, as I say, was a continual
16 decline in the confidence, I think, in the council.

17

18 THE COMMISSIONER: Q. Mr Barrett - I'm sorry, had you
19 finished?

20 A. Yes.

21

22 Q. In a number of your answers today and in particular in
23 relation to that question you've mentioned community having
24 a few view about a certain matter.

25 A. Yep.

26

27 Q. Just so I can get a sense of - you know, obviously one
28 person or one group can't speak for the --

29 A. Sure.

30

31 Q. -- however many residents there may have been in the
32 shire from time to time. How big is your group? You may
33 have said earlier, I may just have missed it?

34 A. Our database is about 500 on the database. We
35 collected over 3,200 signatures, so that was another
36 section of database.

37

38 Q. Can I just break that up? So, the database would be,
39 would you consider that as members of the group?

40 A. They weren't members of the group, they were just
41 concerned residents that sought information through our
42 group.

43

44 Q. I see, and would feedback be given to the group from
45 them?

46 A. Feedback would go out by way of an email to those
47 groups. There were other groups, Friends of Wingecarribee,

1 the Berrima Residents Association. We had contacts in, I
2 think, 11 of the villages throughout the shire, so we were
3 able to get information out to various groups and then they
4 would disseminate the information.

5
6 Q. When in answering your questions today you speak of
7 the community feeling, do I take it that that's the
8 feedback that is coming from within your group and
9 interactions you may have had with other similar residents'
10 associations?

11 A. Correct, yes, correct.

12
13 Q. Can you tell me a little bit more about the 3,200, I
14 think you said, signatures. Was that the petition that was
15 ultimately presented to Parliament --

16 A. Correct.

17
18 Q. -- in about 2018, I think?

19 A. Yes. It was dismissed by the council. They --

20
21 Q. When you say "dismissed", in what way?

22 A. We wanted to indicate to the council that there was a
23 growing discontent about the project and to do that we
24 thought that we would collect signatures throughout the
25 shire; we went to various markets and what have you, and in
26 the space of several weeks we collected 3,200 signatures.

27
28 Q. And what was the petition calling for?

29 A. Basically for a rethink of the project and in some
30 instances there was notations on it about, you know, it
31 should be cancelled or whatever, but to rethink the
32 project.

33
34 Q. And, when you say "rethink", did that mean cancel or
35 there's a better way to do this?

36 A. Well, I think it - well, to my way of thinking it
37 would have said there's a better way of doing it, more
38 cost-effective and less impact on the environment and the
39 heritage of the area.

40
41 Q. And was that presented to the council?

42 A. That was taken direct to Parliament and then
43 ultimately it came back to council. I don't think we gave
44 it directly to the council.

45
46 Q. That's all right. I think I rudely interrupted you
47 earlier when I asked you about, when you said it was

1 dismissed by the council; how did that come about?
2 A. It was discussed at one of the council meetings, I
3 can't remember which one it was, and I think the comment
4 was made, "Oh, there's signatures here from people that
5 live outside of the shire", and the collection of
6 signatures was done within the shire and people - I think
7 this was the realisation that the council should have had -
8 that the Southern Highlands receives visitors from all
9 over. And we, when we were asking for signatures, we
10 didn't ask where they lived, just were they concerned about
11 a proposal, and we had a flyer that outlined what the
12 implications were of the project proceeding, and so people
13 signed on that basis. Now, whether they came from Mosman
14 or whether they came from Moss Vale, it was a factor.

15
16 THE COMMISSIONER: Yes, thank you. Yes, Mr Parish.

17
18 MR PARISH: Q. Just on the question of community
19 sentiment and engagement, were you aware of any pro bypass
20 groups?

21 A. I think there were, and everyone is entitled to their
22 view - well, what we wanted to do was basically present
23 information that we'd obtained and the views of people that
24 were well-informed about, you know, road design and things
25 of that nature, and as a balance against their view that it
26 should proceed. So, it was just - it was basically
27 providing the community with the information, it was up to
28 the community to decide whether in fact they thought it was
29 a good or bad project.

30
31 Q. Did you have any positive or negative engagements with
32 pro bypass groups at all?

33 A. I think when we were collecting signatures there was
34 one person that came along and they were - they thought
35 that we were - it was inappropriate for us to question the
36 project, but --

37
38 Q. Not a constructive engagement then?

39 A. No.

40
41 Q. Not something which created something which --

42 A. No.

43
44 Q. -- may have assisted in the process?

45 A. No.

46
47 Q. Thank you. We heard some evidence yesterday afternoon

1 from a member of the Southern Highlands Chamber of Commerce
2 who mentioned that if - at least in the economic space - if
3 the plans of the council had been more integrated and clear
4 to people, then in his view it would have been more
5 constructive going forward; whether people disagreed with a
6 particular project or a particular development, at least
7 people would have had a clearer view of what the council
8 was trying to do and therefore perhaps accepted it.

9
10 Do you have any comments to make on that or do you
11 have a view on that, whether there was a lack of an
12 overarching vision which was unexplained to community
13 members and, if there had been, whether it would have
14 helped?

15 A. Well, certainly more information would have helped and
16 details of costs and, you know, the exact benefits of the
17 road, how 950 metres of road was going to improve traffic
18 flow throughout the town centre. That was all information
19 that we had requested and may have answered a few of the
20 questions for us but, as I say, the community engagement,
21 this council is not strong on that matter and that didn't
22 help the project.

23
24 Q. In terms of the information you were provided both at
25 that early exhibition stage and through GIPA, do you think
26 you had sufficient information to understand the rationale
27 of the project as proposed?

28 A. Certainly we went along to a presentation, as I
29 mentioned before, that the mayor had organised for us and
30 that was conducted by the engineer that had done the
31 modelling, and that information was provided to us. We had
32 our own information that conflicted in some respects with
33 what we were told, but you know, the overriding sort of
34 view amongst our group and a lot of the community was that,
35 how is 950 metres of road that doesn't connect to another
36 section of widened road going to help movement within
37 Bowral? And we have always said that Stage 2 of this
38 project from Links Road through to Bowral Street would have
39 been a better option, would have been less expensive,
40 lessen environmental impact, and it was new capacity within
41 the road network. So, we had always championed that
42 proposal and it sort of fell on deaf ears, and that did
43 form part of the original concept that the council put
44 forward in 2013.

45
46 Q. Thank you. One theme that recurs amongst submissions
47 made to this inquiry is that perception, at least amongst

1 some, that certain groups were preferred and had the ear of
2 some councillors. Do you have a view on that, whether
3 there was special treatment for some groups?

4 A. In relation to Station Street, I'm not sure or I can't
5 recall any instances where I could identify a group that
6 had special - were given preference, but in the more broad
7 sense that may be the case.

8

9 Q. What about your experience as a longstanding member of
10 the community, did you ever form that impression as a
11 member of the community?

12 A. Some decisions by council seemed to be inexplicable;
13 so, whether that translates into preferable treatment or
14 what, I don't know, but ...

15

16 MR PARISH: Do you have any further questions,
17 Commissioner?

18

19 THE COMMISSIONER: Q. Thank you. Can I just raise one
20 question with you and that's about the consultation process
21 and what may flow from it? So, I appreciate your evidence
22 is in relation to Station Street, that the consultation
23 process, in your view, lacked in a number of material
24 respects. But I'm going to put a hypothetical scenario to
25 you, all right. So, let's just assume for the moment that
26 a project was going forward and the community engagement
27 strategy had been complied with and feedback had been
28 sought from a group like yours, and you came forward and
29 gave views about certain things about the project and the
30 council, ultimately having received that feedback, elected
31 to determine to proceed in the way that it was going to,
32 not actually making any of the changes that your group had
33 suggested. Do you accept that's an appropriate process for
34 a council to undertake, even though you may not be happy
35 with the outcome, if I can put it that way?

36 A. Sure. Look, not every decision that local government,
37 State Government, Federal Government make will receive the
38 tick by everyone, but it just raises people's concerns when
39 there is not a total provision of information about
40 particular projects. I mean --

41

42 Q. That's directed to the process rather than the outcome
43 though, is it not?

44 A. Sure, but the people, I guess, would be more amenable
45 or more accepting of the outcome if they felt that they
46 were not disengaged in the process, that they had been
47 given the opportunity to put their point of view forward,

1 and there was some rationale to the decision that was made
2 by the deciding body, the council or State Government.
3

4 Q. That seems to me to involve at least three, perhaps
5 more processes: (1) an explanation at the outset of what is
6 and what it looks like and how it's going to fit together
7 and appropriate information as to costings and things like
8 that that should be made public in the ordinary course; (2)
9 an opportunity for groups like you or indeed any member of
10 the public who may be concerned to do so to respond and
11 give feedback; and thirdly, that when a decision is made an
12 explanation as to why a particular course is adopted. Is
13 that a fair summary of what you're describing?

14 A. Yes.
15

16 Q. Do I understand it from your evidence that, if those
17 things are done, even if - I'll use you as the example -
18 you may not agree, at least you have an opportunity to
19 understand why; correct?

20 A. Correct.
21

22 Q. And then, if you disagree in a certain way, then that
23 may reflect what you do at the next election perhaps if you
24 felt strongly enough about it?

25 A. Well, that's an option that's available, obviously, to
26 change the decision, but certainly it's the engagement
27 process that I think is certainly wanting and was a source
28 of great concern on Station Street in particular.
29

30 Q. As I understand it, in seeking further information
31 you're not suggesting that things which the council
32 appropriately says are confidential, commercial
33 in-confidence material and things like that, should be
34 provided; do I understand that?

35 A. It's hard to actually see where any of this
36 information is commercial in-confidence. The --
37

38 Q. Stepping back from Station Street, I was speaking more
39 generally. To the extent that the council has confidential
40 information, whether it be personal matters or commercial
41 in-confidence matters, just assume for the moment it's
42 appropriately labelled as such, I accept there may be
43 differing views about that. But I don't understand you to
44 be suggesting that those are matters which should be thrown
45 up if they are appropriately considered to be confidential;
46 is that right?

47 A. Correct, there has definitely got to be some material

1 that is in-confidence.

2

3 Q. But your concern is that some of the material that was
4 being sought does not appear, at least on its face, to have
5 that character?

6 A. Correct.

7

8 THE COMMISSIONER: I understand. Anything arising,
9 Mr Parish?

10

11 MR PARISH: Q. Not so much arising but a slightly
12 different topic. Can I just ask, do you recall if there
13 were any public protests against the Station Street bypass?

14 A. There were some gatherings. We had a gathering along
15 the route of Stage 2, and actually the mayor and senior
16 staff came to that, and the mayor addressed the group.
17 There was, I don't know, there would have been 50 or 60
18 people that came along to that. There was another meeting
19 that was held in the park opposite Station Street and
20 no-one from council came to that.

21

22 Q. Just on that first meeting, are we talking about Mayor
23 Gair or Mayor Halstead?

24 A. Yes.

25

26 Q. Can you describe your impression of that meeting? Was
27 it civil, was it antagonistic?

28 A. Look, he wasn't invited but he was aware that it was
29 happening. He'd got out of his car, I greeted him, we went
30 across to a raised portion of land and I gave him the
31 opportunity to speak first as I remember the process; he
32 did that and then I think I said some words, and that
33 really was the end of it, there was nothing. I think there
34 were a few people in the audience that were unhappy with
35 some of the things he said, but it was not - you know,
36 there was no violence or anything like that, it was
37 conducted in a very well-mannered way.

38

39 Q. Is there any other matter you want to address the
40 inquiry on more generally, this is your opportunity, or
41 expand on the Station Street (indistinct)?

42 A. I just wanted to sort of touch on from the Local
43 Government Act, there is a series of sections there that
44 relate to what the objectives are for councillors and the
45 mayor, and in reflection I went through those in sort of
46 preparing for today, and I guess I sort of --

47

1 THE COMMISSIONER: We're in the 230s, are we? 232?

2

3 THE WITNESS: Yeah, it's certainly interesting that, if
4 we'd have got all of those guiding principles in place and,
5 you know, the role of the mayor and the role of
6 councillors, then the outcome of this particular project
7 might have been different.

8

9 MR PARISH: Q. Do I take it from that then, that your
10 impression and experience at least was that councillors did
11 not comply with their obligations under 232, at least in
12 respect of this project?

13 A. I was focused on section 8A, the guiding principles
14 for councillors, and also section 226, the role of the
15 mayor. There are elements there where, I guess --

16

17 THE COMMISSIONER: Q. Well, let's deal with 8A. Do you
18 have it there, Mr Barrett?

19 A. Yes.

20

21 Q. Are there any particular subclauses of 8A that you
22 want to draw attention to?

23 A. Yes, (1) in subclause (b):

24

25 *Council should carry out functions in a way*
26 *that provides the best possible value to*
27 *residents and ratepayers.*

28

29 Q. Yes.

30 A. Subsection (h):

31

32 *Council should act fairly, ethically and*
33 *without bias in the interests of the local*
34 *community.*

35

36 Q. Well, there's a few concepts there; were there any in
37 particular that you would call in aid, or is it the general
38 concept of acting in the best interests of the community
39 that you feel was a shortcoming?

40 A. I think that was a shortcoming, and I think that that
41 would be a matter that the current - that the suspended
42 councillors should reflect on. The decision making:

43

44 *Councillors should recognise the diverse*
45 *local community needs and interests.*

46

47 And I'm not sure whether they actually did that, but I

1 think councillors' decision-making - this is in E --

2

3 Q. So, 2E.

4

5 A. *... to be transparent and decision-makers*
6 *are to be accountable for decisions and*
7 *omissions.*

8

9 So, transparency was one of the issues that was of
10 concern to our group.

11

12 Q. Because of the lack of consultation on the changes; is
13 that right?

14

15 A. Yes.

16

17 Q. Are there any other issues of transparency other than
18 that that you had in mind?

19

20 A. No.

21

22 Q. You mentioned --

23

24 A. Section 226.

25

26 Q. I'm sorry to interrupt, but is this directed to
27 Councillor Halstead, Councillor Gair or both?

28

29 A. Both, and to advance community cohesion and promote
30 civic awareness; I'm not sure whether they achieved that.

31

32 Q. Do you feel like the council was - I'm trying to craft
33 this in the most appropriate way. From your interactions
34 with council did you feel like there was a sense that the
35 council and the community were opponents rather than
36 working together?

37

38 A. You did gain that impression, yes.

39

40 Q. What caused you to form that impression?

41

42 A. Well, the fact that, if you wrote to the council, it'd
43 just be dismissed immediately, there'd be no - there would
44 be nothing to support their view, they'd just say, look,
45 and this came out very clearly in a request that we made to
46 them right at the very end of the project where we said,
47 "Look, these things have happened, we really do need an
open debate on it, are you willing to come along and have
the discussion with us?" And we invited State Rail and
Infrastructure New South Wales, because this involved both

1 those organisations and the mayor, Councillor Gair, said
2 that, "It had been a decision of the council, this is it,
3 and we're not having a discussion", so it was a flat
4 rejection.

5
6 Q. I interrupted you, you were moving on from 226B?

7
8 A.

9 *To ensure that meetings of the council are*
10 *conducted efficiently, effectively and in*
11 *accordance with the Act.*

12
13 We left some of the meetings in despair because --

14
15 Q. Why?

16 A. We just thought that councillors were not given the
17 opportunity to put forward their views. Some councillors
18 were basically - and this was most probably in accordance
19 with the meeting practice, you know, that the mayor was
20 acting strictly in accordance with the role of meeting
21 practice, I would assume, but still in all the matters were
22 so substantive that I would have thought the mayor to
23 display, again, community consultation at that time should
24 have said, "All right, well, you're not entitled to speak
25 but given the substantive nature of this particular matter
26 and the question that you've raised, I'll give you
27 three minutes to talk it through", and that opportunity was
28 not given at that stage to two of the councillors.

29
30 Q. Who were they?

31 A. Councillor Scandrett and Councillor Turland. And then
32 226K:

33
34 *In conjunction with the general manager to*
35 *ensure adequate opportunities and*
36 *mechanisms for engagement between council*
37 *and the local community.*

38
39 And again (indistinct).

40
41 Q. Again, I understand why you say that. Yes, is that
42 all you wish to draw to my attention?

43 A. Yes.

44
45 THE COMMISSIONER: Is there anything arising from that,
46 Mr Parish?

1 MR PARISH: No, Commissioner.

2

3 THE COMMISSIONER: All right. Mr Barrett, that completes
4 your evidence. Thank you for coming along today, thank you
5 for patiently waiting to be called. Is there any reason
6 Mr Barrett can't be excused?

7

8 MR PARISH: No, Commissioner.

9

10 THE COMMISSIONER: You're excused from further attendance
11 for your summons and thank you for taking the time to
12 provide us with a submission.

13

14 THE WITNESS: Thank you.

15

16 THE COMMISSIONER: You're free to go.

17

18 THE WITNESS: Thanks very much.

19

20 <THE WITNESS WITHDREW

21

22 THE COMMISSIONER: Shall we commence the next witness,
23 Mr Parish?

24

25 MR PARISH: Yes, the next witness is Jennifer Stokeld.

26

27 THE COMMISSIONER: Yes, while that's happening, I've just
28 been reminded that Exhibit A is now also on the website.
29 That took a little longer because of its size, but it's in
30 two parts. So, all of the exhibits that have been tendered
31 so far, Exhibits A, B and F, are available on the website
32 along with yesterday's transcript and along with the
33 witness list for today and the witness list for tomorrow
34 will be going up shortly; is that right?

35

36 MR PARISH: Yes, Commissioner.

37

38 THE COMMISSIONER: Thank you. For those who are wondering
39 why there's no Exhibit D and E, they have not yet been
40 tendered but bundles have been marked with the letters so,
41 for convenience, we're maintaining those exhibit numbers.
42 When D and E are tendered, if they're appropriate to be
43 made public, they will go on the website shortly after they
44 are tendered.

45

46

47

1 <JENNIFER STOKELD, affirmed: [12.38pm]

2

3 THE COMMISSIONER: Yes, thank you, Mr Parish.

4

5 MR PARISH: Thank you.

6

7 <EXAMINATION BY MR PARISH:

8

9 MR PARISH: Q. Thank you, Ms Stokeld, for attending.

10 Can I just ask about your background to start personally,
11 how long you've lived in the shire and your vocation?

12 A. Okay. I arrived in the Southern Highlands at the end
13 of 2010. I have a background in the media. My previous
14 position was as publishing director of Federal Publishing
15 in Sydney. I started as a journalist and was educated via
16 News Limited to become assistant general manager at
17 Cumberland and then left there and became publishing
18 director at Federal Publishing.

19

20 Since I've been in the area I've retired, happily
21 retired, I have joined a number of different community
22 groups, activities, U3A and I actually relocated here for a
23 tree change and breathe fresh air.

24

25 Q. Do I take it from that, that you live in a rural or
26 semi-rural area or?

27 A. No, actually you're wrong there, I live in Belmore
28 Street which is very close to town, so I can walk to town,
29 and one of the reasons that I'm here is that I live one
30 block from the east of the railway line, diagonally
31 opposite Harris Farm Markets, and I - and where it's
32 located, the Bowral Tip which is two blocks west of the
33 railway line.

34

35 Q. Can I ask which community groups you're involved with
36 or engaged with?

37 A. I belong to no political group or activist group, they
38 are purely social groups, exercise classes, U3A, fun
39 things, things purely for enjoyment.

40

41 Q. Your submission to the inquiry focuses primarily on
42 the bushfires and the response to the bushfires. Were you
43 personally affected by the bushfires or was it your
44 perception of the community which --

45 A. Well, it would be difficult not to be impacted by the
46 bushfires because we are a community, and I have friends
47 who live in Bundanoon. I actually had a person staying

1 with me who was evacuated from Bundanoon. I play golf with
2 a lady who was severely impacted; in fact, the house across
3 the road from her and the house next door were burnt down
4 and they were not allowed to return to their home, so it
5 was some time before they realised that their home had been
6 saved; they had lost sheds and fences.

7
8 Q. Thank you. You observe in your submission initially
9 the fundraising campaign promoted by Mayor Gair as being a
10 positive initiative, but then your views changed about the
11 way that the mayor conducted himself; is that a fair
12 comment?

13 A. Absolutely.

14
15 Q. Can you explain to the inquiry what happened which
16 changed your mind?

17 A. I first heard of the mayor's fund relief campaign on
18 air where he was telling everyone that, if they would like
19 to donate, to donate to the Australia National Bank, the
20 presenter on radio said, "Do you mean the ANZ Bank or the
21 National Australia Bank?", and he very gruffly retorted
22 that, "It was the Australia National Bank", but later we
23 found out that it was the National Bank, so didn't give one
24 a lot of confidence then and I thought, well, perhaps, you
25 know, he's having a bad day.

26
27 However, knowing people and being close to people who
28 were severely impacted by the fire, you are emotionally
29 involved, we are a community, we're all friends. People
30 gave generously because they were emotionally connected. I
31 gave \$500, other people did the same, and yet, these people
32 were struggling and nothing was done to help them. In
33 fact, two of them attended a meeting that was held at the
34 Soldiers' Memorial Hall in Bundanoon and the mayor was
35 there and it was very clear to them that there had been no
36 contingency planning and nor had there been any planning
37 after the event. Residents were concerned about having to
38 pay rates and excess water rates due to the amount of water
39 that was used, and the mayor stated quite coldly back then
40 that there had been no plans for the ratepayers not to pay
41 their rates, there had been no financial planning for that
42 and they would have to pay their rates. So, and that
43 happened, they all had to pay their rates and excess water
44 rates, and it wasn't until the public outcry and also the
45 evidence of other councils giving them rate relief that the
46 council refunded them what they had paid some months later,
47 it was almost six months later.

1
2 So, I actually saw my friend who turned up at golf and
3 would cry on my shoulder, so there was no compassion shown
4 to people who were so traumatised, and yet we as a
5 community had given money to help them and to this day I
6 don't know how those funds have been distributed.

7
8 Q. I might start by asking you, how did you understand
9 those monies would be spent when you were giving your
10 generous donation?

11 A. Simply to help people who had been impacted by fire.

12
13 Q. Just on that community meeting that you were just
14 talking about, that was chaired by Mayor Gair; is that
15 correct?

16 A. Yes, it was, that's right.

17
18 Q. What was your impression of how the community members
19 felt at that meeting about the way that --

20 A. Betrayed.

21
22 Q. Can you explain why?

23 A. There's no empathy for them at all, no compassion
24 shown to them; in fact, it was almost like they had the
25 audacity to speak or to even ask.

26
27 Q. Is that something that you gained from both your
28 impression of being there and from things people said to
29 you during or after?

30 A. Absolutely. And the people that had told me weren't
31 known to each other, so they hadn't colluded. So, if
32 enough people tell you that you have a problem, you usually
33 have a problem.

34
35 Q. And I take it that you came away from that meeting
36 with the impression that the meeting hurt rather than
37 helped the members who were attending?

38 A. Absolutely. It was just, if someone had actually been
39 nice or actually showed some compassion for the people, but
40 there was no hand of help at all; in fact, one of the girls
41 told me, she said, "I'm not even religious and the only one
42 that helped me was St Vincent de Paul".

43
44 Q. Since that meeting in Bundanoon what impression have
45 you gained about the bushfire recovery response from the
46 council?

47 A. Mismanaged.

1
2 Q. And are we talking there about the council staff or
3 are we talking about the councillors, the governing body,
4 or both in your impression?
5 A. Well, I would hold the mayor responsible because it
6 was his fund relief and he was the one that spoke at the
7 meeting, and I would have thought that some information
8 would have been given to the general public on how the
9 funds had been distributed. You know, there were rumours
10 that - and, you know, it's only hearsay, I know that - but
11 enough people were talking about the fact that money had
12 gone into - over \$100,000 into a horse stud, and there were
13 so many things in the area that the council had proposed to
14 do, you know, rebuilding of the Town Hall and the playhouse
15 at Mittagong, there was so many things that hadn't been
16 competed, and yet we've got enough money to put \$100,000
17 into a horse stud: you know, you'd have to wonder about the
18 common sense.
19
20 Q. I'll come back to that in a second, but just in
21 respect of the Bundanoon meeting and the bushfire recovery
22 that followed it, was your sense then that there was a lack
23 of civic leadership both in the council and the mayor?
24 A. Not only lack of leadership but a loss of trust in the
25 ability to manage it.
26
27 Q. And you gained that impression both from your
28 experiences and --
29 A. Absolutely.
30
31 Q. -- people that you talked to; is that correct?
32 A. Personal experience.
33
34 Q. Back to the horse stud, can I ask, did you receive, I
35 guess I can call it firsthand information about the
36 expenditure of \$100,000 on a horse stud or was that
37 information you received from other people?
38 A. Information that I received from other people, but I
39 heard it more than once.
40
41 Q. Quite, and you don't have to name those other people,
42 at least at this stage, but do you know what the source of
43 knowledge was of those people?
44 A. One of them regularly attends council meetings.
45
46 Q. And was it their information that that allocation of
47 \$100,000 to the horse stud was something that had been

1 discussed at the meeting?
2 A. I don't know that. In all honesty I don't know that,
3 I just was told that, and it is hearsay, I admit that it
4 was hearsay, but I was told that story more than once by
5 people who are unknown to each other.

6
7 THE COMMISSIONER: Mr Parish, given this is a mayoral
8 fund, I assume there would be a record in the council's
9 records of how those funds were applied?

10
11 MR PARISH: Yes.

12
13 THE COMMISSIONER: Given that this is an issue which is
14 obviously of some concern, not only to this witness but
15 others within the community, I think that record ought to
16 be tendered. It doesn't have to be done now.

17
18 MR PARISH: No, I understand.

19
20 THE COMMISSIONER: But it should be tendered when
21 convenient.

22
23 MR PARISH: Yes.

24
25 THE COMMISSIONER: Sorry to interrupt.

26
27 MR PARISH: No, thank you, Commissioner.

28
29 Q. This information that you received about the
30 expenditure of \$100,000 on a horse stud, how did that make
31 you feel as someone who had donated money to the fund?

32 A. What happens when you have a council that has the
33 inability to react to circumstances - and I have other
34 instances of that which I have, I have the opportunity to
35 tell you, you become apathetic. You become, there's no
36 point in saying anything because nothing's going to happen
37 anyway because we have a council that does not have the
38 ability to listen, and so, what did I think about it? I
39 just thought it was par for the course; just, you hear it
40 so many times over and over again by all the different fund
41 groups that I'm in, and it was - even if you go out for
42 dinner it's what people talk about.

43
44 Q. Can you tell the Commission about some other instances
45 that you just referred to that led to that impression?

46 A. Well, this one is quite close to my heart. Sorry. In
47 Easter last year I was diagnosed with multiple myeloma,

1 which is cancer. I've had a lifetime of good health and
2 there is no evidence or history of cancer in my family, but
3 at Easter last year after a number of tests I was told that
4 I have multiple myeloma. At the time I was living through
5 a situation, living in Belmore Street at Bowral where we
6 were all being impacted by the fumes that were being
7 emitted by the Bowral Tip. It was seven days a week,
8 24-hours a day: it was constant. It had gone from bad to
9 extremely bad over a number of months and there was no end
10 to it.

11
12 I wrote to the council and explained my situation.
13 Now, if anyone knows anything about cancer, the first thing
14 that you learn is that your immune system is severely
15 compromised, virtually no immunity. I knew that if I was
16 to ingest that air, it could kill me. So, I had no
17 alternative other than to barricade myself into the house
18 with all the windows closed and I had towels under the door
19 frame to stop the air from coming in because it permeated
20 through everything. I could describe the smell as decay,
21 add sulphur to it, and it was so bad that if it got into
22 your eyes, your eyes would sting.

23
24 Very soon I had an eye infection where I had to go to
25 the hospital and my whole right eye was closed. Maybe I
26 had rubbed my eye because my eyes were stinging. I had to
27 be careful not to do that. If I went from the house to our
28 external garage which is not attached to the house, I would
29 wear a jacket. I'd get into the car, I would take the
30 jacket off and put the jacket in a plastic bag and I would
31 do the same on the return because, as I said, the actual
32 fumes permeated through everything.

33
34 I was very upset to hear that a young man who lives
35 three doors down the street from me was also diagnosed with
36 cancer and he's undergoing treatment. So, I guess it's
37 drawing a long bow to suggest that the tip was the cause of
38 my cancer and his cancer, but within all of us there are
39 cancer cells and they lie dormant. What is it that
40 activates these cancer cells? Do I think that the tip may
41 have activated cancer cells in me? I think maybe yes
42 because I would always be taking my dog for a walk and I
43 thought, "She'll be right, I'm healthy, it won't hurt me",
44 and then this happened to me.

45
46 I wrote to the council an impassioned plea for them to
47 do something about it and I received a standard letter that

1 coldly told me that any complaints that I had had to be
2 referred to the Environmental Protection Authority, we all
3 know as the EPA. I contacted them and I could - I was
4 actually treated with respect, they were courteous. On one
5 occasion that I phoned - when it would get really bad I
6 would ring - and I was so upset when I phoned one time that
7 the lady called me half an hour later to ask me if I was
8 okay. So, I think that would be the treatment that I would
9 have expected from the council.

10
11 I would have also expected when I wrote an impassioned
12 plea, that I would have received from the council something
13 like, "Mrs Stokeld, I'm very sorry to hear of the problems
14 that you were having with the fumes that are being emitted
15 from the tip and we are working with the EPA to do
16 something about that, to eliminate it or to alleviate it",
17 but instead they did nothing.

18
19 So, this raises - so, you go through the hurt and you
20 go through the anger and then you start to think, why is
21 this? I am not living in a Third World country, but I am
22 living as if I am in a Third World country. This tip is on
23 the edge of town where I live. It is a built up area,
24 there are houses there, there is a medical centre, there is
25 a shopping centre, there's Harris Farm Markets. We have
26 tourists coming into the area that were complaining about
27 the smell.

28
29 Why was this allowed to happen? So I ask, was there
30 an environmental impact study done on this? Was the
31 credibility of the tip owners or reference checks done on
32 these people? Again, I've heard that there were problems
33 in Canberra, I've heard that enough times that I would be
34 checking on that. And instead of that we then receive
35 notification that the council had agreed to then
36 significantly increasing the capacity of rubbish coming
37 into the tip, and this is whilst all this is happening, so
38 the council actually rewarded them for their efforts.

39
40 So, how do I think about that? I think it's appalling
41 that they did that. Nobody ever came out to our street,
42 nobody ever asked how we were managing, and there were
43 people in my street who were very ill, particularly those
44 who suffer from sinus or who have asthma. There were
45 people who had headaches, there were people taken to
46 hospital, and it sounds dramatic but that's how it was.
47 I'm under oath, that's how it was, and the council did

1 nothing other than increase the capacity of rubbish into
2 the tip; so much so that trucks are now arriving from
3 Sydney, we're not even self-serving, we're having trucks
4 from Sydney to dump the load. And to add to that, which is
5 also appalling, these people who have been fined now on a
6 number of occasions for not complying, so they're not
7 compliant, are now handling asbestos.

8
9 THE COMMISSIONER: Mr Parish.

10
11 MR PARISH: Q. Can I just ask, was it 2010 you moved
12 into the area?

13 A. Yes.

14
15 Q. Has the tip fumes got worse over the years?

16 A. There was no tip in 2010.

17
18 Q. When did the tip go in?

19 A. 2019, I think, 2018/19.

20
21 Q. In your view, from what you've just said, do I take it
22 in your view the tip is too close to built up areas in its
23 current placement?

24 A. Absolutely, it's right on the edge of town.

25
26 Q. Can I just ask, in respect of the communications or
27 lack thereof you've had with council, what form did those
28 communications take? Letters addressed to specific people
29 within the council or?

30 A. I sent it to the - no, I sent an email, I sent more
31 than one email to the council. I can't remember who it
32 was, but it was - I did receive a reply back from the
33 council, but I know I was a number of - I was one of a
34 number of people that had written to the council and, like
35 me, they stopped writing to the council because you got the
36 same letter returned to you which was just a standard
37 letter, it was cold, and there are many, many complaints.
38 When I spoke to the lady at the EPA who was very patient,
39 she said she was getting dozens of complaints a day.

40
41 Q. Did you make initial enquiries as to who to send the
42 email to at the council? Was that information easy to
43 find, is my ultimate question?

44 A. I think I may have made a phone call, I'm going back
45 now a couple - you know, over a year ago, but I actually
46 searched on the council website and wrote to the
47 appropriate people, I could have written to the general

1 manager and it was passed on, I can't remember, and I no
2 longer have that email because at the end of all of this -
3 look, we still get - occasionally you get a whiff, but it
4 certainly is nothing like what it was, thank you only to
5 the EPA. So, I can't be specific on that because I can't
6 remember, but it would be on record.
7
8 Q. Do I take it from your evidence that your general
9 impression of communication with council on that matter was
10 unresponsive and not particularly empathetic, or cold
11 perhaps?
12 A. All of those.
13
14 Q. Just --
15 A. Sorry, I'll turn this off. I told the guy I turned it
16 off.
17
18 Q. You missed the Commissioner's admonition yesterday,
19 so.
20 A. Do you like the ring tone on my phone? It's a
21 (indistinct).
22
23 Q. It's never the standard ring tone that goes off in
24 these situations, Mrs Stokeld.
25 A. Yes.
26
27 Q. When you say that there were multiple other people who
28 were making complaints as well, how did you come into that
29 information? You've already mentioned the EPA. Do you
30 have neighbours who raised similar problems?
31 A. Oh, yes. Yes, and there's people in the street and
32 people that I would see and people that I know. My
33 neighbour across the road, she suffers sinus, was very ill,
34 and she had constant headaches, and I said to her, "You're
35 going to have to close all of your windows and you're going
36 to have to keep the air out", and she said, "I can't sleep
37 in a room that doesn't have air coming in". I said, "You'd
38 be better with no air than having to breathe that". Yes.
39
40 Q. I was going to move on from the text; if you've got
41 another question, Commissioner?
42
43 THE COMMISSIONER: No, you proceed.
44
45 MR PARISH: Q. Can I just go back to your submission for
46 a moment. You mention hearing an ABC interview with Mayor
47 Gair just prior to the extension of the current standing

1 down orders.

2 A. Yes.

3

4 Q. Can you explain that to me?

5 A. I have to be honest and tell you that I never heard it
6 myself, but three people who are independent of each other
7 told me the same story, that he, prior to the election that
8 was going to happen, he had gone onto ABC radio to say that
9 when he is re-elected he will be resuming all of the
10 activities and all of the plans that he had, and I - the
11 reason that they told me that is that our heart dropped
12 because we think, "Oh no, Station Street upgrade will go
13 ahead", and to be honest with you about that, I'm yet -
14 under oath - yet to meet a single person who supported
15 that.

16

17 THE COMMISSIONER: Q. I appreciate in your answer you
18 just indicated that you didn't yourself hear it.

19 A. That's right.

20

21 Q. Do you remember when you were told about it?

22 A. It was certainly toward the end of last year.

23

24 Q. Yes, all right. And, when you were told about those
25 comments, how did that make you feel?

26 A. I felt extremely worried that there would be a
27 possibility that we could have a continuation of what we've
28 had in the past.

29

30 Q. Why did that cause you worry?

31 A. Worry?

32

33 Q. Yes.

34 A. I was certainly worried about the Station Street
35 upgrade because that's right at my doorstep.

36

37 Q. Yes, any other issues with the governing body?

38 A. I would have to say that one has no confidence in the
39 ability or the intelligence of the council; the inability
40 to have just common sense. I think what most people would
41 want in a council is a council that listens. I think the
42 best skill a council can have is one of listening, and not
43 to be able to respond to the needs and wants of their
44 constituents, just to be able to do for whatever reason
45 that they want to do, um --

46

47 Q. Was there a perception or did you have the perception

1 that's what was happening?

2 A. Yes.

3

4 Q. There wasn't - they weren't take --

5 A. Yes.

6

7 Q. And was that a perception that was shared by others in
8 your networks in the community?

9 A. Yes. It's interesting, you know having come from
10 Sydney, but living in a community such as Bowral, people
11 become quite close, you know, your relationships become
12 more personal. I mean in Sydney, for example, you wouldn't
13 call into someone's house without you ringing and seeing if
14 it's all right, but people pop in, and people together are
15 concerned about things that happen in their community, and
16 you share their grief, you share their worries. And, as I
17 said, I'm yet to meet someone who actually, I suppose other
18 than the mayor and some councillors, that actually
19 supported the Station Street upgrade.

20

21 THE COMMISSIONER: Yes, I understand. Thank you,
22 Mr Parish.

23

24 MR PARISH: I don't have any further questions,
25 Commissioner.

26

27 THE COMMISSIONER: Q. All right, is there anything else
28 in addition to the matters you've raised in your evidence
29 that you would wish to draw to my attention?

30 A. I know that a lot of people mention the Station Street
31 upgrade, but I live there. The disappointment one day I
32 had when I was driving out of my street, I could see that
33 trees had already been felled at the southern end of the
34 street, and it was reported that these trees had come down
35 during the night because they didn't want protestors
36 getting in the way of the trees being felled.

37

38 Q. Reported by whom?

39 A. Pardon?

40

41 Q. Where did you become aware of those reports?

42 A. Well, there's a lady that attends council meetings and
43 it was apparently said at council, which would be on
44 record.

45

46 Q. I see, someone in the community informed you?

47 A. Yep.

1
2 Q. Yep, I understand.

3 A. But the trees weren't there and they had come down in
4 the middle of the night because I had gone there the day
5 before. And, quite honestly, you don't have to be Einstein
6 to work out that, if there's too much traffic coming onto
7 that street, that you would divert through traffic going
8 south, you would divert it long before that part of the
9 traffic, long before it got to that street.

10
11 In fact, the upgrade would actually have worsened the
12 situation because they were diverting traffic up Bowral
13 Road, which is already gridlocked for people turning into -
14 I don't know if you know the area, but there's Harris Farm
15 Market is on the corner and to access Harris Farm Market is
16 by a single - only wide enough - a laneway to fit one car.
17 So, if you're turning in there you have to wait for cars to
18 come out and beware of on-coming traffic.

19
20 It's already I've many times, I have to turn that
21 street because you can't turn right into my street, into
22 Belmore Street, so I go up that way to go home and many
23 times I've been stuck on Station Street because I can't
24 turn left up the street. Well then, you have to bear in
25 mind that all the traffic was going up that street, and
26 there was no provisions for Harris Farm to upgrade that
27 driveway, so it would have caused further damage.

28
29 As a resident I was also concerned that the carparks
30 were going to be taken away, particularly the carpark at
31 the railway station, and the council advised that we would
32 have to go to Mittagong Railway Station or to Moss Vale
33 Railway Station if you wanted to park your car. Well,
34 again, common sense hasn't been exercised because the
35 access between Bowral and those two railway stations is by
36 single carriageway. They are already congested in peak
37 hour. So, if you were commuting daily, you would not only
38 have to contend with that, you would have to also - it
39 would be all of the extra traffic that would have otherwise
40 gone to Bowral Station.

41
42 So, it's just very poor, and I know the hundreds of
43 thousands of dollars. See, and the other thing about it as
44 well is that we are in an area that is growing, there is so
45 much development happening in the area; that's another
46 thing that people are happy or not, it doesn't matter, but
47 for the purposes of today the population here is growing

1 exponentially, and so therefore the problem that exists now
2 is going to exponentially increase, so therefore the
3 traffic onto that road will increase and there's no
4 provision at all to relieve in any way the volume of
5 traffic onto that road, so basically I'm saying to you it
6 was a waste of money.

7
8 Q. Yes, I understand. All right, that completes your
9 evidence?

10 A. Thank you.

11
12 Q. Thank you for coming along.

13 A. I apologise for my phone.

14
15 Q. No, no, that's quite all right, these things happen,
16 and thank you for waiting patiently to be called?

17 A. I'd just like to add that I am in remission now.

18
19 Q. Oh, I'm glad to hear it. I'm very pleased to hear
20 that. Is there any reason why the witness ought not be
21 excused, Mr Parish?

22
23 MR PARISH: No, Commissioner.

24
25 THE COMMISSIONER: You're excused from further attendance
26 under your summons and you're free to go, thank you.

27
28 **<THE WITNESS WITHDREW**

29
30 THE COMMISSIONER: I see the time, we'll adjourn until 10
31 past two. Thank you.

32
33 **LUNCHEON ADJOURNMENT**
34
35
36
37
38
39
40
41
42
43
44
45
46
47

1 UPON RESUMPTION:

2

3 THE COMMISSIONER: Mr Parish.

4

5 MR PARISH: Commissioner, I might start by tendering a
6 document that arose through the course of this morning. Do
7 you have, Commissioner, a copy of the "Expenditure of
8 \$1 million Disaster Recovery Funding Arrangement"? That is
9 the title of the document.

10

11 THE COMMISSIONER: Yes, I have that.

12

13 MR PARISH: That was a document which was shown at the
14 Southern Village's community meeting on 20 January 2020, at
15 the Northern Village's meeting on 21 January 2020, and
16 relates that Southern Village's meeting to the meeting that
17 Ms Haslinger was at this morning.

18

19 THE COMMISSIONER: Yes, it's a copy of a PowerPoint
20 presentation, is it?

21

22 MR PARISH: Yes.

23

24 THE COMMISSIONER: Exhibit G will be a copy of a
25 PowerPoint presentation headed, "Expenditure of \$1 million
26 Disaster Recovery Funding Arrangement" delivered at two
27 community meetings on 20 and 21 January 2020 and a copy of
28 that will be available on the website shortly.

29

30 <EXHIBIT #G COPY OF A POWERPOINT PRESENTATION HEADED,
31 "EXPENDITURE OF \$1 MILLION DISASTER RECOVERY FUNDING
32 ARRANGEMENT" DELIVERED AT TWO COMMUNITY MEETINGS ON 20 AND
33 21 JANUARY 2020.

34

35 MR PARISH: Thank you, Commissioner. The next witness
36 I am calling is Mr Nick Wilton.

37

38 <NICK WILTON, sworn: [2.36pm]

39

40 THE COMMISSIONER: Thank you, Mr Wilton. Mr Parish.

41

42 <EXAMINATION BY MR PARISH:

43

44 MR PARISH: Q. Thank you, Mr Wilton. Can I just ask
45 your background, can you tell me where you live, how long
46 you've lived in the shire if you live in the shire, and
47 what your vocation is?

1 A. Yeah. So, I live in Newcastle. I have been with the
2 Wingecarribee Shire Council between 2013 and 2021 for a
3 period of approximately eight years. Previous to that I
4 have had about 18 years' experience in local government
5 working across a number of different local government
6 areas, including semi-metro, regional and also rural
7 councils.

8
9 THE COMMISSIONER: Q. Sorry, Mr Wilton, if you won't
10 mind just raising your voice a little bit, it is a little
11 bit hard to hear at times.

12 A. No worries.

13
14 THE COMMISSIONER: Thank you.

15
16 MR PARISH: Q. Appreciating that roles may change over
17 time in an organisation, what was the nature of your role
18 when you first commenced at the council in 2013?

19 A. So, I was the group manager of planning development
20 and regulatory. The titles did change over that period of
21 time. I started out as the group manager of development
22 services, and then there was also too a strategic
23 (indistinct) planning component or portfolio that was added
24 to that portfolio that (indistinct).

25
26 Q. Who did you report to in your role?

27 A. So, I reported to the deputy general manager corporate
28 strategy and development.

29
30 Q. Was that the same person the entire time you were at
31 the council?

32 A. No.

33
34 Q. Who was that person over different periods?

35 A. So, the original person was Mr Phil Marshall, he was
36 the deputy general manager operations finance - operations,
37 sorry, and that changed about approximately 2014 or 15,
38 towards the beginning of 2015, where it was - I reported to
39 Mr Mark Pepping.

40
41 Q. As you may know, this inquiry is predominantly into
42 the roles and responsibilities of councillors. How much
43 interaction did you have with councillors in your
44 day-to-day role?

45 A. So, in accordance with my delegations I was allowed to
46 speak to councillors in terms of fielding enquiries that
47 they may have. On occasion enquiries would come about as a

1 result of development applications, would come about as a
2 result of compliance-related matters.
3

4 Originally, pretty much dating back to 2013, I was
5 always involved with the council in terms of delivering the
6 council reports. I would have to attend council meetings,
7 I'd attend briefing sessions, I would take the councils out
8 on site to brief them in relation to development matters.
9

10 Q. In respect of your delegation to field enquiries from
11 councillors, were there any time restrictions or content
12 restrictions on what enquiries you could respond to and
13 what you should not respond to?

14 A. No. So, the only restrictions in relation to that
15 were in relation to speaking to State Government officials,
16 which might be Members of Parliament, which was done
17 through the general manager.
18

19 Q. And so, those enquiries could come at any time and not
20 just in the briefing sessions; is that correct?

21 A. That's correct.
22

23 Q. And, appreciating that this is over a large period of
24 time, but did you generally receive enquiries at all times?

25 A. Yes.
26

27 Q. In your experience in the 2016 to 2020 term, were
28 those enquiries of a similar nature and frequency to
29 previous terms?

30 A. Yes.
31

32 Q. Can I ask you a few questions about the briefings;
33 these were the meetings that were held before the council
34 meeting every second Wednesday; is that correct?

35 A. That's correct.
36

37 Q. And the purpose was to provide information to
38 councillors so that they would be properly informed before
39 the meeting?

40 A. That is correct.
41

42 Q. Were you the chair or the person who headed those
43 meetings, or did someone else head those meetings
44 generally?

45 A. No, it was generally headed by the general manager or
46 the deputy general manager. I was in attendance. On
47 occasion, if those staff or senior executive weren't

1 available, on occasion I would chair those meetings but it
2 was very rare.
3
4 Q. Were the briefings you were involved in specifically
5 planning committee briefings or was it a general
6 information session for all councillors?
7 A. It was a general information session for all
8 councillors.
9
10 Q. What proportion in your experience did planning
11 matters take up in these briefing meetings?
12 A. I would say possibly about 75 per cent.
13
14 Q. These were quite busy meetings from your point of
15 view; is that correct?
16 A. Correct.
17
18 Q. And then you had to attend the meeting in the
19 evenings?
20 A. Correct.
21
22 Q. Or the late afternoons and provide information there
23 as well?
24 A. Correct.
25
26 Q. So a big day every second Wednesday; is that correct?
27 A. That's correct.
28
29 Q. Can you describe your impressions of these meetings in
30 general terms? Were they well handled, were they civil,
31 were they productive?
32 A. Look, these meetings - as a prelude to those meetings
33 sometimes I would take the councillors out on site as part
34 of that briefing to get a full appreciation and
35 understanding of the development merits relating to those
36 proposals. I found those meetings quite good for the
37 councillors to get a comprehensive understanding on, you
38 know, kicking the dirt and understanding what's going on on
39 the actual site itself.
40
41 Moving from that, we would then move into those
42 meetings that you're talking about, which would then give
43 us the ability to then step the councillors through
44 development matters, the merits of applications, field any
45 questions or queries that they may have. From time to time
46 some of these matters were quite complex planning matters
47 that we would have to take them through the actual

1 legislation in order for them to understand.

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1 discussion?

2 A. I think it was pretty consistent between the two
3 terms, to be honest. In relation to the later times there
4 seemed to be issues that would come up that would cause a
5 heated discussion, if I could say it that way, in relation
6 to certain matters. Yeah, that's all I can add.

7

8 THE COMMISSIONER: Q. Mr Wilton, a couple of times in
9 your answers so far you referred to councillors being
10 passionate and arguing points of view and there being
11 points of contention. When that occurred how did that play
12 out? Was it forceful debate, did it descend to
13 inappropriate behaviours?

14 A. Look, what I could explain is, is that, you know,
15 sometimes councillors needed more information in order to
16 be fully informed relating to a development, so sometimes
17 we would try and address that by providing further
18 explanation of the merits of certain applications or
19 certain issues that were being experienced with those type
20 of applications.

21

22 There were on occasion certain councillors that, in my
23 view, sought to stir the pot, if I could say it that way,
24 in relation to matters. Sometimes that council staff would
25 go into those meetings and wouldn't feel comfortable given
26 the nature of the push and shove that was going on at the
27 time.

28

29 Q. Was that a feature of a particular time from 2016
30 onwards, or would it happen from time to time throughout
31 the period?

32 A. It would happen from time to time throughout the
33 period, but it did become more noticeable towards the end
34 of the period.

35

36 Q. Just before I hand back to Mr Parish before I forget,
37 in one answer you drew attention to the engaged community
38 and the balance that needs to be struck between community
39 interests and development; do you remember giving that
40 evidence?

41 A. Correct.

42

43 Q. And I thought you had said that some of the
44 councillors needed to find balance between representing
45 objectors or applicants.

46 A. That's correct.

47

1 Q. What did you mean by councillors representing
2 objectors or applicants?
3 A. Yeah, so from time to time an objector would contact a
4 councillor and express their views in relation to a
5 development where they wanted to see it proceed or not.
6 Sometimes, you know, councillors would express those views
7 in relation to certain developments. You know, again, we
8 play a straight bat and we have a merit-based assessment
9 that we provide recommendations based on, that doesn't sway
10 our views, but in those meetings sometimes those views can
11 come out from either side in relation to either applicants
12 or objectors.
13
14 Q. And when they would come out, are you describing that
15 in the context of the heated debate or just in general
16 discussion?
17 A. Sometimes general discussion, but sometimes in heated
18 debate as well.
19
20 THE COMMISSIONER: Thank you. Thank you, Mr Parish.
21
22 MR PARISH: Q. That advocacy by councillors from time to
23 time on behalf of particular applicants, did you in your
24 own experience find that unhelpful or inappropriate or is
25 that just a part of the planning process in New South
26 Wales?
27 A. Given my experience across a number of different local
28 government areas, that is a process that happens right
29 across the majority of councils that I've worked for. You
30 know, from time to time councillors see their role as
31 representing the community and, you know, look, at the end
32 of the day, as I said before, we provide a merit assessment
33 based on the facts of the matter and how it's reported up,
34 we provide our recommendations independent of any of those
35 discussions.
36
37 Q. Just turning to the meetings themselves, you were
38 required to attend these meetings; that's correct, isn't
39 it?
40 A. (No audible answer.)
41
42 Q. And you were to provide a report and a recommendation
43 in respect of the planning matters that were before the
44 council; is that correct?
45 A. That's correct.
46
47 Q. So, you experienced a broad cross-section of meetings

1 from 2016 to 2021; is that fair to say?

2 A. That's correct.

3

4 Q. What was your general impression about the conduct and
5 behaviour in the meetings over the entire period to start
6 with?

7 A. Look, it was fairly consistent I think right across
8 the term. As I said to you before, sometimes there was
9 some pretty strong debate between councillors in relation
10 to development matters. As I mentioned, towards the end of
11 the term there were councillors in my view that were
12 causing disruption within the council in order to get the -
13 or give effect to the business that was being considered at
14 the time.

15

16 Q. Do you have any view on why there was a change in the
17 tenor of the meetings and why the disruption was occurring
18 towards the end of the term?

19 A. I think it may have just come down to personal views
20 on matters.

21

22 Q. Did it broadly coincide with COVID and the move
23 online, or was that something which was existing pre
24 pandemic, as it were?

25 A. I think it was happening pre online and pre pandemic.

26

27 Q. Just in respect of the previous term, at least from
28 2010-2016 was there any significant shift in your
29 impression of the tenor of the meetings after 2016 or was
30 it broadly consistent with the previous term in your
31 experience?

32 A. Again, it was broadly consistent right across the
33 board but, as I said, towards the end of the term, the last
34 term, it was becoming less favourable, I'd say.

35

36 Q. That less favourable conduct towards the end of the
37 term, how did that affect your ability to do your job in
38 the role that you played in those meetings?

39 A. Look, it was difficult to be able to deliver
40 development applications and also strategic planning
41 reports relating to those meetings. Obviously, on occasion
42 there was also too cause for the mayor to actually shut the
43 meeting down, which then impacted upon the delivery of
44 those decisions relating to those applications.

45

46 Q. From a morale point of view as a member of staff
47 working at the council and someone who was spending time,

1 effectively after-hours dealing with these matters even
2 though it's part of your job description, how did that
3 affect you in that respect?

4 A. Look, I'm a pretty resilient person, if I could say it
5 that way, but at the same time too, just the aggressiveness
6 of individual councillors, I wouldn't say the council as a
7 whole, but individual councillors did impact upon staff
8 morale within the section and also too upon management as
9 well.

10
11 Q. Was it your impression that the morale of other staff
12 were affected as well as yourself when dealing with the
13 behaviour in those sorts of meetings?

14 A. Look, I think that they would have seen that behaviour
15 roll out by online meetings but they weren't actually
16 exposed to it at a staff level because they were more
17 removed from those meetings.

18
19 Q. You were a group manager, which I take it to mean you
20 managed people who were working in your silo or reporting
21 to you; did you have any feedback from them about how
22 specifically dealing at the moment with council behaviour
23 in meetings might affect them?

24 A. Yes, look, I had about 50-odd staff right across my
25 portfolio area, so everything - a diverse range of staff
26 from town planners, to certifiers, to development
27 engineers, strategic planners, business support, regulatory
28 services, animal shelter, ranger services, so across those
29 different disciplines it was mainly in relation to
30 planning-related issues where they would come to me and
31 have some concern in relation to the way that applications
32 were or weren't being dealt with. And I don't say this as
33 a whole but I say that certain councillors were taking it
34 upon themselves to bring disrepute to the council and that
35 was having an impact upon staff.

36
37 I do remember one staff member saying to me one day
38 that they had concerns about being able to get reports
39 presented to council and determined in a timely manner
40 because of the disruption that was occurring.

41
42 Q. Do you feel comfortable telling the inquiry which
43 councillors were being reported to you as bringing the
44 council into disrepute?

45 A. Yes, Councillor Turland.

46
47 THE COMMISSIONER: Q. I think in your answers you

1 mentioned "councillors", is there anyone else in that
2 category?
3 A. It's mainly Councillor Turland that I would suggest.
4 There were from time to time other councillors that would
5 interject and join in on that type of behaviour, but it was
6 very rare.
7
8 Q. And, who were they?
9 A. Councillor Scandrett was another one.
10
11 Q. Anyone else?
12 A. That's it.
13
14 THE COMMISSIONER: Thank you.
15
16 MR PARISH: Q. And, to be clear, some of your impression
17 is drawn from reports you were getting from staff who
18 reported to you about their behaviour; is that correct?
19 A. That's correct.
20
21 Q. We've dealt there with councillors in meetings. More
22 broadly we heard some evidence this morning about
23 interactions with the community which people who gave
24 evidence said was by and large less than satisfactory.
25 Obviously in the shire people may know each other and you
26 may be a bit more informal, and there's media reports as
27 well. Was there any behaviour of councillors as reported
28 through media or just in society in general which affected
29 either your morale or of people who reported to you?
30 A. Yeah, look, there was a lot of play out of issues
31 through the media from time to time, both printed media, on
32 the radio. Sometimes I would arrive at work in the morning
33 and other staff would be commenting on news articles that
34 were happening on the radio on the way to work. It did
35 have an effect on staff morale, but at the same time too I
36 tried to work with the staff and advise them that, you
37 know, at the end of the day they're doing the best in terms
38 of their roles and responsibilities in order to discharge
39 certain matters that they're trying to achieve for the
40 community, and at the council level, yes, while it does
41 impact upon staff morale, at the same time too they just
42 needed to refocus on those efforts in terms of discharging
43 their responsibilities.
44
45 Q. In your experience did you ever witness interference
46 in planning decisions that, in your view, went outside the
47 bounds of proper enquiries and matters that you've already

1 given evidence about today?

2

3 THE COMMISSIONER: By who?

4

5 MR PARISH: Pardon?

6

7 THE COMMISSIONER: By who?

8

9 MR PARISH: Q. Any councillor?

10 A. No, I should say.

11

12 Q. Thank you, Commissioner. Was any interference ever
13 reported to you from the staff whom you manage from
14 councillors?

15 A. No.

16

17 Q. One of the matters reported on by the interim
18 administrator to the Minister was a perception of a toxic
19 culture within staff at council. What was your impression
20 of the culture at council? Do you agree with the interim
21 administrator's view on that?

22 A. Look, is it - are you referring to the toxic culture
23 within council generally or is it within my group?

24

25 Q. Within the council generally, general staff?

26 A. Look, I wouldn't go as far as say it's a toxic
27 culture. I would go as far as saying that there was a
28 culture at times within council that wouldn't be consistent
29 with what I would say to be a, you know, a functioning
30 council, a proper functioning council.

31

32 Q. There was also reference to reputational damage and
33 work health and safety issues. Can you give me your
34 impressions on that? Do you agree/disagree with that or
35 want to qualify?

36 A. Look, from the perspective of a workplace health and
37 safety issue, you know, look, executive and senior staff at
38 the 10 council meetings on occasion would be really feeling
39 that there was almost bullying that was occurring at those
40 meetings. You know, there was certain reputational issues
41 that would come about as a result of that, not only for
42 senior staff but also for the council as well.

43

44 Q. Did you ever experience at either council meetings or
45 in any other public forum councillors commenting negatively
46 about staff? Was that something you ever witnessed?

47 A. Look, from time to time there was general comments

1 made but there was nothing specific that comes to mind at
2 the moment, but there has been; it would have been over
3 that period of time.
4

5 Q. Did any of the staff who report to you ever tell you
6 about witnessing negative comments being made about staff
7 in meetings or at public forums?

8 A. Not that I'm aware of, no.
9

10 Q. I want to ask you about a specific DA. We're not in
11 this inquiry re-litigating the merits of specific DAs.

12 A. For sure.
13

14 Q. But I'm interesting in learning about the process of a
15 particular DA that was raised in a submission, and that was
16 a construction of 10 townhouses at 1-3 Hurlingham Avenue in
17 Burradoo that was to be for aged and disabled housing
18 pursuant to set 5. Do you remember that or have any memory
19 of that whatsoever?

20 A. I do have a recollection of a development application
21 in Hurlingham Avenue, but in terms of the merits ...
22

23 Q. Quite. I might ask you a few questions about process
24 and then, if you can recall, then you can. There seems to
25 be the suggestion that the commencement of construction on
26 the land to avoid a lapsing of the DA was something that
27 was not properly dealt with by council. Could I just ask
28 you as a general question first, what the process the
29 planning department will go through when dealing with a
30 contentious issue like that, whether or not construction
31 had commenced?

32 A. So, from time to time we do get development
33 applications that have a five-year lapsing date in relation
34 to those matters. With the five-year lapsing date
35 sometimes developers will obtain a construction certificate
36 and what they will do is, they will then commence certain
37 components of that DA in order to get what they call
38 physical commencement. There are provisions under the Act
39 which deal specifically with that, so it has to be building
40 subdivision work, and there are - there is case law around
41 that in terms of what actually needs to occur.
42

43 Now, sometimes a developer can come and contact
44 council, they can provide evidence associated with physical
45 commencement, so that may be pegging ground for subdivision
46 work or some engineering plans that have been acted upon;
47 it may be footings in relation to a building. Once

1 physical commencement is achieved then the consent remains
2 valid for life.

3
4 Q. But if there was some doubt or some reason to think
5 that the decision may be scrutinised, would you seek legal
6 advice either internally or externally?

7 A. Absolutely.

8
9 Q. And do I take it that, if you are confident that it
10 had complied with both the relevant sections of the Act and
11 case law, you could be confident that you could make that
12 decision yourself; is that about the way it went?

13 A. Correct.

14
15 Q. Do you have any specific memory of the procedure for
16 determining whether construction had commenced at 1-3
17 Hurlingham Avenue in Burradoo?

18 A. Not specifically in relation to that DA, but again, it
19 would have been a situation where footings would have had
20 to have about been put down and construction certificate
21 would have had to have been issued.

22
23 Q. Can I just ask you about DA processing times,
24 particularly between 2016 and 2020, it's been the subject
25 of some submissions. Do you accept that the DA processing
26 times were slower than average in the council over that
27 period?

28 A. 2016 to 2020, I would suggest that at an operational
29 level, so under delegation, we had the statistics down to
30 an average at my time of departure in June last year, it
31 was down to an average of 39 days for general DAs. And we
32 also set up a responsive outcomes unit which was an
33 initiative not only by the council that wanted to see
34 development happening around housing. We had, those
35 applications in new release areas were down to an average
36 net of nine days. A significant improvement from what we
37 had in the past.

38
39 Q. What do you ascribe that improvement to? Was it the
40 responsive outcome unit or was it staffing increases? Was
41 it regulatory changes, what?

42 A. Okay, so there was a number of initiatives that we
43 brought to the table in terms of that, so creating a
44 stronger (indistinct), making sure that we only accept
45 applications that were completed at the time of lodgement.
46 In the past historically council has accepted any type of
47 application, which then causes delays when the assessing

1 officer gets that application and is unable to undertake
2 the assessment because certain components are missing. So,
3 making sure that the Schedule 1 requirements are met and
4 making sure that the content or the information that's
5 submitted is to the required standard.
6

7 Moving on from that there's - we established a
8 clearinghouse arrangement where a number of managers and
9 coordinators would screen applications that were coming in
10 to, again, provide that second line of defence.
11

12 We then provided a significant amount of effort in
13 setting up council's internal processes relating to our
14 operating systems. We developed in excess of 700 new
15 templates, we revised all the legislation, we set up group
16 conditions relating to those different types of development
17 to make sure that those applications could be determined in
18 a responsive manner. We also made sure that there was
19 consistency right across the board in terms of those types
20 of applications that were prepared through that system.
21

22 We had directions meetings where we met with staff, we
23 went through their applications, we provided specific
24 instructions on how to get those applications out; whether
25 it would be, you know, providing conditions of consent to
26 make developments comply, or it could have been a situation
27 where we asked the applicant to withdraw if they weren't
28 serious about proceeding with that development.
29

30 We put in place a peer review system to make sure
31 there was consistency across applications, so again, having
32 another staff member review the consent that's been - or
33 the notice of determination that's been prepared before it
34 goes out to make sure that there's no issues relating to
35 that proposal. And sometimes too that was a good catch-all
36 because some things may have been omitted or missed, and it
37 provided that level of extra protection for council in that
38 regard.
39

40 In terms of those applications as well, we had a
41 situation where some staff were carrying in the development
42 assessment area between 25 and 50 applications each. Some
43 of the certifiers were carrying, on the smaller
44 applications, up to 100 applications each, so it was a
45 matter of working with the staff to make sure that they
46 felt supported in order to be able to do their job
47

1 THE COMMISSIONER: Q. I'm sorry. Those reforms, if I
2 can put it that way that you just described, when were they
3 introduced?

4 A. So, the general manager of the day, Ann Prendergast,
5 and also the councillors were resolute that they wanted
6 greater focus on development and more responsive outcomes
7 for the community. That was instituted around 2015/2016
8 and it really started to come into play around 2017 by the
9 time we'd set up all the processes around that new
10 initiative.

11
12 Q. I think you gave some statistics in about June
13 last year; how did that compare with times that might have
14 been experienced from 2016 onwards? Was there a tracked
15 reduction in time?

16 A. Yeah. Look, in this term of council we had to
17 basically clean up a lot of data that was involved in terms
18 of the data capture. So, I wasn't - I couldn't put hand on
19 heart and rely upon the information that was - that we were
20 getting between 2013-2016, if I could say it that way. But
21 if I looked at it just from raw data, anywhere between 80
22 and 100 days for standard applications, so there was a
23 significant improvement. And it was as a result of the
24 council having that commitment and the general manager
25 providing that commitment of the day to make sure that, you
26 know, we obviously had the resources to be able to do it
27 but also to provide that mandate to bring these
28 improvements in place.

29
30 Q. I thought at the beginning of the answer to this
31 line of questions you drew a distinction between what you
32 described as general DAs and others.

33 A. Yes.

34
35 Q. What do you put within the category of general DAs?

36 A. Yeah, so general DAs would be everything from dual
37 occupancies, to meeting density residential development, to
38 subdivisions, to commercial industrial-type applications.
39 The other types of applications would be residential
40 essentially, so single residential houses or secondary
41 dwellings.

42
43 Q. And the 39 days average was for general DAs; is that
44 right?

45 A. General DAs.

46
47 Q. Do you have an idea about the others?

1 A. The others, in relation to new release areas, which
2 was the responsive outcomes unit initiative that we
3 developed, it was down to nine days.

4
5 Q. And any other DA not within that scheme, is there a
6 separate timeframe for that?

7 A. That's the catch-all with the 39 days.

8
9 Q. I see, thank you. And these are DAs being dealt with
10 under delegation; is that right?

11 A. That's correct.

12
13 Q. What were the outcomes for DAs that weren't dealt with
14 under (indistinct) --

15 A. Look, I can't account for the local planning panel or
16 the southern regional planning panel.

17
18 Q. Let's deal with the period before that was introduced,
19 so in the lead-up to the Minister's order for suspension?

20 A. Those applications would be included in that that went
21 to full council as well.

22
23 Q. Yes, all right. Was there a timeframe, an average
24 timeframe for development applications that went through
25 that process?

26 A. No, it wasn't separated, no.

27
28 THE COMMISSIONER: Thank you. Mr Parish.

29
30 MR PARISH: Q. Just picking up on something the
31 Commissioner asked then, was there any triage or selection
32 process of which planning matters went up to council, or
33 did all DAs go up to council?

34 A. So in, I think it was - if my memory serves me
35 correctly, I think it was 2017/2018 I provided a briefing
36 to the councillors in relation to the types of applications
37 that would go to full council. Those matters centred
38 around issues relating to temporary use of land, or
39 clause 2.8, where there was significant departures from
40 council's development standards that we weren't able to
41 either negotiate with the applicant to bring them back in
42 line in terms of inside the controls.

43
44 There was also a process where councillors could call
45 up applications, either via two signatures outside of a
46 council meeting, or it was done via a report that went to
47 council detailing all the applications that came in within

1 that month and the councillors would then - would resolve
2 by council resolution to call up those applications.

3
4 Q. Just in respect of the temporary use of land
5 applications, there may be a perception - I'll put it to
6 you that there may be a perception amongst hospitality
7 groups and industries that, for instance, holding a wedding
8 or a concert or something like that was a process that
9 required consent from council that was unnecessarily
10 cumbersome or problematic. Is that something you
11 experienced in your role as group manager?

12 A. Look, the --

13
14 Q. That perception, I should say, to start with?

15 A. There was a perception on both sides. So, there was a
16 perception from, you know, function centre applicants that
17 were wishing to seek to use that provision in order for
18 their development to proceed. There was also a perception
19 too from applicants and objectors where clause 2.8 was
20 basically abrogating or it was eroding council's controls
21 in relation to the zoning context. The clause 2.8
22 provisions are very, very tight in terms of ensuring that
23 there's no amenity issues relating to those developments in
24 order for council to approve those types of developments.

25
26 Q. Clause 2.8, you're referring to the DCP or what
27 complexity are you referring to?

28 A. Clause 2.8, that's the Wingecarribee Local Environment
29 Plan.

30
31 Q. In your experience was there anything - I withdraw
32 that, I'll put it another way. Did you think the planning
33 instruments were sufficient and appropriate to allow you to
34 do your job as a group manager?

35 A. Look, in terms of the local environment plan,
36 I believe that over a period of time we've done a number of
37 administrative amendments to that plan in order to make
38 sure that it was fit-for-purpose. There was a number of
39 strategies that council developed, including the housing
40 strategy and local strategic planning statements and input
41 documents in relation to any amendments that needed to
42 occur.

43
44 In relation to council's development control plans,
45 they were - I did receive feedback from the community and
46 also from council staff that they were overly cumbersome
47 and difficult on occasion to use, but that is something

1 that we were focused on developing a new comprehensive DCP
2 that would incorporate those comments that were made by
3 both staff and also the industry.
4

5 Q. Was that feedback valid in your opinion or is that
6 something as a person who's in the planning space, it's
7 just the slings and arrows of dealing with the competing
8 stakeholders?

9 A. Look, you know, given that council wanted to achieve
10 protection of the community and protection of local
11 streetscapes and the overall amenity of the shire, that is
12 why as a result of those documents being so comprehensive
13 as they are, that creates the environment in which the
14 community wants to live.
15

16 Q. Can I ask you briefly about heritage matters, because
17 there may be a perception that the use of the phrase
18 "heritage" can just be used as a weapon rather than a
19 shield. Can you explain to the Commission how the heritage
20 issues come up, what those heritage issues tended to be in
21 your experience, and how they were handled in your
22 experience?

23 A. Yeah. So, in relation to heritage matters, generally
24 they're included either on the local register under
25 Schedule 5 of the LEP, or they're included on the state
26 register. When a development application is lodged with
27 council and it triggers those requirements council staff
28 would refer it to a contractor, a heritage advisor, who
29 would provide advice in relation to those matters. Now,
30 the assessment staff would obviously receive that advice
31 and then they would take that into consideration as part of
32 their merit assessment of the proposal. From time to time
33 we would have to get the heritage advisor to explain
34 certain matters that were being requested in order to
35 achieve an outcome.
36

37 At the end of the day with heritage-type issues, we
38 also had an in-house resource as well that we would
39 sometimes rely upon to provide independent advice if there
40 was any conjecture between the assessing officer and the
41 heritage advisor.
42

43 Q. In your experience was that something that was brought
44 up with some frequency by councillors when they were
45 expressing their disagreement with the approval of a
46 development application?

47 A. Sometimes, yes.

1
2 Q. In your experience having worked at other councils as
3 well, was that anything unusual to this shire council or
4 the 2016-2020 term?
5 A. No, but there is a lot of heritage items within the
6 local government area and therefore that triggers that
7 requirement more frequently than what it would in a lot of
8 other local government areas.
9
10 MR PARISH: Do you have anything to ask at this stage,
11 Commissioner?
12
13 THE COMMISSIONER: No, you continue.
14
15 MR PARISH: I think I've gone as far as I have to go.
16
17 THE COMMISSIONER: Oh, I'm sorry, I misunderstood you.
18
19 Q. Mr Wilton, I was going to ask about your observations
20 of the interactions between the councillors and the
21 executive staff, and I'm directing my questions
22 particularly to the course of the 2016 term. I take it,
23 you had relatively frequent occasion to observe those
24 interactions?
25 A. Yes.
26
27 Q. Sorry, nodding doesn't get picked up on the
28 transcript.
29 A. Yes.
30
31 Q. How would you describe them?
32 A. Look, for the majority of the time they were
33 professional in terms of the interactions between both
34 executive and also the councillors. On occasion, again,
35 there could be unrest, if I could say it that way, yeah,
36 that could come up as a variety of different issues or
37 matters that the councillors had and, you know, on occasion
38 I have seen councillors get quite abusive and abrupt in the
39 delivery of their communication.
40
41 Q. Was it a good working relationship to your observation
42 for that period?
43 A. Oh, at times it was trying and difficult.
44
45 Q. You've made some observations about the end of the
46 term in relation to what happened at meetings, what about
47 the working relationship between the executive and the

1 councillors in that period?

2 A. Yeah, look, it was tried, it was strained at times.

3

4 Q. Did that have an effect on the organisation, do you

5 think?

6 A. Look, from the perspective that it did have an effect

7 from the perspective that, you know, obviously, no-one

8 wants to see those types of issues unfold in front of

9 council staff and that sort of thing, especially at

10 meetings and public meetings.

11

12 Q. What about, do you think there was trust between the

13 executive and the councillors at that time, that is,

14 towards the end of the term?

15 A. I think with some councillors there was trust; with

16 other councillors there was mistrust.

17

18 Q. And what about going the other way, councillors to the

19 executive staff? To your observation were the executive

20 staff - I'll deal with it in a number of chunks: were

21 executive staff well regarded by the councillors throughout

22 the 2016 term?

23 A. Ah look, again, there were certain councillors that

24 weren't, but there were some councillors that were.

25

26 Q. And again, did that manifest towards the end of the

27 term or was it consistent throughout?

28 A. I think it was fairly consistent throughout.

29

30 Q. Were you able to observe whether the executive staff

31 were trusted by the councillors in that period?

32 A. Look, I think that the mayor of the day was trusting

33 of council's general manager and also the executive, senior

34 executive staff. I think there were other councillors too

35 that had some of the respect and were trusting of them, but

36 there was some councillors that were - that made it very

37 well-known that they weren't.

38

39 Q. And, who were they?

40 A. Again, Councillor Turland.

41

42 Q. Anyone else?

43 A. Councillor Scandrett on occasion.

44

45 THE COMMISSIONER: That's all I have for this witness,

46 Mr Parish.

47

1 MR PARISH: And nothing arises for me from that.
2
3 THE COMMISSIONER: It had been brought to my attention
4 that there may be an application to be made at this stage,
5 I don't know whether that's happening.
6
7 UNIDENTIFIED SPEAKER: I'm sorry, no (indistinct).
8
9 THE COMMISSIONER: There's no application.
10
11 Q. Mr Wilton, is there anything you would like to bring
12 to my attention before we complete your evidence or
13 anything you would wish to add or clarify from your
14 evidence today?
15 A. No, I don't think so. The only thing that I've got to
16 raise is that, I know there was a report that was prepared
17 for the administrator in relation to the planning
18 operations of council. I do reject some of the basis in
19 which that report's been provided. I think some of the
20 observations and some of the matters that have been
21 provided in that don't provide an accurate picture of what
22 was actually happening within the organisation.
23
24 Q. Can you give me some more specifics about that?
25 A. Well, there's a number of matters that have been made
26 in relation to, not only recommendation, but observations
27 within there that haven't actually been tested in my view.
28
29 THE COMMISSIONER: Mr Parish, where? That's in Exhibit B?
30 I'll just have it shown to you, Mr Wilson, so that I can
31 have some context of what you are addressing your comments
32 to. It's Exhibit B, page - which page, Mr Broad? Are you
33 waiting for me to tell you?
34
35 MR BROAD: Yes.
36
37 THE COMMISSIONER: All right. Exhibit B, page 434.
38
39 Q. That's it?
40 A. Yes, the right and the wrong - that's correct, the
41 rights and the wrongs report.
42
43 Q. I'll just have that shown to the witness. This is the
44 report you were referring to, Mr Wilton?
45 A. That's correct.
46
47 Q. Take a moment to flick through it if you need, but if

1 you could just draw my attention to the areas that you had
2 in mind in the comments you made a moment ago. Take your
3 time.

4 A. There's a number of different matters like, you know,
5 for instance, you know, "No triaging of requests.
6 Interference by councillors to predetermine
7 recommendations". There's a lot of things in there, a lot
8 of issues that have been raised that don't - that haven't
9 actually been tested in my view.

10
11 Q. When you say "not tested", what do you mean?

12 A. Well, there needs to be further enquiries made in
13 relation to those issues and it really needs to be put to
14 the staff or put to certain people in the organisation as
15 opposed to those matters just being raised and then just
16 being placed in a report.

17
18 Q. Yes. Are you directing your attention, are you, on
19 page 435 to the themes arising from interviews with staff
20 members?

21 A. That's correct.

22
23 Q. Any other part of the report, or that was the one
24 that --

25 A. Again, you know, a lot of the observations being made
26 by the public, and then also observations made by owners
27 consulting; like, you know, I could go through each
28 individual one of those line items, it's probably not
29 efficient in this forum to do that, but there's a lot of
30 different things in there that have been raised, again,
31 that haven't actually been tested, you know, or there
32 hasn't actually been further investigation done in relation
33 to it.

34
35 Q. When you say "not tested", I'm not sure I follow.
36 Were you part of the process?

37 A. Very early on, but the meeting was for about five or
38 10 minutes and that was it.

39
40 Q. I think I understand what you say is, you just don't
41 agree with some of the conclusions that were (indistinct);
42 is that right?

43 A. The veracity of the conclusions, that's correct.

44
45 THE COMMISSIONER: Anything arising, Mr Parish?

46
47 MR PARISH: Q. So, were you still at the council at the

1 time you were interviewed or had you left by that stage?
2 A. No, I was at the council at that stage.
3
4 Q. I take it that other members of staff who reported to
5 you were interviewed for this as well?
6 A. That's correct.
7
8 Q. Did you get any feedback from them about whether they
9 felt like they were able to canvass issues and identify
10 issues when they were asked?
11 A. Not at any great extent. So, there was one issue that
12 was raised to me by one of my managers at the time where he
13 was asked during that meeting to write off legal
14 proceedings that the council didn't actually commence, it
15 was actually commenced by a member of the community.
16
17 Q. Are you saying that was something that was asked by
18 Ernest Consulting?
19 A. That's correct.
20
21 MR PARISH: Nothing further from me, Commissioner.
22
23 THE COMMISSIONER: All right, that completes your
24 evidence. Is there any reason why Mr Wilton can't be
25 excused from the summons?
26
27 All right, thank you for coming along, I appreciate
28 that answering the summons takes you away from doing your
29 activities, it's much appreciated. You are now excused
30 from further attendance, thank you.
31
32 <THE WITNESS WITHDREW
33
34 THE COMMISSIONER: Mr Parish, is that all of the evidence
35 for today?
36
37 MR PARISH: That's all of our witnesses for today,
38 Commissioner, that's correct.
39
40 THE COMMISSIONER: And has a list for tomorrow been
41 published on the website?
42
43 MR BROAD: Commissioner, we are in the throes of being
44 able to put up on the website a list which completes this
45 week.
46
47 THE COMMISSIONER: I see.

1
2 MR BROAD: So, it will set out all the witnesses to be
3 called. It will be placed on the door immediately after we
4 conclude the hearings.

5
6 THE COMMISSIONER: All right. Just for the benefit of
7 those who may be watching, can you or Mr Parish tell me
8 who's coming tomorrow?
9

10 MR PARISH: Of course, Commissioner, we have Jan Wilson
11 first thing in the morning, followed by Alan Olsen in the
12 morning, and we hope to examine Mark Bourne in the
13 afternoon.

14
15 THE COMMISSIONER: Does the list that's going to be
16 published have times on it, like the one I saw today?
17

18 MR PARISH: Yes.
19

20 THE COMMISSIONER: For the benefit of those who may read
21 the list, the times are a guide only. As they would have
22 experienced from today, sometimes witnesses take slightly
23 longer or slightly shorter than we expect, but I'm glad to
24 hear that the rest of the week will go up this afternoon.
25

26 Are there any further matters that I need to deal with
27 this afternoon?
28

29 MR PARISH: No, Commissioner.
30

31 THE COMMISSIONER: All right, we'll adjourn until 10am
32 tomorrow.
33

34 **AT 3.10PM THE INQUIRY WAS ADJOURNED TO**
35 **WEDNESDAY, 30 MARCH 2022 AT 10.00AM**
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