

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 Wednesday, 30 March 2022 at 10am

(Day 3)

1 THE COMMISSIONER: All right, we'll resume. Mr Parish, are
2 you ready to proceed?

3
4 MR PARISH: Yes. Yes, I'm ready to resume, Commissioner,
5 as soon as we're settled.

6
7 THE COMMISSIONER: Just before you do, there's a few
8 matters I wish to deal with first. I've been given some
9 figures of those viewing the live stream and, pleasingly,
10 in excess of 500 views for the last two days, which is far
11 more than anyone could cram into this room and may well be
12 far more viewing of an inquiry of this kind, so perhaps for
13 the Central Coast which was done entirely online.

14
15 Secondly, at transcript 145 yesterday I said that all
16 of the exhibits that had been tendered thus far are on the
17 website. I should have at the time made an exception for
18 Exhibit C which at the moment remains a confidential
19 exhibit and won't be placed on the website unless and until
20 it can be put in an appropriate form.

21
22 Finally, Mr Parish, I just wanted to raise a matter
23 with you that arose out of Mr Wilton's evidence yesterday.
24 At transcript 171, and you may remember it, you don't need
25 to turn it up, Mr Wilton gave some evidence about
26 statistics for times for processing development
27 applications falling within certain categories; do you
28 recall?

29
30 MR PARISH: Yes, I do recall.

31
32 THE COMMISSIONER: Given that he was able to recount them,
33 I assume that means that the statistics exist somewhere
34 within the council's records.

35
36 MR PARISH: Yes.

37
38 THE COMMISSIONER: I think they should probably be
39 tendered at some stage given some of the evidence we've
40 received to date suggest a different experience from
41 Mr Wilton's evidence yesterday, and I don't say that
42 critically of Mr Wilton, he may well be right, but I just
43 need to at some stage perhaps it may be necessary for me to
44 try to reconcile that and it seemed to me that the data may
45 be useful for me. I just don't know at the moment whether
46 that exists, so could enquiries be made and, if it exists,
47 can it be tendered?

1
2 MR PARISH: Commissioner, it's something I reflected on
3 yesterday evening as well and I anticipate we will be
4 tendering those statistics or some form of statistics. I'm
5 enquiring as to whether or not it's appropriate to issue a
6 summons for that information and it's something I will
7 address in due course.

8
9 THE COMMISSIONER: All right, if that can be done. All
10 right, your next witness?

11
12 MR PARISH: My next witness is Mrs Jan Wilson.

13
14 <JAN WILSON, sworn: [10.04am]

15
16 THE COMMISSIONER: Thank you, Mrs Wilson. It's a little
17 bit difficult, just try and keep your voice up because when
18 you're engaging with Counsel Assisting sometimes it's a
19 little bit difficult for me to hear.

20 A. I'll do my best.

21
22 THE COMMISSIONER: No, of course, thank you. Mr Parish.

23
24 MR PARISH: Commissioner, I may foreshadow at this stage
25 that I will be tendering the correspondence which is
26 attached to Mrs Wilson's submission. What I might do is
27 elicit the usual information out of the witness and then
28 take Mrs Wilson to those documents and tender them in the
29 usual course.

30
31 THE COMMISSIONER: Yes, very well.

32
33 <EXAMINATION BY MR PARISH: [10.04am]

34
35 MR PARISH: Q. Mrs Wilson, can we please start with some
36 background about you, your personal background, how long
37 you've been in the shire and your vocation?

38 A. Approximately 17 years, I think, or might have been
39 15, and I live in Belmore Street, Bowral.

40
41 Q. And, you're retired; is that correct?

42 A. Yes.

43
44 Q. Happily retired?

45 A. Well, sort of.

46
47 Q. Are you associated with any registered groups in the

1 area?

2 A. I am indeed.

3

4 Q. Can you please tell me what that group is?

5 A. I belong to the Corpus Christi Parish, I'm a member of
6 the Parish Council. I belong to the Southern Highlands
7 Quilters Group where I'm an occasional tutor. I'm an
8 active member of U3A, and I am currently the president of
9 Friends of Bowral.

10

11 MR PARISH: Thank you.

12

13 THE COMMISSIONER: Q. Just before you go on, I've heard
14 U3A a couple of times now. Can you tell me what it is?

15 A. University of the third age.

16

17 Q. Thank you.

18 A. Sorry, it's very popular here.

19

20 Q. Yes, I understand. What was the second group, I had
21 the Corpus Christi Parish Council?

22 A. Southern Highlands Quilters Group. I would like more
23 time to spend with that, but never mind.

24

25 THE COMMISSIONER: Thank you.

26

27 MR PARISH: Thank you, Commissioner.

28

29 Q. I'm just going to take you, to start, to some of the
30 documents which are referred to both in your submission and
31 which you have attached to your submission, it's my
32 intention to tender those in the inquiry. I'll provide you
33 with a copy of those documents now.

34

35 Commissioner, I propose to tender them as a bundle of
36 documents rather than separately, if that's convenient?

37

38 THE COMMISSIONER: Yes.

39

40 MR PARISH: Q. I just need to establish the provenance
41 of these documents, we'll be discussing them later, but can
42 I just ask, is the first document you have in front of you
43 a letter that was sent by you to Councillor Gair on
44 24 August 2020?

45 A. It was actually sent by my husband.

46

47 Q. Thank you. And that was a document that was attached

1 to your submission?

2 A. Yes.

3

4 Q. And the next document in, is that a document from the
5 office of the mayor to your husband dated 12 August 2020?

6 A. It is.

7

8 Q. And that was a document that was attached to your
9 submission?

10 A. Yes.

11

12 Q. And it comprises four pages?

13 A. Yes.

14

15 Q. The next document, is that a letter to your husband
16 from, is it, Councillor Nelson?

17 A. Yes.

18

19 Q. Which is headed, "Letter to Mr R.C. Wilson - Station
20 Street upgrade"?

21 A. Correct.

22

23 Q. Is that made up of four pages?

24 A. Yes.

25

26 Q. And, was that attached to your submission?

27 A. Yes.

28

29 Q. Is the next document you have a document from your
30 husband, again presumably, to Councillor Nelson dated
31 30 July 2020?

32 A. It is, and if you see the first paragraph you will
33 note that Roy said:

34

35 *I am writing to each councillor.*

36

37 So that same letter went to every councillor.

38

39 THE COMMISSIONER: Sorry, Mr Parish, just before you go to
40 that next one.

41

42 Q. On that letter of 30 July there's some handwriting on
43 the top?

44 A. Yes.

45

46 Q. Do you know whose handwriting that is?

47 A. I think that was Councillor Peter Nelson.

1
2 Q. It's not yours?
3 A. No.
4
5 Q. It's not your husband's?
6 A. No.
7
8 Q. Was it on the letter when that was received?
9 A. Yes.
10
11 THE COMMISSIONER: Thank you.
12
13 MR PARISH: Q. So can I just ask, this was a letter from
14 your husband to councillors. Am I right that this
15 particular letter came back to you or your husband in this
16 form with the annotated handwriting in the top?
17 A. Correct.
18
19 Q. Do you recall how that document came back to you? Was
20 it posted or?
21 A. It was hand-delivered to our letterbox.
22
23 Q. Thank you. The next document along, is that a
24 document headed, "Station Street - Mr Roy Wilson" which
25 comprises, again, four pages from Councillor Peter Nelson?
26 A. Yes.
27
28 Q. And it begins:
29
30 *Dear Mr Wilson, thank you for your letter*
31 *dated 25 June.*
32
33 A. Yes.
34
35 Q. And is that document attached to your bundle?
36 A. It is.
37
38 Q. Is the next document you have an email which, whilst
39 slightly hard to read says, "Response please" from
40 peter.nelson@wsc.nsw.gov.au to presumably your email
41 address, Jan Wilson; is that correct?
42 A. Yes.
43
44 Q. Dated 25 June 2020?
45 A. That's right.
46
47 Q. At 13:09 in the afternoon?

1 A. Yes.
2
3 Q. Is that document attached to your bundle?
4 A. It is.
5
6 Q. Is the next letter you have, and the last letter you
7 have, a letter from your husband to Councillor Nelson dated
8 25 June 2020; do you have that?
9 A. I do.
10
11 Q. Do you have handwriting to the right of that which
12 says, "Email - 25 June 2020"?
13 A. Yes.
14
15 Q. Is that your handwriting?
16 A. No, my husband's.
17
18 Q. And underneath does that say Roy Shaw for --
19 A. It's "RCW".
20
21 Q. Thank you, and is that document attached to your
22 submissions?
23 A. Yes, it is.
24
25 Q. Thank you.
26
27 MR PARISH: Commissioner, I tender that bundle of
28 documents, being correspondence between Mr or Mrs Wilson
29 and certain members of council.
30
31 THE COMMISSIONER: Exhibit H will be a bundle of
32 correspondence between Mr or Mrs Wilson and certain
33 councillors. There's no trouble with that being placed on
34 the website, is there?
35
36 MR PARISH: No.
37
38 THE COMMISSIONER: Thank you, Exhibit H, and that can be
39 placed on the website subject to the Wilsons' personal
40 contact details being masked in the usual way, that can go
41 up.
42
43 THE WITNESS: Thank you.
44
45 **<EXHIBIT #H - BUNDLE OF CORRESPONDENCE BETWEEN**
46 **MR OR MRS WILSON AND CERTAIN COUNCILLORS.**
47

1 MR PARISH: Thank you, Commissioner, and thank you,
2 Mrs Wilson.

3

4 Q. Can I start by asking you, Mrs Wilson, about your
5 database of 500 or so residents in the area. How did that
6 database come about?

7 A. By accident, basically. It's actually 535, to be
8 precise.

9

10 Q. Yes.

11 A. And it came about because, when we first arrived in
12 the Southern Highlands, very soon after our arrival I was
13 contacted by an elderly neighbour about a development the
14 people were concerned about, and as a consequence of that,
15 briefly I arranged a public meeting that was well attended
16 and at that meeting I had two friends at each entrance to
17 the hall taking names and addresses and that was the basis
18 of that database. Subsequently people have contacted me, I
19 have never contacted a single person to ask, did they want
20 to be on that database; they have all come to me
21 voluntarily and asked to be kept informed.

22

23 I'd like to make the point, I don't specifically
24 advise them of council stuff, it's other matters as well.

25

26 Q. Can I take it from the way that this database came
27 about, that it initially comprised citizens who had
28 problems or concerns about development in the region?

29 A. Probably initially it was. Part of the problem is, as
30 you'd be well aware, the demographics of this area, it's an
31 elderly demographic, changing certainly, but a lot of us,
32 me included, have very little knowledge of modern
33 technology; I struggle and I'm relatively bright, but a lot
34 of people, (a) don't have it or don't know how to use it;
35 they don't read the local papers, they don't listen to
36 local radio, but they do look at emails, and that's, I
37 guess, why I started this white elephant - I feel like a
38 bit like The Mikado, I have a little list.

39

40 Q. Yes, and in your position as a member and now chair of
41 the Friends of Bowral group, that is a separate role to
42 your role as the administrator and contact person?

43 A. Absolutely.

44

45 Q. Is it a database that you on occasion access at your
46 discretion to communicate about Friends of Bowral matters?

47 A. If I think it's relevant to the wider public, yes.

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Q. But they are separate in your own mind --
A. Yes.

Q. -- in the sense that they are for different purposes generally speaking. Thank you.

Q. You've addressed a number of matters in your submission and if I could just start with the townhouse development at Carrington Street on page 2 of your submission. Can you tell the Commissioner about your experience with that development and how that came about?

A. Yes, it was a development for, I think it was initially 10 townhouses, I can't remember exactly. It was within the guidelines I expect, in that, the boundaries were there but they were right on the boundary, they were overlooking neighbouring properties. There was a lot of concern in our community about their closeness and the lack of privacy, and many submissions were sent to council about this. We got no response whatsoever, and in fact initially I happened to be walking my dogs when the councillors were on a site visit, as I think Mr Wilton mentioned yesterday, they did these site visits. I stopped because I knew everybody there and said, "Hello" and I was abused, I guess is the right word, by the then general manager and told I had no right to speak to people. This was on a public road. So, that was the first thing that upset me, I guess, and then consequently of course we got no reply to our requests. We took photographs as the building progressed when the concrete was laid, when the structure, the form work went up, and we kept advising council of what was happening, asking them to come and look at it. It was a private certifier.

Eventually Mr Wilton did come to observe the property with his assistant, who was, I felt, most inappropriately dressed for a site visit, in that, she was wearing very attractive, very high heeled court shoes and I made the comment, "They're not really suitable for a site inspection". She replied, "I have no intention of going onto the site". Not really what I needed to hear.

The certifier was supposed to meet with us on that occasion: he didn't. The builder turns up and said he was just carrying out his client's instructions, which was perfectly valid, and altogether it was a most unsatisfactory experience. The building was finally

1 constructed, in my opinion not terribly well, in as much as
2 the driveway has had to be completely removed and redone;
3 it actually collapsed under the weight of removalists
4 trucks when people were moving into the building, so the
5 amount of care that was taken at each stage as far as
6 looking at the conditions, I'm not sure it was very good.

7
8 Q. Were you a neighbour or someone who would be affected
9 by the development in Carrington Street?

10 A. My neighbour opposite, in fact two neighbours
11 opposite, are very badly affected, they have incurred
12 enormous expense trying to alleviate the problems caused by
13 the stormwater and the drainage from that site. We're on
14 the opposite side of the street to them so we are not
15 personally affected.

16
17 Q. Would it be fair to say that, rather than an organised
18 group like Friends of Bowral, this was more of an ad hoc
19 group of people?

20 A. It was nothing to do with Friends of Bowral, it was
21 the community of Belmore Street.

22
23 Q. Do you know or recall if any objections were made to
24 the DA at that DA stage of this townhouse development?

25 A. I can't honestly say I recall. I imagine there would
26 have been, but I am not really 100 per cent certain.

27
28 Q. Do you recall or know whether there was any presence
29 of you or other affected people at the meeting that
30 addressed this development application at the council
31 chambers?

32 A. Yes, I was present.

33
34 Q. Can you give me your impression of, if you have one,
35 of how the DA was addressed in the meeting?

36 A. Not specifically. Um, I know that ultimately we felt
37 there was a slight victory in that the number of units was
38 reduced by one, but other than that I can't - we weren't
39 happy.

40
41 Q. You said at the start of your answer on this topic
42 that the development was probably within the guidelines and
43 nevertheless there were problems you saw with it. I'll
44 come to your experience on other matters soon, but in your
45 opinion or view do you think that perhaps therefore that
46 the guidelines were as much a problem as communication? If
47 that's something you don't feel that you can comment on --

1 A. It's not something that I'm an expert in by any means,
2 but yes, I suspect they are a problem.

3

4 Q. In your view as a member of Friends of Bowral and
5 someone with an interest in development, does it appear to
6 you that the guidelines permit development that at least
7 you feel is not appropriate in the shire council area? And
8 again, if that's something you don't feel you can answer --

9 A. Yes, I'm not quite sure how I can answer that. Bowral
10 is a very interesting area, it's obviously a place that a
11 lot of people choose to retire to for various reasons, one
12 of which I think is its character. There are a lot of
13 heritage places in Bowral, and I must say at this point,
14 I'm not against development, but I am certainly against
15 inappropriate development and I think it should be in
16 keeping with the character of the area. Hopefully the
17 Bowral master plan when it's finally exhibited will address
18 some of these issues.

19

20 Q. Yes, and that's what I was trying to ask you about, to
21 the extent that you can give a view on it if you feel
22 comfortable doing so, is whether there are overarching
23 plans that create concerns within groups like you as much
24 as it is individual developments?

25 A. I believe there are.

26

27 Q. Thank you.

28

29 THE COMMISSIONER: Are you moving to a different topic?

30

31 MR PARISH: Yes.

32

33 THE COMMISSIONER: Before you do.

34

35 Q. You've referred to the site visit with Mr Wilton?

36 A. I did.

37

38 Q. How did that come about?

39 A. Well, I was walking my dogs where I always walk them,
40 which is out of my front door, turn right, turn left into
41 Carrington Street and that's my usual path, and as I've
42 passed that site the councillors were there with the
43 general manager, Mr Wilton - I don't think Mr Pepping was
44 there, I'm not sure - yes, I think he was. And I obviously
45 stopped, I knew them all, I obviously stopped and said
46 "good morning" and ...

47

1 Q. Yes, it's my fault, I wasn't clear enough. There was
2 another site visit with Mr Wilton where there was supposed
3 to be --
4 A. That was later when the building was halfway up, and
5 Nick said to me, "Too late to do anything about it now", my
6 response was, "It could be bulldozed", he wasn't --
7
8 Q. Yes, that was the one I wanted to ask you about; how
9 did that visit come to be?
10 A. I was advised because I have been --
11
12 Q. Who by?
13 A. I think, by Nick Wilton, but I can't be certain of
14 that, Commissioner.
15
16 Q. What was the purpose of the visit?
17 A. To address - well, so that he could see the issues
18 that we had raised.
19
20 Q. I see.
21 A. It was far too late in the day for that to have
22 happened but --
23
24 Q. I see, so in the intervening period had you had
25 contact with Mr Wilton or someone in his area?
26 A. In the planning area, fairly constant contact - well,
27 I don't think they were happy when they saw my name on the
28 end of letters.
29
30 Q. Be that as it may, but you were raising concerns --
31 A. Fairly active.
32
33 Q. Yes, and were they responding to you?
34 A. No.
35
36 Q. Did you get any acknowledgment at all?
37 A. Not until this visit was arranged.
38
39 Q. I see, so would you send emails or --
40 A. I think that visit came about because I actually came
41 down to the Council Chambers and stood at the front desk.
42
43 Q. You mentioned an intended meeting with a certifier;
44 was that due to happen on that day?
45 A. Yes.
46
47 Q. Who told you that?

1 A. Mr Wilton.

2

3 Q. And I take it that didn't happen?

4 A. Well, the certifier didn't arrive.

5

6 Q. Were you ever told why?

7 A. No.

8

9 THE COMMISSIONER: Thank you. Thank you, Mr Parish.

10

11 MR PARISH: Q. I'll turn now to your submission on the
12 behaviour of the councillors. You've said that that was
13 the most serious of your issues with the currently
14 suspended councillors; is that correct?

15 A. I think that's correct and particularly in terms of
16 the terms of reference for this inquiry.

17

18 Q. Yes. Thank you for reading them. The 2016 elections,
19 as you point out, returned six of the former councillors,
20 and you say that it was apparent from almost the first
21 meeting that "the behaviour of our elected representatives
22 was less than civil". Can you tell me about your
23 experience and knowledge of that. Were you at the first
24 meeting or thereabouts?

25 A. I was at the first meeting and the majority of
26 meetings thereafter. Why I put myself through that, I'm
27 not sure. Their behaviour was worse than primary school
28 children would have been. In fact I used to often say to
29 myself, "If they were my children they'd be asked to leave
30 the room." There were aggressive tactics used, there was
31 bullying in my opinion, and certainly not - most
32 unparliamentary for want of a better term.

33

34 Q. Can I ask you for some specific examples that led you
35 to the opinion that there was bullying less than
36 parliamentary behaviour and behaviour not befitting school
37 children?

38 A. Most certainly. I'll find my little piece of paper,
39 sorry. I had arranged independently a meeting for the
40 people who had nominated Stan for the reasons stated in the
41 last state elections. Subsequent to that meeting the
42 mayor, Duncan Gair, was interviewed on - I think it was WIN
43 TV - about various things including the fact that he felt
44 that the candidates, and quote, were "As useless as an
45 ashtray on a motorbike". And I felt, to have made that
46 sort of statement publicly, on television - I have no idea
47 what the coverage of that television station is, but I

1 guess it's fairly wide, and it should never have been made.

2

3 Subsequently, Councillor Scandrett put in a notice of
4 motion, I think it was, asking that that comment be - not
5 rescinded, I suppose, but apologised for. That motion
6 failed for want of a seconder, which was pretty common:
7 anything councillor Scandrett put up generally either
8 failed because there was a lack of a seconder, or the vote
9 was 8:1 against Councillor Scandrett. It was not, in my
10 view, democratic.

11

12 MR PARISH: Could I just pause there?

13

14 THE COMMISSIONER: Q. Sorry, what's undemocratic about
15 that?

16 A. It was fairly obvious that - I was going to say
17 "cabal", but that's probably too strong a word. But the
18 gallery would be watching the council meeting and you'd
19 know as soon as Councillor Scandrett stood up what the
20 result was going to be, you didn't have to wait for any
21 debate to happen.

22

23 THE COMMISSIONER: I see, thank you.

24

25 MR PARISH: Q. There's various definitions of what
26 democracy is and there's various terms which are conflated
27 within democracy.

28 A. Of course.

29

30 Q. For instance, rule of law is something which is
31 important but not necessarily a matter of democracy.

32 A. I understand.

33

34 Q. When you say democracy in the strict sense of majority
35 rule, for instance, 8:1 of elected councillors sounds
36 perhaps like that's democracy.

37 A. It does, if it hadn't been so consistent.

38

39 Q. Okay.

40 A. Does that make sense? Probably not.

41

42 THE COMMISSIONER: Q. Tell me if I'm understanding you
43 correctly. I think what you're really pointing to is that,
44 rightly or wrongly, perception or accurate, it was at least
45 perceived that there was a united block that would fall
46 along 8:1 along certain issues and that would happen
47 irrespective of how the debate went?

1 A. Exactly right.

2

3 Q. It was entrenched perhaps, I think is what you're
4 suggesting; have I got that right?

5 A. Much better put than the way I put it, yes.

6

7 THE COMMISSIONER: No, no. You're too kind, thank you.

8

9 MR PARISH: Q. One thing I was going to suggest to you
10 was, therefore, were you left with the impression that,
11 rather than having matters properly ventilated and
12 considered, they were dealt with in a partisan and
13 predetermined way?

14 A. That was my impression definitely.

15

16 Q. That's an example --

17

18 THE COMMISSIONER: I'm sorry to cut you off, Mr Parish.

19

20 Q. But in your communications with people within the
21 Friends of Bowral group, if I can confine it to that, was
22 that a view that was shared, widely shared?

23 A. I think so.

24

25 Q. When you say you think so, was it ever discussed
26 amongst yourselves?

27 A. Not in so many words.

28

29 THE COMMISSIONER: Thank you.

30

31 MR PARISH: Q. Thank you, Mrs Wilson. That is a matter
32 which deals with issues both inside and outside the
33 chamber. Can you give me some examples, if you can
34 remember any, of what you understood to be improper
35 behaviour at that very early stage? As you note, it was an
36 impression left with you almost immediately?

37 A. Right, well, I'm sure you've heard plenty of people
38 talk about Station Street and I'm sure there's more to
39 come.

40

41 Early in this term of - or was it even before - there
42 was a meeting and one of the agenda items on the council
43 meeting was the Station Street upgrade project. At that
44 stage Alan Olsen, who had had asked to speak at that
45 meeting, public forum, so I notified people that this was
46 going to be discussed at the council meeting having read
47 the agenda on the Friday, and asked if they would turn up

1 for a very peaceful protest on the steps of the council
2 prior to the meeting and then come into the meeting so that
3 Alan would be supported. And quite a number of people
4 turned up, it was peaceful, and the comment - we asked the
5 people to make sure that they behaved in a civilised manner
6 and weren't unruly, and I think really all we did was just
7 have some posters and had a photograph taken for the local
8 newspaper, and then we came up into the chamber for the
9 meeting. Councillor Markwart then took the chair, I don't
10 know why, but every now and again they would change the
11 chair, the mayor didn't always chair meetings, every other
12 councillor seemed to get a turn. How it was arranged I
13 don't know, but this was certainly Councillor Markwart, and
14 he sat in the chair, we were all in the gallery before any
15 debate, before any discussion, he picked up the gavel, and
16 the meeting was 14 February 2018, for some reason I
17 remember the date vividly.

18
19 THE COMMISSIONER: That was the question I was going to
20 ask you.

21
22 THE WITNESS: He picked up the gavel and held it up so we
23 can all see and he said, "I have the gavel and I know how
24 to use it".

25
26 THE COMMISSIONER: Q. Was that at the outset of the
27 meeting?

28 A. Right at the outset of the meeting, no provocation
29 whatever. It was quite appalling, I thought.

30
31 MR PARISH: Q. What did you understand that he meant by
32 that?

33 A. Well, he knew that there were a group of people in the
34 gallery that don't usually attend council meetings, he knew
35 we were there about Station Street, he knew the community's
36 feelings about Station Street, and I suppose he thought we
37 were going to - I'm not quite sure, attack him, create a
38 problem within the chamber?

39
40 Q. Were you left with the impression at that time that he
41 was referring to the fact he might use it to smack it on
42 the desk more than he usually would, or did you take it to
43 be a threaten - an act of violence or (indistinct)?

44 A. It was a threat. Well, in my opinion it was a threat.

45
46 Q. Yes, I'm only asking for your opinion obviously or
47 your impression. How many people were in the chamber at

1 the time roughly?
2 A. Oh, 50 perhaps.

3
4 THE COMMISSIONER: Q. Sorry, just on that. I didn't
5 quite understand your answer to Mr Parish's question. You
6 didn't think that Councillor Markwart was going to start
7 hitting people with the gavel, did you?
8 A. Well, I hoped not, but it was threatening.

9
10 THE COMMISSIONER: I understand, thank you.

11
12 MR PARISH: Q. I think we might have heard some evidence
13 yesterday about someone who talked at that meeting. Do you
14 recall who that was against the Station Street bypass?
15 A. I think it was Alan Olsen.

16
17 Q. Do you recall how Mr Olsen's submissions were received
18 by councillors when he spoke?
19 A. I'm afraid, I really don't.

20
21 Q. That's okay. You've given two specific examples there
22 and those are matters that we've addressed and will be
23 addressing in other evidence. Can you give any other
24 examples that you can recall of times where, not
25 necessarily with specific matters like Station Street, you
26 attended a meeting and it struck you that the behaviour was
27 bullying or --
28 A. Not specifically.

29
30 Q. It was your overall impression, is that the evidence,
31 from the considerable times that you did attend, the
32 overall impression you were left with was, that was the
33 behaviour of the 2016-2020 --
34 A. Definitely.

35
36 THE COMMISSIONER: Q. When you say bullying, are you
37 talking about councillors amongst themselves?
38 A. Yes.

39
40 Q. Councillors to members of the public, councillors to
41 staff?
42 A. Councillors amongst themselves. There was no real
43 debate - well, I guess it was a debate of a sort, but it
44 was vitriolic in a lot of ways.

45
46 Q. What about your observations of councillors'
47 interaction with members of staff at meetings, did anything

1 of that kind come to your attention?

2 A. Nothing really that I could say.

3

4 Q. What about the way councillors would refer to the
5 public in council meetings; did anything of that cause you
6 concern?

7 A. Yes, Councillor Gair particularly, I think, would
8 refer to the public as being obstacles to whatever was -
9 mostly Station Street, I must say, and their lack of
10 communication, their lack of leadership in a lot of cases
11 was very poor.

12

13 I know that the meeting that was held by the council
14 in 2017 in St Jude's Hall that I was not present at was not
15 a good meeting; that was the only public consultation, I
16 think, and again, it showed their complete disregard or
17 lack of respect, I guess, for the community because it
18 was --

19

20 Q. That was a meeting about Station Street?

21 A. It was.

22

23 Q. There was also a shop front, I think, set up?

24 A. There was.

25

26 Q. Did you view that?

27 A. I was overseas.

28

29 Q. I see, all right. That's all right.

30 A. Sorry.

31

32 Q. No, no, there's no need to apologise. Going back to
33 the councillors amongst themselves and in answer to my
34 question I think you described it as vitriolic; would that
35 be behaviour displayed by each of the councillors from time
36 to time, or some of them, or?

37 A. Generally speaking some were worse than others,
38 some --

39

40 Q. Who would you put in that category?

41 A. Do I really need to name names? I suppose I do.

42 Councillor Gair and Councillor Scandrett were obviously at
43 odds with each other.

44

45 Q. Yes, I don't think that's controversial.

46 A. Probably not. Councillor Andrews remained fairly
47 quiet. Councillor Whipper seemed to side with

1 Councillor Gair most of the time. Councillor Markwart,
2 well, he resigned because of ill-health, so he was not
3 there for the full term. Councillor --
4

5 Q. So, I take it, that's the interactions between
6 Councillors Gair and Scandrett that's most forefront in
7 your mind when you make those comments?

8 A. Really, yes, yes.
9

10 THE COMMISSIONER: Thank you. Yes, Mr Parish.
11

12 MR PARISH: Q. Can I ask you about a public gathering
13 that was held at Links Road to discuss the proposed Station
14 Street bypass. Who organised that gathering?

15 A. I did.
16

17 Q. Who did you invite to that public gathering?

18 A. My infamous list.
19

20 Q. And what was the intention of that gathering at that
21 spot?

22 A. The intention of gathering at that spot was because
23 the original Station Street proposal had various sections
24 and one of them was this, I think it was Stage 2 was to be
25 done, and the community interestingly had no real problems
26 with Stage 2 being done which would have, I think, been an
27 effective way to lessen the traffic at the big roundabout
28 at Funston Street. And that Stage 2 was to start at the
29 Oxley Motel, which I guess most of you would be aware of,
30 and there was an area there where we could happy have a few
31 people stand around and just discuss things and see where
32 it was going to go, we could always walk through the track
33 that was proposed.
34

35 So again, using my list, I asked people to turn up at
36 a particular time. Councillors were not invited, I didn't
37 think there was any need to invite them, it was just a
38 matter, again, of letting the community - and this is one
39 of the big problems, the lack of the way the community
40 aren't aware of what's happening, which is where I guess I
41 come into it. So, much to my amazement, the councillors
42 all turned up along with the general manager and senior
43 staff.
44

45 Now, having organised the meeting I was prepared to
46 run it, however at that point - John Barrett was the
47 president who had just recently formed Friends of Bowral,

1 and he was the president, I thought it was reasonable to
2 hand it over to him, which I did, and then he said a few
3 words but then he invited the mayor, Councillor Gair, to
4 speak and he took it over, it was just shocking.
5

6 And, he was, I don't know how to describe his
7 attitude, but it was certainly not helpful and he had no
8 intention of backing down from his position that this was
9 going to go ahead no matter what the public wanted. But
10 then he did finish up by saying, "You can come and discuss
11 this with me, my door is always open". Subsequently we
12 made many attempts to come and consult with him and not
13 once was he available to speak with us. I was not a happy
14 person.
15

16 Q. Do you have any recollection of what the general mood
17 of the group that you had gathered was when Mayor Gair
18 decided to talk and the way he talked?

19 A. They were very unhappy and comments were made from the
20 crowd, I don't know what they were exactly, but there were
21 certainly mutterings.
22

23 Q. Did you personally feel it was appropriate that the
24 mayor should address the gathering?

25 A. No, I didn't, and had I been running it he wouldn't
26 have, but I wasn't, so ...
27

28 Q. Do you think that anything constructive came out of
29 the discussions or speech from Mayor Gair at that meeting?

30 A. I think the only thing that came out of that was the
31 fact that he antagonised even more so the community
32 generally.
33

34 Q. And, to the extent that perhaps you'd give the same
35 answer, what impression were you left with about the
36 utility of the councillors turning up and perhaps why they
37 turned up?

38 A. That's hard to answer, I'm not quite sure.
39

40 Q. I'll put it another way, in a closed fashion. Was the
41 presence of the councillors, senior staff and the general
42 manager not constructive but more antagonistic than it
43 needed to be?

44 A. I think that it's fair to say that. I think they
45 turned up to say, look, we're here, we've made the
46 decision, you're going to have to live with it.
47

1 Q. In your experience and as someone who's dealt with
2 issues in relation to the Station Street bypass, can you
3 indicate to the Commissioner how you felt the communication
4 ought to have been conducted in respect of the Station
5 Street bypass?

6 A. Well, community consultations would have been good.
7 There were many changes made to the project as it went
8 along, quite major changes that we were totally unaware of.
9 The first thing was that it was originally a 2 kilometre
10 stretch of road that I think was \$7.5m. It then was more
11 than halved to 900 metres of road and, as you heard
12 yesterday in evidence, I think the final cost was \$36m,
13 which was extraordinary. Now, none of this was made public
14 or it was very difficult to find out what was happening,
15 and I must say I was very grateful for somebody - I think
16 it was you, Commissioner, talking about section 11 of the
17 Local Government Act. I wish we'd known about that before.
18

19 Q. There was some consultation and it was exhibited. In
20 your experience and in your impression would it have been
21 more helpful if there had been significant discussions and
22 communications each time there was a revision to the plan?

23 A. It certainly would have been, and I think it would
24 have been wise for the council staff and councillors to
25 have taken notice of some of the very detailed submissions
26 that members of the public, I'm sure, made over that period
27 of time.
28

29 One of the things about this project was, they didn't
30 own the land that was required to do it in the first
31 instance, and all these plans were being done and a lot of
32 money spent on preliminary stuff prior to them owning the
33 land that was needed. That didn't make any sense to me.
34 So, yeah, I think there was a great lack of public
35 consultation or lack of information being given to the
36 public
37

38 THE COMMISSIONER: Q. As part of that do I understand
39 the concern to include that it wasn't being made known or
40 at least not in a way that a wide section of the public --
41 A. It was easy to find out.
42

43 Q. -- could find as to why certain things were being done
44 or decisions were being made?

45 A. Well, one of the decisions that was made that nobody
46 could understand was, don't worry about parking, we're
47 giving you more parking at Mittagong Railway Station. How

1 helpful's that?

2

3 Q. Yes, and when you say that no-one was able to
4 understand; there may be a difference between there being
5 an adequate level of consultation and information being
6 given and ultimately people just having a different view.
7 Do you agree with that?

8 A. Of course, I agree with that totally.

9

10 Q. But what I understand you to be saying is, when these
11 provisions were made, the information at least that was
12 readily available was, this is what it now looks like,
13 without an explanation for the rationale; is that what
14 you're saying?

15 A. Precisely.

16

17 THE COMMISSIONER: Thank you.

18

19 MR PARISH: I'm going to take Mrs Wilson to some of the
20 correspondence now, Commissioner, unless you have further
21 questions on the topic of behaviour.

22

23 THE COMMISSIONER: That's Exhibit G?

24

25 MR PARISH: This is Exhibit G. Mrs Wilson could probably
26 have a copy of Exhibit G.

27

28 THE COMMISSIONER: She can be shown Exhibit G, or she's
29 got her submission? I'm sorry.

30

31 MR PARISH: Sorry, is it G or H? Pardon me, this is H.

32

33 THE COMMISSIONER: Thank you, I'm just being reminded to
34 turn myself on and off so people can hear me. I apologise.

35

36 THE WITNESS: Should I be doing that too?

37

38 THE COMMISSIONER: No, you're always live, it's just me
39 who has the problem remembering, so I do apologise, I'll
40 try and get better at it.

41

42 MR PARISH: Q. Can I just start by trying to establish
43 the chain of events here? The first letter is dated
44 24 August 2020; do you see that?

45 A. Yes.

46

47 THE COMMISSIONER: Has Mrs Wilson got a copy of the

1 exhibit as tendered, it may be --

2 A. I have.

3

4 THE COMMISSIONER: Yes, I'll get Mr Broad to bring you a
5 copy as it's been tendered because the order of the
6 documents will match what Mr Parish has, but if you have
7 your own notes please refer to them as you need.

8

9 MR PARISH: Q. So, we've got the first letter in the
10 bundle which is 24 August 2020.

11 A. Mmm-hmm.

12

13 Q. Now, that's a reply to a letter from Mayor Gair;
14 that's correct?

15 A. A reply to Councillor Gair, yes.

16

17 Q. Yes, from a letter which Councillor Gair had sent your
18 husband on 12 August 2020?

19 A. Yes.

20

21 Q. And that's the next letter along; is that correct?

22 A. That's right. Yes.

23

24 Q. Presumably, that was prompted by a letter from your
25 husband to Councillor Gair; is that correct?

26 A. To all the councillors.

27

28 Q. To all the councillors. I'll just see if I can turn
29 up that letter; is that the letter that - I'll get them in
30 the right order - is that the letter of 30 July 2020?

31 A. It is.

32

33 Q. So, that chain of events is, your husband wrote to all
34 councillors on 30 July 2020, Councillor Gair replied on
35 12 August 2020, and then your husband replied to him on
36 24 August 2020?

37 A. Correct.

38

39 Q. When your husband replied on 24 August 2020 he
40 included copies of correspondence to and from Councillor
41 Nelson; is that correct?

42 A. Yes.

43

44 Q. That correspondence is the document that follows the
45 Councillor Gair letter?

46 A. Yes.

47

1 Q. And is then interrupted by the letter to all
2 councillors, and then there is another one after that; is
3 that correct?
4 A. From Councillor Nelson, yes.
5
6 Q. And there's, it appears, two emails; is that correct?
7 A. Yes.
8
9 Q. That were part of the correspondence with Councillor
10 Nelson, and then finally a letter dated 25 June 2020 to
11 Councillor Nelson, which is the last document in that
12 little bundle?
13 A. Yes.
14
15 Q. That 25 June 2020 letter which is the last one in the
16 bundle, was that the first letter that your husband had
17 written to Councillor Nelson?
18 A. Yes, it was.
19
20 Q. Had you or your husband ever attempted to contact
21 Councillor Nelson before that date?
22 A. No.
23
24 Q. Was the first reply you had had from Councillor Nelson
25 the email on the preceding page?
26 A. Let me see.
27
28 Q. Which I note seems to be dated the same date as the
29 letter?
30 A. Yes.
31
32 Q. Do you recall how your husband - pardon me. It said
33 it was emailed to Mr Nelson, I take it --
34 A. It was.
35
36 Q. -- which is the handwritten annotation.
37 A. Yes.
38
39 Q. So, am I getting this right: within possibly hours of
40 your husband writing to Councillor Nelson on 25 June you
41 received an answer from Councillor Nelson?
42 A. Correct.
43
44 Q. Can you just tell me for the benefit of the
45 transcript what that answer was?
46 A. It says:
47

1 *No worse than what you are doing. Sent*
2 *from my iPhone on 26 June 2020 at 1.09pm*
3 *Peter Nelson wrote: and I am the one with*
4 *the vote [in capitals] so you don't count.*
5

6 Q. It says just below there "quoted text hidden". Do I
7 take it that what has been removed from there is the email
8 that your husband covered in that email?

9 A. I presume, I didn't remove that.

10
11 THE COMMISSIONER: When you say "removed", Mr Parish,
12 that's just a common feature of some reply functions in the
13 emails, there's nothing untoward about that process.

14
15 MR PARISH: Yes, I'm not suggesting there is.

16
17 Q. Just to clarify, the order in which that happened,
18 there's two references to 1.09pm and then there are two
19 messages: there's one that says:

20
21 *And I am the one with the vote so you don't*
22 *count.*

23
24 Then there's one which says:

25
26 *No worse than what you are doing.*

27
28 I think it says.

29 A. Yes, it does.

30
31 Q. Were those just two replies from Councillor Nelson
32 within about a minute of it's (indistinct) --

33 A. Well, that's just how it came in.

34
35 Q. That's how it came in.

36 A. M'mm.

37
38 Q. Thank you. Do I take it then, going back a few pages,
39 that you then received a letter from Councillor Nelson,
40 which is the next document back?

41 A. Mmm-hmm.

42
43 Q. Was that attached to the email or did that come
44 separately?

45 A. No, that came into our letterbox.

46
47 Q. By that you mean it appeared to have been --

1 A. Hand-delivered.
2
3 Q. Hand-delivered by someone. Was it in an envelope or
4 just popped in like that, do you recall?
5 A. I honestly can't recall.
6
7 Q. Do you remember reading the letter at the time, this
8 one that is response to the 25 June --
9 A. The one from Peter Nelson?
10
11 Q. Yes.
12 A. Yes, I do.
13
14 Q. Can you give me any impressions you had of that letter
15 when you read it?
16 A. The first thing he said, "Dear Mr Wilson" - fine:
17
18 *Thank you for your letter dated 25 June*
19 *which was apparently sent to other people*
20 *in your network.*
21
22 And that incensed me no end, because it was not sent
23 to other people in his network. He doesn't have a network,
24 he's a very upright, honest, elderly gentleman of 90 years
25 who was mystified by the whole situation.
26
27 Q. What did you understand Councillor Nelson was
28 insinuating there, if anything?
29 A. I think, how can you get into Mr Nelson's mind? I'm
30 not sure.
31
32 Q. Any other impressions of this letter?
33 A. Well, I thought it was unnecessary, I thought it was
34 poorly written, but not that that's an issue I suppose, and
35 I just didn't understand his attitude and why he should be
36 attacking my husband who had done absolutely nothing. He
37 had written a perfectly civilised letter to all the
38 councillors.
39
40 Q. Did you feel like the letter displayed strong and
41 effective representation, leadership, planning or
42 decision-making?
43 A. Anything but.
44
45 Q. In respect of civic leadership, do you think this
46 letter showed civic leadership?
47 A. It did not.

1
2 Q. And you use the word in a slightly different context
3 before, "unparliamentary". Were you left with the
4 impression that this letter was unparliamentary?

5 A. Most definitely.
6

7 Q. And do you think or were you left with the impression
8 that this letter assisted in your understanding of the
9 reasons for the Station Street bypass?

10 A. Not exactly sure what you're asking me.
11

12 Q. Well, it's important - I put it to you that it's
13 important that information be effectively communicated. Do
14 you think this effectively communicated to you the reasons
15 why at least Mr Nelson supported the Station Street bypass?

16 A. Well, in his eyes I'm sure it did.
17

18 Q. Well, I'm asking you what your impression of this
19 letter was. I mean, for instance, it did refer to a Bowral
20 traffic study on page 2. Do you see that?

21 A. Not yet; I will. Yes, yes.
22

23 Q. You don't have to agree with what Mr Nelson said --

24 A. No, of course obviously.
25

26 Q. -- or even say that it's accurate, but what I'm asking
27 you is, did it provide you with some level of satisfaction
28 that you were provided with communications effectively
29 about the Station Street bypass?

30 A. Well, yes, I suppose I'd have to say yes.
31

32 Q. The next letter, going backwards, is dated 30 July
33 2020. Do you recall if there was any other communication
34 between your husband and Councillor Nelson between this
35 letter that we've just been talking about and your
36 husband's letter to all councillors on 30 July 2020?

37 A. No, that was all.
38

39 Q. In that letter your husband set out a number of
40 questions and also referred to a council paper of April
41 2020 about the Station Street upgrade; do you see that?

42 A. He did.
43

44 Q. Do you recall when you received the handwritten
45 response with the annotations at the top?

46 A. Mmm-hmm. No, I'm afraid I don't.
47

1 Q. It was sometime shortly after; is that fair to say?
2 A. It was shortly after, I cannot tell you exactly when.
3
4 THE COMMISSIONER: Sorry, Mr Parish, to interrupt, just so
5 I understand.
6
7 Q. If we go - I should perhaps paginate this, but if you
8 have the letter from Councillor Nelson, the four-paged one
9 headed, "Letter to Mr R.C. Wilson Station Street Upgrade",
10 do you see that about halfway through?
11
12 MR PARISH: It's the document before.
13
14 THE WITNESS: Yes.
15
16 MR PARISH: Q. Was the letter that your husband sent on
17 30 July with the handwritten annotation received with that?
18 Did it come back as an attachment, or you just don't
19 remember?
20 A. No, I don't think it did, I think it was separately.
21
22 Q. Thank you.
23 A. In fact, I'm sure it was separately.
24
25 MR PARISH: Q. What was your impression - sorry, I
26 withdraw that. Just to clarify, you received the 30 July
27 2020 document with the handwritten annotations on it,
28 again, posted by hand or left in your letterbox; is that
29 correct?
30 A. Yes.
31
32 Q. And what reason did you have to believe that this came
33 from Councillor Nelson?
34 A. I have no idea.
35
36 Q. Was it --
37 A. I think it was common sense.
38
39 Q. It was something which, it was a conclusion you had
40 drawn from the fact --
41 A. Well --
42
43 Q. -- that you had received the previous --
44 A. And the fact that he says, "Happy to reply again" -
45 underlined - "now stop".
46
47 Q. Which suggested to you that it was a councillor who

1 had already replied to you?
2 A. Yes.
3
4 Q. And it was also a councillor who might have a
5 propensity to hand deliver letters?
6 A. That's right.
7
8 Q. And that's what led you to believe, is it, that it was
9 probably Councillor Nelson?
10 A. M'mm.
11
12 Q. And I take it, you assumed that that was Councillor
13 Nelson's handwriting at the top of it?
14 A. I did.
15
16 Q. What was your impression when you received this
17 letter? How did it strike you?
18 A. Why am I bothering with these people, basically. I
19 must say, it did distress my husband quite significantly.
20
21 Q. Did you or your husband feel threatened or unsafe by
22 the manner in which --
23 A. Not really.
24
25 Q. -- whoever it was replied?
26 A. Not really. I certainly didn't like the fact that he
27 had seen fit to come to our house, or knew - well, it's
28 obvious where we live, I've never made any secret of the
29 fact, but no, we never felt threatened.
30
31 THE COMMISSIONER: Q. When you said earlier your
32 husband, it caused him some distress, can you tell me what
33 you meant by that?
34 A. How would I describe it? Well, as I said before, he's
35 90 years old, he's of a different era I suppose, and he
36 could not understand why people can't act in a civilised
37 manner, and he gets distressed when he thinks that things
38 aren't as they should be.
39
40 THE COMMISSIONER: I understand.
41
42 MR PARISH: Q. Was it to some extent, as far as you can
43 speak for your husband, a matter of exasperation as well
44 about why the interaction was taking place in this way?
45 A. I think possibly exasperation, I can't think of
46 another word that better describes it.
47

1 THE COMMISSIONER: Q. I take it that you didn't consider
2 this to be a game, did you?
3 A. I did not.
4
5 Q. What about your understanding --
6 A. And I don't understand why Councillor Nelson did
7 either.
8
9 Q. And, what about your husband? He didn't think it was
10 a game?
11 A. Not at all.
12
13 THE COMMISSIONER: Thank you.
14
15 MR PARISH: Q. I think I may know the answer to this
16 from your previous answers, but did you think that this was
17 an appropriate or effective way to communicate with you?
18 A. No.
19
20 Q. So, now turning to the other letter that we've just
21 been talking about, which is the next one back, that is
22 headed, "Letter to Mr R.C. Wilson - Station Street Upgrade"
23 which commences:
24
25 *Dear Sir, I refer to your letter 30 July*
26 *2020.*
27
28 Was this hand-delivered to you?
29 A. Yes, it was.
30
31 Q. And it was obviously sometime after 30 July 2020. Do
32 you have any specific recollection when that letter was
33 delivered to you?
34 A. I'm sorry, no, I don't.
35
36 Q. Can you give me your impressions of this letter, to
37 the extent that you have any? Take all the time you need
38 to refresh your memory, Mrs Wilson?
39 A. Thank you. I think the first thing we were both
40 concerned about was on the second page of this letter where
41 he was addressing the safety issues, saying that he did not
42 agree with my husband's assessment that safety would be
43 compromised.
44
45 Q. And is that because you had formed your own view,
46 either independently or in association with other people's,
47 that there were safety issues?

1 A. Oh, we had formed our own view and we used to use the
2 train reasonably regularly, and he has mobility issues, so
3 safety and access is really quite important.
4
5 Q. Anything else in this letter that left you with a
6 positive or a negative impression?
7 A. Oh, just generally negative, I'm afraid.
8
9 Q. And why was that?
10 A. Oh, if you go to page 3 where he talks about Friends
11 of Bowral, "I have had dealings with Friends of Bowral",
12 I'm not sure what dealings he's referring to:
13
14 *Unfortunately they don't respect the*
15 *referee's decision and they misinform the*
16 *public and tell untruths about Station*
17 *Street.*
18
19 None of which is true.
20
21 Q. Any other impressions before we move on from this
22 letter?
23 A. Not really. I didn't like the comment about:
24
25 *John Hewson has now put his 20 cents worth*
26 *of comment into the debate.*
27
28 I thought that was quite irrelevant.
29
30 Q. Did you think this letter was an appropriate and
31 effective communication from a councillor?
32 A. No, it wasn't.
33
34 Q. Lastly on this bundle, going back one more again to
35 the 12 August 2020 letter from Mayor Gair, this one is
36 obviously on Wingecarribee Shire letterhead and is perhaps
37 at least more formally formatted than the letters from
38 Councillor Nelson. Do you have any impressions or anything
39 you want to say about this letter?
40 A. Not really, but I would - I would like to know who
41 the - I don't believe the author of it was Duncan Gair, I
42 suspect it was done by one of the staff, which is probably
43 fair enough too.
44
45 THE COMMISSIONER: Q. Well, he certainly put his name to
46 it.
47 A. He certainly did, yes.

1
2 MR PARISH: I was going to move on from this
3 correspondence, Commissioner, unless you wanted to say
4 anything?

5
6 THE COMMISSIONER: No, thank you.
7

8 MR PARISH: Q. An issue which you mention in your
9 submission, although it hasn't really come up yet, is the
10 Kiama Street tip.

11 A. Oh, yes.
12

13 Q. Can you explain to me your experience and your
14 concerns about that?

15 A. I can. My concerns were, as you would have heard from
16 Mrs Stokeld yesterday, we live quite close to it and,
17 depending on prevailing winds of, of course, it can be
18 awful. The first time I was aware of it, I think it was in
19 about March of last year but I can't be certain of dates,
20 and I had actually hung washing out on the line and I went
21 to get it in in the afternoon and it smelt absolutely
22 appalling; I thought, oh my God, you know, what on earth
23 happened? And I realised the smell, and there was a fine
24 film of ash over our back deck and I go, "That's odd", and
25 of course it transpired that it was the tip creating,
26 presumably the ash, I'm not sure, but certainly the smell
27 but it actually permeated everything that was on the
28 clothesline. And from then on for a matter of a number of
29 weeks we then had to keep the house pretty well closed up
30 at the back, which was annoying because that's our living
31 area where we spend a lot of time.
32

33 And then we had a meeting with people who live
34 opposite the tip and that was attended by friends - by me
35 as a resident, but also a couple of the people of Friends
36 of Bowral came, as Friends of Bowral see it's the sort of
37 thing that they thought they might be able to help with.
38 What else do you need to know about it? It certainly has
39 been better subsequently, the smell's certainly much
40 better, but as Jennifer Stokeld said yesterday, both she
41 and our 16-year-old neighbour next door contracted cancer
42 in that period, perhaps coincidentally, but it was
43 difficult to sort of not put the two things together.
44

45 Q. Yes, I understand. Thank you, I just wanted to know
46 if you had anything to say on that topic as you had raised
47 it in your submission.

1 A. I just think placing a tip like that close to the
2 centre of town, close to residences, it was just
3 unbelievable, it's the - it's not the right place for it.
4

5 MR PARISH: Commissioner, do you have any questions
6 arising out of that topic?
7

8 THE COMMISSIONER: No. I was going to raise, perhaps with
9 you, Mr Parish, the email chain that you took Mrs Wilson to
10 with Councillor Nelson. I think you quite fairly pointed
11 out that when sometimes replies are made what was already
12 there doesn't necessarily get transferred over, so I think
13 we should have the whole chain in due course - not
14 necessarily now - but it should be tendered I think so that
15 one can see the entire interaction.
16

17 MR PARISH: Yes.
18

19 THE COMMISSIONER: That's all you have for Mrs Wilson?
20

21 MR PARISH: Yes.
22

23 THE COMMISSIONER: Q. Mrs Wilson, thank you for coming.
24 A. Thank you so much for the opportunity.
25

26 Q. I think Mr Parish has explored the matters you wished
27 to raise in some detail, so is there anything else that you
28 haven't had the opportunity to say that's relevant to my
29 terms of reference?

30 A. I did send my second submission in, which obviously
31 wasn't part of the questioning this morning, that may be
32 isn't relevant. I know you said initially it was not going
33 to look at any specific DAs, but there was a matter wherein
34 somebody, one attender for land in Franklin Street,
35 Mittagong, they won the tender, it was I think done by city
36 real estate people, I'm not sure. Then that was all
37 stopped and the land was then subsequently put out to
38 tender again and everything was done in closed council and
39 there was something really very odd about that whole
40 transaction and I felt that it needed investigating.
41

42 Q. All right, well --

43 A. But that's obviously not your role, I guess.
44

45 Q. Well, my role is varied but as you obviously heard in
46 the openings, it's not necessarily to look at the merits of
47 particular decisions unless those decisions inform the

1 wider context of my terms of reference which are perhaps at
2 a high level, but Counsel Assisting has heard what you've
3 said and I'm sure if he feels there's a need to call
4 evidence about it, he will.

5 A. Thank you.

6
7 THE COMMISSIONER: Thank you for coming.

8
9 Mr Parish, is there any reason why Mrs Wilson ought
10 not be excused?

11
12 MR PARISH: No, Commissioner.

13
14 THE COMMISSIONER: You are excused from further attendance
15 under the summons, you are free to go.

16
17 THE WITNESS: Thank you for the opportunity.

18
19 <THE WITNESS WITHDREW

20
21 THE COMMISSIONER: Mr Parish, are you ready to proceed on
22 to the next witness or do you want me to take the
23 adjournment slightly early or?

24
25 MR PARISH: We'll take the next witness, Commissioner.

26
27 THE COMMISSIONER: Yes.

28
29 MR PARISH: Commissioner, I'll foreshadow tendering some
30 correspondence from Mr Olsen's submissions as well.

31
32 MR BROAD: Commissioner, if I can interrupt. Mr Olsen is
33 supported by his wife.

34
35 THE COMMISSIONER: Yes, I understand, thank you.

36
37 <ALAN OLSEN, affirmed: [11.12am]

38
39 THE COMMISSIONER: Thank you, Mr Olsen. Mr Parish.

40
41 <EXAMINATION BY MR PARISH: [11.13am]

42
43 MR PARISH: Q. Mr Olsen, first of all let me know if you
44 can't hear me or I'm mumbling, it's something I'm prone to
45 do. I'll start by asking you a bit of background about
46 yourself, and you've also attached some correspondence to
47 your submissions. What I'll do is, I'll take you through

1 that correspondence and formally tender it to the inquiry.
2 Do you have that correspondence in front of you?

3 A. Yes, I do, yes.

4
5 Q. Excellent. I'll just start though by asking a bit of
6 background, your personal and vocational background. Could
7 you tell the Commissioner a bit about yourself?

8 A. Okay. I have lived in the Southern Highlands for
9 12 years following my retirement in 2010. Some earlier
10 experience in community activities included president of
11 Northbridge Progress Association in Willoughby principality
12 for five years. Then in 2013/14 I served as secretary of
13 the Bundanoon Community Association.

14
15 Early in 2017 I began work with a group of like-minded
16 colleagues to put together an incorporated association,
17 "Highlands Matters". This followed a demise of an earlier
18 entity, "Bowral Matters", and there was no community group
19 in Bowral at that time. We wanted more than a Facebook
20 group, so we registered Highlands Matters Incorporated with
21 the New South Wales Department of Fair Trading in February
22 2017 as a nonprofit community organisation with objectives
23 which included, and there's a list of them: that to ensure
24 vigilance and transparency in local government
25 administration in Bowral and its environs. It was more
26 than a Facebook group, we maintained a website and
27 published 1863, the newsletter, with a distribution list of
28 200 community members plus nine councillors.

29
30 Q. Thank you. I've heard some evidence from the Friends
31 of Bowral group who were formed at least partly in response
32 to the Station Street bypass. Given the timing, was there
33 a similar reason for the incorporation of your association
34 or was it, if I may put it, broader than simply one issue?

35 A. Sorry, what have I done, please?

36
37 THE COMMISSIONER: That's all right. It's all right,
38 Mr Olsen, I've been bashing microphones the last three
39 days.

40
41 THE WITNESS: No, it was more reverse. Highlands Matters
42 was formed with objectives to serve and represent civic
43 communities and all those sorts of objectives, but fairly
44 early on the incorporated association Highlands Matters was
45 taken over by a single issue, it was dominated by a single
46 issue: Station Street.

1 MR PARISH: Q. Thank you. I take it from your aims and
2 objectives that it was broader than just dealing with
3 planning matters, but was it dominated by planning issues?
4 A. No. No, there was a very regular newsletter that was
5 much broader than that. For example, we have here a very
6 different demographic in Wingecarribee; it is elderly,
7 women do a lot of the heavy lifting, and it is very, very
8 highly educated. And at the other end of the scale, for
9 example, we have almost no people in their 20s. Once they
10 go to uni, they leave the Parish. Now, that was the sort
11 of stuff that was in the sort of information material, the
12 demographic, that was published by us. We were broader, we
13 were broader.

14
15 Q. Thank you. I might just ask you about some of the
16 documentation that you provided with your submission. I
17 won't ask you about the substance of them now, I just want
18 to establish their provenance. Do you have those documents
19 in front of you?

20 A. Yes.

21
22 Q. I'll show you the same version just stapled so that we
23 can tender it to the Commissioner.

24
25 THE COMMISSIONER: I'm going to write page numbers down
26 the bottom right-hand corner by hand so that, if you go to
27 this bundle later and when I'm ultimately coming to review
28 the evidence again, it'll be easier to follow. So, I have
29 11 pages, 1-11.

30
31 Q. I'm sorry, Mr Olsen, I'm just telling Counsel
32 Assisting that, so when I come to review your evidence
33 against this bundle later I'm just making some handwritten
34 page numbers, and it'll make my life a lot easier down the
35 track.

36 A. Yes, sir.

37
38 THE COMMISSIONER: So, 1-11, is that the bundle that you
39 propose to tender, Mr Parish?

40
41 MR PARISH: Yes, Commissioner.

42
43 Q. The first document there, is that a letter on the 1863
44 Highlands Matters' letterhead to the general manager
45 Wingecarribee Shire Council dated 27 February 2018?

46 A. Yes, that's correct.
47

1 Q. It's comprised of two pages; is that correct?
2 A. Yes.
3
4 Q. And that document was attached to your submissions; is
5 that correct?
6 A. Yes.
7
8 Q. The next document we have is a letter on the
9 Wingecarribee Shire Council letterhead dated 5 March 2018
10 from Nick O'Connor, group manager corporate and community,
11 to the Highlands Matters group; is that correct?
12 A. Correct.
13
14 Q. And that comprises one page; is that correct?
15 A. Correct.
16
17 Q. And that was annexed to your submissions; is that
18 correct?
19 A. Correct.
20
21 Q. The next document along, Highlands Matters letterhead
22 to general manager of Wingecarribee Shire Council dated
23 13 March 2018; is that correct?
24 A. Correct.
25
26 Q. That comprises three pages; is that correct?
27 A. Yes, yes.
28
29 Q. And that was attached to your submissions; is that
30 correct?
31 A. Correct.
32
33 Q. The next document along is a letter on the
34 Wingecarribee Shire Council letterhead to you dated
35 23 March 2018; do you have that?
36 A. Correct.
37
38 Q. And that comprises five pages; is that correct?
39 A. Correct.
40
41 Q. And that was attached to your submissions; is that
42 correct?
43 A. Yes.
44
45 MR PARISH: I tender that bundle of correspondence
46 between - I'll say Highlands Matters rather than Mr Olsen -
47 Highlands Matters and certain persons of the Wingecarribee

1 Shire Council.

2

3 THE COMMISSIONER: Yes, Exhibit I will be a bundle of
4 correspondence comprising 11 pages between Highlands
5 Matters and the Wingecarribee Shire Council in the period
6 27 February 2018 to 23 March 2018. Mr Parish, is there any
7 reason this ought not go on the website straight away?

8

9 MR PARISH: I was about to say, other than the usual
10 reference to contact details, but I think this actually
11 omits anything personal, so I think the answer is no
12 subject to just double-checking that.

13

14 THE COMMISSIONER: Yes, I think that's right, I think the
15 addresses that are there are corporate rather than
16 personal.

17

18 THE WITNESS: The post office box is no longer anything to
19 do with anything that used to be called Highlands Matters.

20

21 THE COMMISSIONER: Well, that answers my only other query,
22 so that can go on the website as soon as possible,
23 Mr Parish.

24

25 **<EXHIBIT #I BUNDLE OF CORRESPONDENCE COMPRISING**
26 **11 PAGES BETWEEN HIGHLANDS MATTERS AND THE WINGECARRIBEE**
27 **SHIRE COUNCIL IN THE PERIOD 27/02/18 TO 23/03/18.**

28

29 MR PARISH: Thank you. Mr Olsen, I might get Mr Broad to
30 uplift that version from you and put numbers in the bottom
31 right-hand corner so that when we go to these documents we
32 can --

33

34 THE COMMISSIONER: Do you wish to use the one - I have to
35 give that to Mr Olsen more directly?

36

37 MR PARISH: That might speed up Mr Broad's job.

38

39 THE COMMISSIONER: Mr Broad can give you his.

40

41 MR PARISH: Q. Do I take it from your submission that
42 Highlands Matters, whilst not solely constituted to deal
43 with the Station Street upgrade, nevertheless played a role
44 in opposing the Station Street upgrade?

45

46 A. It is fairer to say that we were demanding
47 consultation on the Station Street upgrade.

1 Q. You say in your submission that the first initiative
2 of the association was to seek to organise a public meeting
3 to hear a briefing from Wingecarribee Shire Council on the
4 station upgrade. Do you recall when that was?

5 A. Yes, the meeting was in September 2017.

6
7 Q. Do you recall who was at that meeting from the
8 council?

9 A. There were eight councillors, and I'm sorry, I'm not
10 sure which one wasn't there.

11
12 Q. That's fine.

13 A. Sorry, and there were the very senior people from
14 the - the very senior officials from council were there
15 too.

16
17 Q. And the purpose of that public meeting was to discuss
18 the Station Street upgrade; is that correct?

19 A. No, the purpose of that consultation was to tell the
20 community over and over again that Station Street was going
21 to happen whatever the community thought and said. As far
22 as I know it hasn't gone ahead.

23
24 Q. Were those words spoken specifically by a councillor
25 at that meeting?

26 A. No. There was a presentation by staff essentially and
27 as it happened in the street, the office that was in
28 Station Street temporarily, it was totally one way; it was
29 there to tell the community what was going to happen. The
30 community was not in any way listened to, was not able -
31 was not allowed to comment. So, that's what happened that
32 night, we were told in presentations what was going to
33 happen.

34
35 There were a couple of absolute experts in the
36 audience that night, including a planner and an architect,
37 and they were dismissed; they were not allowed to have a
38 view that was any different from council. Subsequently the
39 then mayor, Councillor Halstead, apologised at a council
40 meeting over his behaviour that night, but that meeting was
41 one-way traffic.

42
43 Q. Can I ask what you understood Councillor Halstead to
44 be apologising for, what it was about his personal
45 behaviour that night that was inappropriate?

46 A. Can I look up some notes?

1 Q. Sure.

2

3 THE COMMISSIONER: While Mr Olsen's doing that, Mr Parish,
4 are you going to go back through some of the last answer
5 and get some more detail?

6

7 MR PARISH: Yes.

8

9 THE COMMISSIONER: Thank you.

10

11 THE WITNESS:

12

13 *The mayor offered at the ordinary meeting*
14 *of council on 27 September 2017 an*
15 *unreserved apology for his summing up at*
16 *the Station Street upgrade meeting. The*
17 *mayor advised that some people were upset*
18 *about his comments and he apologised for*
19 *the way he came across.*

20

21 MR PARISH: Q. Do you recall what those comments were?
22 I might just pause there. Commissioner, I've lost myself
23 and you.

24

25 THE COMMISSIONER: Yes. I don't know if we can be heard
26 but the stream seems to have stopped, so we'll take morning
27 tea.

28

29 Q. Mr Olsen, I'm sorry, you may have heard if you're
30 watching that I assured anybody who was watching online
31 that, if something like this happened we would stop, and
32 it's morning tea time anyway, so we'll take a break for
33 20 minutes, okay?

34

A. Okay.

35

36 THE COMMISSIONER: Come back at 10 to 12, if you'd be so
37 kind. Thank you.

38

39 **SHORT ADJOURNMENT**

40

41 THE COMMISSIONER: Mr Parish, are you ready to proceed?

42

43 MR PARISH: Yes, Commissioner.

44

45 THE COMMISSIONER: All right, for the benefit of those
46 observing, I was told during the adjournment that it was
47 just our monitors here that went out, so the stream was

1 operational during that time, but we're now ready to resume
2 with Mr Olsen's evidence.

3
4 Yes, Mr Parish.

5
6 MR PARISH: Thank you, Commissioner.

7
8 Q. Mr Olsen, we were talking just before the break about
9 the apology given by Councillor and Mayor at the time
10 Halstead at a council meeting after the community meeting
11 that we were talking about. You were interrupted, perhaps
12 I should start by saying, do you remember your train of
13 thought and do you want to finish it or shall we commence
14 again? Do you remember your train of thought from before
15 the break? Would you like to finish what you were saying?

16 A. The apology was in respect of remarks that the then
17 mayor made about a woman who is an expert horticultural and
18 heritage planner. She was concerned about the impact of
19 the Station Street development on the iconic heritage
20 entrance to Bowral, Station Street as you come south, being
21 destroyed by Station Street. She was belittled by the then
22 mayor to the extent that he apologised.

23
24 Q. You were at the meeting, that's correct, the public
25 meeting?

26 A. Yes, I'm not gonna say I organised it, but it was - it
27 was pressure from - sorry, yes, I was at the meeting, yes.

28
29 Q. Do you recall what Councillor Halstead said to this
30 horticultural planner in the meeting?

31 A. No.

32
33 Q. In that meeting, can I ask your general impression:
34 were members of the public given the opportunity to talk on
35 the project in that meeting?

36 A. Yes, but they were then repudiated constantly.

37
38 Q. Can I ask you what you mean by repudiated? Can you
39 give me some specific examples about the way in which
40 speakers were treated in that meeting?

41 A. No, not five years later, no.

42
43 Q. It was an impression left with you at the time and you
44 recall that impression still?

45 A. Oh, absolutely.

46
47 Q. Do you have any recollection of specific things said

1 by councillors in that meeting?
2 A. No, most of the talking was done by senior staff but
3 with the mayor obviously making his contribution.
4
5 Q. Do you have any recollection or impression of how the
6 senior staff interacted with members of the community?
7 A. They were instructing the community.
8
9 Q. By "instruct", do you mean they were saying things
10 which were not intended to gain feedback, they were
11 commands more than dialogue?
12 A. Correct, yes. Yes, that's the right impression, yes.
13
14 MR PARISH: I was going to move on from that meeting,
15 Commissioner, unless you had any specific questions on that
16 topic?
17
18 THE COMMISSIONER: Not necessarily for Mr Olsen, but do we
19 know if this meeting was recorded? I appreciate it was a
20 community meeting and it may not have been. Do you know
21 the answer to that?
22
23 MR PARISH: I'm 90 per cent certain the answer is no, it
24 wasn't, but I'll make some enquiries at the break.
25
26 THE COMMISSIONER: Thank you.
27
28 MR PARISH: Q. Could I move on then to the 14 February
29 2018 council meeting. I understand that you talked at that
30 meeting; is that correct?
31 A. Yes.
32
33 Q. Can we just start by setting some background out at
34 that meeting. Is it correct that Station Street bypass was
35 to be discussed at that meeting?
36 A. Yes.
37
38 Q. And you attended with other members of Highlands
39 Matters; is that correct?
40 A. Yes. There was a much broader audience in the council
41 chambers; I would have thought perhaps 60 people were in
42 attendance.
43
44 Q. Was this the meeting where there was a gathering or a
45 protest outside as well?
46 A. Yes.
47

1 Q. Was that organised by Highlands Matters or someone
2 else?
3 A. I think it was someone else. I tend not to organise
4 meetings, public meetings, demonstrations, yep.
5
6 Q. Do you have any recollection of your impression of
7 that meeting of people or protest outside the council
8 chamber?
9 A. It was a photo opportunity and I saw it as not much
10 more than that.
11
12 Q. A failed opportunity?
13 A. Photo.
14
15 Q. Photo opportunity?
16 A. I'm sorry, a photo opportunity, yeah.
17
18 Q. A photo opportunity. And, am I correct in thinking
19 that some of those members of the meeting or protest also
20 came inside --
21 A. Oh, yes.
22
23 Q. -- during the meeting as well.
24 A. Yes.
25
26 Q. Do you have any impression of the behaviour or the
27 conduct of those members of the protest group in the
28 meeting?
29 A. It was - it was totally - totally proper,
30 well-mannered. I mean, we had been threatened with
31 expulsion and we behaved ourselves.
32
33 Q. By who?
34 A. By the - by Councillor Markwart whose turn it was to
35 chair that meeting.
36
37 Q. Do you recall Councillor Markwart saying words to the
38 effect of, "I have a gavel and I know how to use it"?
39 A. Yes, and I'm just looking up my words. "Threatened to
40 use" --
41
42 *Councillor Markwart as chair at the start*
43 *of the debate threatened to use the gavel.*
44
45 And I said in my complaint to council:
46
47 *Involving bullying, intimidation and*

1 harassment.

2

3 Q. I might come to that in a second as well as your
4 complaint. You talked in that meeting, that's correct,
5 isn't it?

6 A. Yes.

7

8 Q. Can you tell me in brief terms the themes of what you
9 talked about?

10 A. I spoke on behalf of Highlands Matters with notes that
11 I'd prepared and vetted with a few of my colleagues, and I
12 spoke about - I spoke clearly against the Station Street
13 proposal, starting with the very simple point that the 2012
14 traffic study showed that 75 per cent of the traffic coming
15 to Bowral from the north, and 75 per cent of the traffic
16 coming to Bowral from the south was going to Bowral. The
17 traffic study had found that, and yet, we were building a
18 thoroughfare through Bowral arguably for traffic reasons.
19 I spoke about that sort of substantive issue, but I also
20 spoke about the process, including the process of lack of
21 consultation at the so-called public meeting.

22

23 If I might say, I suggested in earlier correspondence
24 to Mr Broad that that meeting may have still - that was
25 taped, it was recorded and it may still be available.

26

27 Q. Thank you, I think we have that.

28

29 THE COMMISSIONER: Thank you. At an appropriate time I
30 was going to say, perhaps to Mr Parish, that I'm fairly
31 confident we have a recording of it and I would like to see
32 it tendered in due course. Thank you.

33

34 MR PARISH: Yes, thank you.

35

36 Q. And --

37 A. I'm sorry, Commissioner, I'm sorry, I didn't hear you.

38

39 THE COMMISSIONER: That's my fault entirely. I was just
40 saying, I was waiting for an opportune moment to say to
41 Mr Parish that I think we do have the recording of that
42 meeting, or at least there is one in existence, and if he
43 considers it appropriate it will be tendered in the
44 proceedings. Thank you.

45

46 MR PARISH: Q. Can you tell me about the reaction of
47 certain councillors to both your speech and others who

1 talked that night?
2 A. I and Highlands Matters were just belittled,
3 humiliated. Constantly we were told that we were telling
4 porky pies, that we were lying, untrue tales of lies, lies,
5 untruths, porkies; that was the - after I'd spoken that was
6 what a number of the councillors consistently said.
7
8 Q. Do you recall which councillors said words to that
9 effect?
10 A. Mr Parish, in my submissions and attachments I have
11 detailed that extensively. Do you want me to --
12
13 Q. You don't have to if you don't wish to.
14 A. I'm sorry, it is absolutely documented there.
15
16 THE COMMISSIONER: Q. Just for my benefit, if we take up
17 Exhibit I, and does Mr Olsen have Exhibit I? Yes, thank
18 you, Mr Broad is giving you --
19 A. Do you want me to go through it?
20
21 Q. No, no. Mr Olsen, if you have the bundle Mr Broad
22 just handed to you, hopefully it has some page numbers
23 handwritten in the bottom right-hand corner or somewhere on
24 it?
25 A. Yes.
26
27 Q. If you turn to page 4. I'm just doing this to
28 understand where you say you set out all the matters that
29 Mr Parish is taking you to. Is it in this letter that you
30 referred to when you answered him a moment ago?
31 A. Yes, and specifically the handwritten pages 5 and 6, a
32 listing of statements by councillors.
33
34 THE COMMISSIONER: Yes, thank you. Yes, sorry to
35 interrupt, Mr Parish.
36
37 MR PARISH: Thank you.
38
39 Q. Are you able to recall any specific attacks, and I
40 don't ask you to ascribe them to certain councillors, but
41 specific attacks that you say were made on you in that
42 meeting?
43 A. We had - Highlands Matters over some months had
44 gathered a petition with 3,000 signatures against the
45 Station Street proposal; there were at that stage 48,000
46 people in the shire, there were 12,000 in Bowral, we had
47 3,000 signatures. We didn't ask people who signed the

1 petition to produce ID and much of the process of
2 collection of signatures was on a Saturday morning in
3 Bowral, and yes, we had a share of visitors.
4

5 Part of the process at the council meeting was reading
6 out addresses that were not in Bowral and suggesting that
7 we were misleading by producing signatures that were not
8 locals. At no stage had we said that they were locals, but
9 surely people who visit Bowral on a Saturday morning are
10 entitled to have an opinion.
11

12 THE COMMISSIONER: Q. I heard some evidence yesterday
13 about a petition with about the same number of signatures
14 that some of the Friends of Bowral people were involved in
15 with getting signatures for; is this the same petition or
16 is it a different one, do you know?

17 A. I've not been in - I've not been part of Friends of
18 Bowral and I don't know about their petition, I'm sorry.
19

20 Q. No, that's all right, I was just trying to see if it
21 was a different one. Does a copy of this petition still
22 exist, in your possession, I should say?

23 A. Sorry. I believe I gave it to the people who
24 subsequently formed Friends of Bowral.
25

26 Q. Okay, thank you.

27 A. They were colleagues on Highlands Matters.
28

29 Q. It was ultimately your petition that was submitted to
30 the council; is that right?

31 A. Yes. We were given what I described as an artificial
32 deadline to submit the petition. We had already arranged a
33 stall at the Bowral market for the following Saturday. In
34 writing to the general manager I declined to give her the
35 petition at that stage and said, "We'll do it when we've
36 finished the petition". So the council at its meeting on
37 14 February had not received our petition. However, when
38 you're filling in a petition like that, a few rogue
39 pages go missing and the council had a rogue petition of
40 154 signatures which was the one that they produced at the
41 council meeting.
42

43 Q. I see.

44 A. I describe it again as a rogue petition.
45

46 Q. I'll let Mr Parish come to that in due course, but
47 ultimately when the petition was complete was it submitted

1 to council in its complete form?

2 A. No, no.

3

4 Q. What happened to it?

5 A. My short answer is that I handed it over to the people
6 who became Friends of Bowral. We had been to at that stage
7 - we had been to the then member for Goulburn and she had
8 demanded that any petition to be tabled in Parliament House
9 in Macquarie Street be 10,000 signatures which we weren't
10 going to get. So, by that time I - the expression I used,
11 "I had chosen to take back my life" --

12

13 Q. Yes, I don't want to cut you off, Mr Parish will go
14 through that, I'm just trying to work out if we had one
15 petition or two. So, it sounds like, you handed it over to
16 Friends of Bowral and they did whatever they did with it;
17 is that right?

18 A. Yes.

19

20 Q. Are you aware of whether Friends of Bowral ultimately
21 submitted that to the New South Wales Parliament?

22 A. No, I'm not aware of that.

23

24 THE COMMISSIONER: Okay. Mr Parish.

25

26 MR PARISH: Thank you, Commissioner.

27

28 Q. So we're still on this meeting of 14 February and
29 we've just been talking about aspersions being cast on the
30 petition that was presented by you. What impression did
31 that leave upon you to have the integrity of that petition
32 be called into question by councillors?

33 A. I judged that it was wrong to do that, that
34 councillors had, as I'd written somewhere, had ganged up
35 and had chosen to ignore the petition and to cast us away.

36

37 Q. You refer to some "lies and porkies" that were alleged
38 to have been made in respect of the petition. In your
39 impression or experience did you feel personally attacked
40 as well?

41 A. Councillor Gair asserted that the community was being
42 misled. The inference is that I was misleading the
43 community and that was not true, so I was offended, if that
44 was the question?

45

46 Q. Yes. Did you feel bullied by the councillors who were
47 speaking for the Station Street bypass?

1 A. Yes.

2

3 Q. You referred to the Commissioner before about the
4 feeling that you needed to take your life back.

5 A. Yes.

6

7 Q. And I think that is something that you refer to in
8 your submissions as well.

9 A. Yes, my first line, yes.

10

11 Q. Did that come about because of the meeting on
12 14 February 2018?

13 A. Yes. That was the second-last stroke. The final
14 stroke, if I can't think of a better word, was at the end
15 of March when Councillor Scandrett convened a public
16 meeting basically for the media with the release of some
17 documents about Station Street, and I was told by
18 Councillor Scandrett that council hates me.

19

20 Q. Are you referring there to "me" being Councillor
21 Scandrett or "me" being you?

22 A. Councillor Scandrett - the notes I took are as
23 follows, these are my notes of what I was messaged:

24

25 *Get off the stage. Council hates you.*
26 *Spread the speaking around. Councillors'*
27 *hatred is vitriolic. You may attend the*
28 *media conference but stand at the back, do*
29 *not say anything. Those nice people [who*
30 *are named] already have agreed to do the*
31 *speaking.*

32

33 And it was, that was the second stroke that made me
34 decide to take my life back.

35

36 Q. Those messages that you've just been reading out,
37 where did they come from, pardon me?

38 A. They're my notes of the messages that I received from
39 Councillor Scandrett.

40

41 Q. From Scandrett?

42 A. Yes.

43

44 Q. Thank you. Did you want to be involved with a press
45 conference called by Councillor Scandrett involving the
46 release of documents from council?

47 A. It was a release that I didn't have to be, it was a

1 blessing that I had a very, very good reason not to take
2 part.

3

4 Q. Did you feel like that was an appropriate way to
5 conduct council business? Is that why you were relieved
6 not to have to attend?

7 A. No, it was more the - the display of divisiveness
8 among councillors that was apparent in that process of
9 release.

10

11 Q. Do I take it that being the ultimate reason, as
12 distinct from the penultimate reason, that you were left
13 feeling disillusioned at this point about the entire
14 process, the council process?

15 A. Yes.

16

17 Q. Do I take it that at that point you did not think your
18 participation in the local democracy as it were was
19 effective or had a point to it?

20 A. Worse than that, it was clear to me that my
21 participation was counterproductive. It was causing
22 reactions here that were counterproductive.

23

24 Q. That's something you arrived at from your own
25 self-reflection and insight into that?

26 A. Yes.

27

28 Q. Thank you. It may seem like an obvious answer to a
29 silly question, but in your view is local democracy in the
30 form of a governing body working if one councillor has to
31 call a press conference and release documents of council?

32

33 THE COMMISSIONER: I'm not sure if that ultimately helps
34 me much.

35

36 THE WITNESS: I'm sorry?

37

38 THE COMMISSIONER: Just pause for a moment. You might be
39 able to approach it in a different way, but I'm not sure
40 formulated in that way assists me greatly.

41

42 MR PARISH: I also think possibly, having asked the
43 question, that the previous answer that he gave about his
44 disillusionment probably was (indistinct).

45

46 THE COMMISSIONER: It's a matter for you. There's
47 probably a different way it can be approached if you wish

1 to pursue it.

2

3 MR PARISH: Yes. Thank you, Commissioner.

4

5 Q. I think I'll move on. Can I take you to the first
6 page of Exhibit I, which is your letter of official
7 complaint to the general manager following the 14 February
8 2018 letter; do you see that? Do you have that letter,
9 Mr Olsen?

10 A. I'm sorry, page 3 is?

11

12 Q. Sorry, page 1.

13 A. Page 1.

14

15 Q. The 27 February 2018 letter?

16 A. Yes.

17

18 Q. And that's an official complaint you made following
19 the 14 February 2018 meeting?

20 A. Yep.

21

22 Q. We've talked a bit about your interactions with
23 council and your impressions and the impression you were
24 left with after that. Can I just ask you, about the middle
25 of the page, four paragraphs down, your reference to eight
26 Councillors ganging up on Councillor Scandrett. Can I just
27 ask you about how councillors interacted with each other at
28 that meeting?

29 A. I received a message that night from someone saying
30 that it was clear that the councillors had caucused in
31 their response to the item on the agenda, the petition, the
32 involvement of Highlands Matters and the councillors were
33 even using the same sorts of expressions all the time. But
34 Councillor Scandrett stood alone and sought amendments to
35 motions before council, and he was - I use the term - he
36 was ganged up on and he was constantly shutdown and
37 outvoted. It was clearly a divisive issue. In 8:1, yes,
38 it was divisive.

39

40 Q. Do you accept the proposition that, just because other
41 people don't agree with you, that's not necessarily being
42 ganged up upon? Do you accept that?

43 A. I accept that in principle, yes.

44

45 Q. Is it something that was more than just, numbers did
46 not go Councillor Scandrett's way, that left you with the
47 impression that he was being ganged up upon?

1 A. I went to every council meeting here in a period of
2 12 months and it wasn't - it wasn't just the 14 February
3 massacre; consistently they shouted out at each other, they
4 interrupted each other, they constantly did points of
5 order, et cetera; it was, it was a full-on attack. The
6 behaviour, the conduct, the culture, was just not right.

7
8 THE COMMISSIONER: Q. And this is in what period of time
9 are you referring to? Is this 2018/19 or?

10 A. No, it was 17/18.

11
12 Q. I see. And, is that behaviour you observed not just
13 in relation to Station Street but in relation to other
14 matters as well?

15 A. Yes, absolutely, as I say, culture.

16
17 Q. And as a person with a great interest in your
18 community, how did that make you feel about the governing
19 body of this council?

20 A. This council was not behaving properly. It was - just
21 in terms of your terms of reference:

22
23 *Did they reasonably and appropriately carry*
24 *out their roles and responsibilities?*

25
26 Absolutely no way.

27
28 Q. And --

29 A.
30 *Did the community have confidence in the*
31 *council?*

32
33 Q. Sorry, I'm going to break it up, I'm going to leave it
34 for Mr Parish to explore these concepts further. I take it
35 when you're giving those answers it's your observations of
36 them in operation during council meetings that led you to
37 that conclusion; is that right?

38 A. Yes.

39
40 Q. Mr Parish, I'm sure, will come back to that topic with
41 you, I just interrupted his flow, so I'll hand back to him.

42 A. Sure.

43
44 MR PARISH: Thank you, Commissioner.

45
46 Q. You then received a reply from council which is at
47 page 3 of Exhibit I.

1 A. You may choose to call it a reply.

2

3 Q. Well, that's what I was going to ask you. Did you
4 think that that letter adequately addressed your concerns?

5 A. No, I was brushed off.

6

7 Q. Did you understand, when you first wrote the
8 27 February letter, that it was necessary to refer to a
9 specific breach of the Code of Conduct?

10 A. No.

11

12 Q. As a member, as the Commissioner puts it, with a keen
13 interest in the community, do you think that it should be
14 necessary to refer to a specific breach of the Code of
15 Conduct when a member of the public is writing a complaint?

16 A. No, I don't, which is why in the first letter on
17 27 February I simply outlined, shall I say, my complaints
18 rather than enumerating points of order and codes of
19 conduct.

20

21 Q. Can I therefore just take you to the next document on
22 page 4 of Exhibit I. Is that reflected in paragraph 2
23 there:

24

25 *General Manager, how serious does an*
26 *incident at a Council meeting have to be*
27 *before Council will accept a complaint*
28 *without a list of specific sections of the*
29 *Code of Conduct?*

30

31 A. Yes, I think that captures my viewpoint, yes.

32

33 Q. Did you have available to you a Code of Conduct when
34 you wrote the first letter?

35 A. I did not access it. Obviously, it would have been
36 available, but I didn't access it, no.

37

38 Q. I thought I should just ask before my next question,
39 which is, how did you obtain a copy of the Code of Conduct
40 in writing this second letter?

41 A. There's this something called the World Wide Web.

42

43 Q. I'm unfamiliar with it as a barrister. I take it then
44 that you accessed the Wingecarribee Shire Council
45 website --

46 A. I assume so, yes, yes, yes.

47

1 Q. -- and obtained it from there. How did you determine
2 which paragraphs of the code had been breached? Did you
3 have to go through that yourself and try and match it up?

4 A. Yes. So, I knew the conduct was wrong and I had to
5 find the provisions that made it, not just wrong, but an
6 offence, if you like, against the code.

7
8 Q. And I think you've already answered this question in a
9 slightly different way, but did you feel like it was your
10 role as a member of the public to have to reconcile the
11 Code of Conduct with specific allegations?

12 A. I think we've answered in that paragraph that, how
13 serious does it have to be before you take it as a
14 complaint without my listing out the offences.

15
16 MR PARISH: Thank you.

17
18 THE COMMISSIONER: Q. In your contact with the council
19 about this, did anyone refer you to a document described as
20 a procedure for the administration of the Code of Conduct?

21 A. I don't think so, I don't think I was aware of it, no.

22
23 Q. Yes, thank you. Whether or not, you don't recall
24 someone from the council referring to you that there was
25 such a thing?

26 A. I'm sorry, I'm not hearing.

27
28 Q. No, my question's probably badly framed. I take it,
29 this is the only response you got from Mr O'Connor in
30 response to your complaint? Page 3?

31 A. In response to 27 February?

32
33 Q. Yes?

34 A. But I then received a detailed response from the then
35 general manager in response to 13 March.

36
37 Q. Did you have any telephone conversations with anybody
38 about it, do you remember?

39 A. No. They - the - no, I don't believe I did, no.

40
41 THE COMMISSIONER: Yes, thank you.

42
43 MR PARISH: Q. And then at page 7 of Exhibit I, you
44 received a response from the council on 23 March 2018; do
45 you have that letter in front of you?

46 A. Yes.

1 Q. Can you give me your impressions of this letter? Did
2 it assist you in understanding the process that was to be
3 undertaken?
4 A. It was a deliberate and purposeful whitewash: that's
5 my impression.
6
7 Q. Can you tell me what specific parts of the letter left
8 you with that impression or was it a general impression?
9 A. The overall, the overall message in that letter was,
10 "go away".
11
12 Q. I take it then from your previous answers that you
13 don't feel like your complaint was either properly or
14 adequately dealt with?
15 A. That's correct.
16
17 Q. I'm just going to move topics, Mr Olsen, but on this
18 specific topic is there anything more you want to remark
19 upon or tell the Commission about on this matter?
20 A. Yes. In my letter this year, 11 February, addressed
21 to Mr Broad, I provided a total of 11 quotes from emails
22 that I had received immediately after the Valentine's Day
23 massacre - from friends, supporters, colleagues, yes, yes,
24 yes, they're all biased, et cetera - but the content of
25 those messages is consistently words like:
26
27 *Horried at the appalling behaviour on*
28 *display. Dismal lot of nay-saying*
29 *councillors. Disgusted by the attack on*
30 *yourself. Disgusted with nearly everything*
31 *about the meeting. Appalled by the*
32 *arrogance of the councillors. The*
33 *arrogance is appalling. A deliberate*
34 *obfuscation. Sheer mischief.*
35
36 That's just a one paragraph summary of the messages of
37 people agreeing with my view of what happened at the
38 Valentine's Day massacre.
39
40 Q. The Commissioner stopped you when you were about to
41 make a comment about what your impression was of the
42 understanding of the councillors, of their roles and
43 responsibilities. Can I just ask you to expand on that
44 now. Am I right in thinking that your time attending
45 council meetings and your interaction in your role with
46 Highlands Matters left you with an impression of how the
47 councillors understood their roles and responsibilities?

1 A. Where I was interrupted was that I was starting with
2 the Commissioner's terms of reference which include whether
3 councillors:

4
5 *... reasonably and appropriately carried*
6 *out their roles and responsibilities and*
7 *the question of the community's confidence*
8 *in the council.*
9

10 Those two quotes are extracts from the Commissioner's
11 terms of reference, and my note that I prepared yesterday
12 is:

13
14 *Simply from all my experience of dealing*
15 *with council the conduct of councillors was*
16 *appalling. A culture in council that was*
17 *totally unresponsive, a council that simply*
18 *did not listen. Anyone like me who took a*
19 *different view on any issue before council*
20 *was ignored and cast out.*
21

22 Q. Was that something, in your view, that was unique to
23 the 2016-2020 council? Did you have any experience before?

24 A. Negligible experience.
25

26 Q. Thank you.
27

28 MR PARISH: Commissioner, do you have any questions at
29 this stage?
30

31 THE COMMISSIONER: No. Does that complete your
32 examination?
33

34 MR PARISH: Yes, thanks, Commissioner.
35

36 THE COMMISSIONER: Mr Olsen, thank you very much for your
37 attendance today, I think Mr Parish has already explored
38 with you whether there was anything else you wished to
39 raise with me, and you've answered him.
40

41 So, is there any reason why Mr Olsen ought not be
42 released from his summons?
43

44 MR PARISH: No, Commissioner.
45

46 THE COMMISSIONER: Mr Olsen, you're released from further
47 attendance, thank you for your time today and you're free

1 to go.

2

3 THE WITNESS: Thank you for my hearing.

4

5 <THE WITNESS WITHDREW

6

7 THE COMMISSIONER: The next witness is at 2 o'clock,
8 Mr Parish?

9

10 MR PARISH: Yes, Commissioner.

11

12 THE COMMISSIONER: Just before we adjourn, could you just
13 take up Exhibit A, volume 2, I just want to make sure I
14 understand something about the procedures for Code of
15 Conduct complaints.

16

17 MR PARISH: I think that's the one volume that I left
18 behind. Hang on.

19

20 THE COMMISSIONER: That's always the way.

21

22 MR PARISH: In the small form. Thank you, I have it now,
23 Commissioner.

24

25 THE COMMISSIONER: If one with starts at page 832.

26

27 MR PARISH: Hang on, that's in Volume 1 of my one.

28

29 THE COMMISSIONER: It's not in my one. I'll just use
30 page numbers. Page 832. Do you have that?

31

32 MR PARISH: Yes.

33

34 THE COMMISSIONER: So, that's the procedures for the
35 administration of the Code of Conduct of 30 April 2014.

36

37 MR PARISH: Yes.

38

39 THE COMMISSIONER: If I go to paragraph 4.1 on page 838,
40 this is Part IV, "How may Code of Conduct complaints be
41 made?" Do you see that?

42

43 MR PARISH: Yes.

44

45 THE COMMISSIONER: The first one is, "What is a 'Code of
46 Conduct complaint'?" At 4.1:

47

1 *For the purpose of these procedures a Code*
2 *of Conduct complaint is a complaint that*
3 *alleges conduct on the part of a council*
4 *official acting in their official capacity*
5 *that on its face, if proven, would*
6 *constitute a breach of the standards of*
7 *conduct prescribed under the council's Code*
8 *of Conduct.*

9
10 MR PARISH: Yes.

11
12 THE COMMISSIONER: And "council official" is defined back
13 on page 836 to include a councillor. I just want to make
14 sure I'm not missing anything. I don't read that to
15 require the Code of Conduct complaint to identify a
16 particular clause of the Code of Conduct, or indeed any
17 clause, that is said to be breached. Rather that, if
18 proven on its face, it would constitute a breach of the
19 code, or am I missing something? Is there another part?
20 Or you can think about it over lunch?

21
22 MR PARISH: No, I have a view, but my officer may - yes.

23
24 THE COMMISSIONER: I've put you on-the-spot.

25
26 MR PARISH: No, you haven't.

27
28 THE COMMISSIONER: If you want to deal with this after
29 lunch, we can?

30
31 MR PARISH: No, this is all in my head. Page 835 defines
32 Code of Conduct complaint, so that's not a bad place to
33 start.

34
35 THE COMMISSIONER: Yes, but that adopts a similar wording.

36
37 MR PARISH: That's a restatement in some respects of the
38 same, the same as clause 4.1.

39
40 THE COMMISSIONER: Of 4.1.

41
42 MR PARISH: The way I will be submitting you take that
43 clause, Commissioner, is that it is - and I apologise to
44 anyone listening who's not a lawyer - but it's akin to a
45 pleading; what's important is that you allege facts.

46
47 THE COMMISSIONER: Yes.

1
2 MR PARISH: And it is not necessary to make a concluding
3 statement of law, as it were, about what that means
4 although that may be helpful.

5
6 THE COMMISSIONER: Yes.

7
8 MR PARISH: But most certainly the way I read and would
9 urge you to read clause 4.1 is that a specific section of
10 the Code of Conduct does not have to be referred to.

11
12 There's an anterior point which is, even if that was
13 necessary, when there is a complaint coming from a member
14 of the community who may not have the same level of
15 dexterity around the Code of Conduct document, is it even
16 appropriate to put such a strict view on clause 4.1? But I
17 don't think you get there because I don't think it's
18 necessary in the first place.

19
20 THE COMMISSIONER: Yes, I understand. Nothing may turn on
21 it, but given that I was just looking at the letter that is
22 at page 3 of Exhibit I, it piqued my interest and I had
23 4.1 in my mind. Thank you, 2 o'clock?

24
25 MR PARISH: Yes.

26
27 THE COMMISSIONER: We'll adjourn until 2, thank you.

28
29 **LUNCHEON ADJOURNMENT**
30
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47

1 UPON RESUMPTION:

2

3 THE COMMISSIONER: We'll resume, Mr Parish.

4

5 MR PARISH: Thank you, Commissioner, my next witness is
6 Mr Mark Bourne.

7

8 THE COMMISSIONER: Yes, Mr Bourne, come forward, please.

9

10 <MARK BOURNE, sworn: [2.03pm]

11

12 THE COMMISSIONER: Thank you, Mr Bourne. If you wouldn't
13 mind just keeping your voice up a little bit, sometimes
14 when witnesses are interacting with Counsel Assisting I
15 have a little difficulty in hearing from this position?
16 A. Certainly.

17

18 THE COMMISSIONER: Mr Parish.

19

20 <EXAMINATION BY MR PARISH: [2.03pm]

21

22 MR PARISH: Q. Thank you. Mr Bourne, can I ask for
23 starters a little bit about your personal background, how
24 long you've lived in the region, your vocation?

25 A. I've been a resident of this region for 26 years. I
26 currently have two interests in grape growing, winemaking
27 and tourism businesses in the region and have for that
28 whole 26 years. I was the founding president of the
29 region's Wine Industry Association and have been president
30 two times since, including the term of the last elected
31 council. I am currently the president of the New South
32 Wales Wine Industry Association.

33

34 Q. Are you a member of any other organisation in the
35 shire such as a Friends of Group or any --

36 A. Currently a business member of the Moss Vale and Rural
37 Chamber of Commerce and I was an active member of the
38 Southern Highlands key stakeholders group.

39

40 Q. Thank you. I understand you have some concerns in
41 respect of the negligence, incompetence, lack of governance
42 and lack of engagement and collaboration of the council.

43 Can I start by asking about the local recovery
44 sub-committee following the 2019-2020 bushfires. Can I
45 start with you explaining what that committee was and how
46 you came to be involved with it?

47 A. So, post the 1920 bushfires the Wingecarribee local

1 recovery, as it was named, was formed, and there was a
2 sub-committee formed to deal with economic and tourism
3 recovery plan, and there were two industry members invited
4 to be part of that sub-committee and I was one of those.

5

6 Q. Was this a committee formed by the council?

7 A. Yes, it was.

8

9 Q. Were any councillors involved and present at meetings
10 that you recall?

11 A. My recollection, no, it was executive staff and other
12 staff of the Wingecarribee Shire Council, but I may refer
13 to my notes and invitation. No councillors were part of
14 that.

15

16 Q. And very generally speaking, what was the purpose of
17 that sub-committee?

18 A. The functions as outlined here in my invitation to
19 join it was to lead and coordinate and plan and implement
20 the community's economic and tourism recovery plan.

21

22 Q. What sort of resources did you understand would be
23 made available to the sub-committee to undertake that task?

24 A. Unfortunately, that did not become clear, there were
25 only two meetings held and then that committee dissolved
26 into anonymity, I think, would be an accurate description.

27

28 Q. Where were those two committee meetings held?

29 A. They were held at the offices of the council at the
30 Mittagong Welcome Centre.

31

32 Q. Am I right in understanding that senior staff were
33 there and members of invited industries such as yourself:
34 anyone else?

35 A. No, that was it. I think the chair was the current
36 group manager for economic development and tourism.

37

38 Q. And appreciating only two meetings were held, what did
39 you, if you recall, discuss or achieve in those two
40 meetings?

41 A. The initial meeting was a briefing session and
42 outlining of the sub-committee; that was the remit of that,
43 nothing else was discussed. A second meeting was held
44 approximately a few weeks after and some general items were
45 discussed, a few items were brought up by myself and the
46 other industry member in regards to that and we received no
47 further correspondence after that and we had no mechanism

1 of input or feedback into that recovery programs outlined
2 by that sub-committee thereafter.

3
4 THE COMMISSIONER: Q. I think you said in answer to one
5 of Mr Parish's earlier questions following that second
6 meeting, "the committee dissolved into anonymity", I think
7 were the words you used. Does that mean it ceased to exist
8 or it just didn't have any other meetings called, or?

9 A. There were no other meetings called and I had no other
10 knowledge or sight on anything that that sub-committee
11 produced thereafter.

12
13 Q. Were you ever told why that happened?

14 A. No, I was not.

15
16 THE COMMISSIONER: Thank you.

17
18 MR PARISH: Q. Do you understand that the sub-committee
19 achieved what it was constituted to achieve? Is that the
20 reason why it may have been not reconstituted?

21 A. I believe that's not the reason it was reconstituted.
22 I'm not aware why it was not re-adjoined for any further
23 business, and to my knowledge it did not achieve what was
24 set out in the functions that it was invited to do.

25
26 Q. At least in your impression, is such a group still
27 required, or at least in the immediate aftermath of the
28 fires was such a group required?

29 A. I think it was critical of including the community in
30 the recovery program and providing relevant feedback and
31 input into what the community as a whole required and in
32 particular this sub-committee's remit of the tourism and
33 economic development part of this region.

34
35 Q. In your experience in that recovery period were those
36 things achieved in other ways through other means or were
37 they left neglected?

38 A. In my personal opinion, no, they were not.

39
40 Q. All right, just pause for a second, Mr Bourne. Do I
41 take it from your answer then that, as far as you knew as a
42 member of business groups, there was no further engagement
43 on a recovery plan communication, no marketing or promotion
44 campaigns put forward?

45 A. That's correct.

46
47 Q. What was your impression as a member of the industry,

1 as a member of the wine industry at least, about whether
2 you were treated with proper respect and consideration for
3 your input?

4 A. I don't think we were accorded the respect and I don't
5 think we were included in the plans for recovery that
6 situation, you know, required to be honest.

7
8 Q. Do you have any view or impression as to where that
9 lack of respect or engagement stemmed from? Was it staff,
10 senior executives, was it the council, the governing body
11 itself?

12 A. I think it was a reflection - my personal view was, it
13 would be a reflection of the culture of the council.

14
15 Q. Excuse me. If we could just wait. Carry on.

16 A. I think personally it was a reflection on that current
17 council's lack of community engagement, lack of listening,
18 lack of putting the community first, and I think those
19 actions reflected the current culture across the
20 organisation.

21
22 Q. Does that impression drive specifically from your
23 experience with the local recovery sub-committee or is that
24 based on other interactions you had?

25 A. It would be based on a number of interactions I had
26 with that council at that time.

27
28 Q. I understand you also had concerns over the allocation
29 of ratepayers' and industry funds, and an impression that
30 there was a lack of stakeholder collaboration, governance
31 and regard for proper procedures. Can you explain to the
32 Commissioner where those concerns stemmed from?

33 A. During that post in one particular circumstance during
34 that post bushfire period where Federal Government funds
35 were allocated to affected councils - including the
36 Wingecarribee, to my memory I think it was \$1m was
37 allocated to this council - the industry and many of the
38 sectors that I was in thought that to aid in the recovery
39 of the local region and the local businesses that were very
40 badly affected, that any monies allocated to a recovery
41 campaign, you know, perhaps spending those with local
42 businesses would be preferred by the industry and that was
43 our point of view.

44
45 And, to that point, as a member of the Southern
46 Highlands key stakeholders group we advocated strongly to
47 the councillors and to staff that some of that \$1m would be

1 allocated to, you know, a tourism recovery campaign for
2 marketing and promotion to aid us in getting back on our
3 feet. And to our knowledge I suppose, or to my knowledge,
4 I'm not aware that perhaps that eventuated, that the money
5 was not spent with a local marketing and promotions
6 company.

7
8 I must admit, there doesn't - it's hard to see the
9 details of the annual operating plan of the business unit,
10 Destination Southern Highlands, and where that money was
11 spent, and so it's hard to determine whether it was or was
12 not spent within this shire with local businesses.

13
14 THE COMMISSIONER: Q. Can I just clarify something in my
15 own mind? I thought there were perhaps more than two, but
16 two parts to that answer in the respect that you were
17 advocating for money to be spent locally and a marketing
18 campaign to get tourists back to the area.

19 A. Yes.

20
21 Q. Had I understood that correctly?

22 A. That is correct.

23
24 Q. I then understood you to say that you didn't, at least
25 to your knowledge there wasn't money spent locally on a
26 marketing campaign?

27 A. To my knowledge, I'm not aware of any local company
28 that was engaged for that.

29
30 Q. Was another company outside the area engaged to your
31 knowledge?

32 A. As I said, it's very hard to find the details of the
33 annual operating plan and spends for the business unit,
34 Destination Southern Highlands, so I can only point the
35 inquiry and the Commissioner to perhaps the independent
36 reports commissioned by the administrator, by the Finch
37 Group.

38
39 Q. I understand. Was there a marketing campaign of the
40 kind that you were seeking, though, designed to get
41 tourists back?

42 A. There did eventuate a campaign and I suppose it was
43 not in the frame of what the industry had put forward
44 originally. For the inquiry's information, the group
45 manager of Destination Southern Highlands was on leave
46 during that time and a group within, all the visitor
47 economy groups within the key stakeholders group had put

1 forward a concept for promotion and marketing in the
2 recovery phase, and I suppose that was not enacted, another
3 one was.

4
5 Q. Can you just tell me about the key stakeholders group,
6 what it was and how you came to be a part of it and what
7 its function was?

8 A. The Southern Highlands key stakeholders group I think
9 was formed - the first meeting was held in June 2019 - and
10 I think it was a response from several advocacy groups
11 locally and representative groups to address the lack of
12 cohesion and unity very present in the shire and that
13 everyone was aware of, and it was an open forum that key
14 stakeholders; that included incorporated associations that
15 represented groups here, people like university of
16 Wollongong who have a campus here, New South Wales TAFE,
17 local council were invited to attend, and it was an open
18 forum held every two months to discuss how we could work
19 together with a particular focus on projects that would
20 benefit the community and the region and it had a general
21 target to increase the gross regional product of \$1b within
22 the next five years.

23
24 Q. And council was invited, I think you said; did council
25 take up that invitation?

26 A. Yes, they did, they did, councillor and councillors,
27 in particular as protocol we invited the mayor and deputy
28 mayor at the time, and senior executive and some group
29 managers that were relevant to the forum.

30
31 Q. And, did some or all of them take up that invitation
32 from time to time?

33 A. Yes, they did.

34
35 THE COMMISSIONER: Thank you. Mr Parish.

36
37 MR PARISH: Thank you.

38
39 Q. Can I just ask about your experience with Destination
40 Southern Highlands. Was that a group that you found you
41 could work effectively with?

42 A. I suppose over my 26 years here in general it was, but
43 it was in the last two years of my term as the president of
44 the Southern Highlands Food & Wine Association and
45 representing the industry sector, that was strained in the
46 last term of the last council.

1 Q. Is there any particular reason that you can locate
2 that caused that relationship to be strained?
3 A. I think they stopped listening to a certain extent,
4 and it was becoming more difficult to provide input and
5 feedback into the plans and strategies for tourism and
6 economic development in this region.
7
8 Q. You mentioned the operating plan before of Destination
9 Southern Highlands, and you mentioned that it was difficult
10 to ascertain where some of the money was spent. Did you
11 have any problems obtaining the operational plans as
12 someone who was part of a key stakeholder group?
13 A. I was not successful in obtaining the details of their
14 budget and their spends and their AOP.
15
16 Q. More generally, is that something you think as a
17 member of a key stakeholder group and a member of industry
18 in this area that would be useful for you to both
19 understand and plan your activities?
20 A. I think it would be useful if we knew what the
21 priorities of that organisation, that business unit were,
22 where they will currently spend and perhaps where industry
23 could assist as well.
24
25 THE COMMISSIONER: Sorry, Mr Parish.
26
27 Q. Mr Bourne, in answer to an earlier question you said
28 you were not successful in obtaining budgets for their
29 spending, and there was one other thing, I just didn't
30 catch it?
31 A. Their annual operating plan, AOP.
32
33 THE COMMISSIONER: Yes, thank you.
34
35 MR PARISH: Q. Would it be fair to say that more
36 generally transparency would be valued by you and key
37 stakeholders like you?
38 A. Yes, in terms of proper governance and transparency,
39 and for the allocation and procurement using public funds
40 and industry funds as part of that business unit. Industry
41 funds were in membership form were part of their budget, so
42 I thought it was critical that perhaps there was a
43 mechanism to see where that was prioritised and spent.
44
45 THE COMMISSIONER: Q. What were the membership fees?
46 A. They varied from simple membership fees, to be listing
47 on a website, to hire fees in the thousands that, you

1 know --

2

3 Q. Like a tiered - it's not a tiered sponsorship but a
4 tiered response type arrangement --

5 A. It was.

6

7 Q. -- where you could come in at the bottom level and --

8 A. Depending on the level of service you required, yes.

9

10 Q. This is Destination Southern Highlands?

11 A. That's correct.

12

13 Q. How did that fit in with the council's general
14 operations?

15 A. I think it was classified as a business unit of the
16 Wingecarribee Shire Council; all the people working within
17 it were employees of the Wingecarribee Shire Council.

18

19 THE COMMISSIONER: Thank you.

20

21 MR PARISH: Q. You also, I understand, have some
22 concerns about stakeholder engagement with the Draft
23 Destination Management Plan, was that a plan that
24 originated from Destination Southern Highlands?

25 A. Yes, it was.

26

27 Q. Can you tell me a little bit about your concerns with
28 the engagement in that draft plan?

29 A. I think there were many concerns within the community
30 and within the business sector and industry sectors locally
31 that we were without an economic development plan for two
32 years, and for a certain amount of that time without an
33 economic development officer. And, there was a promised
34 whole-of-destination plan by council to deliver to industry
35 in response to that, and I suppose the, if I can
36 paraphrase, many people's thoughts when the draft was put
37 out, that it really wasn't fit-for-purpose when it was put
38 out for public comment and submission, and I suppose there
39 were many, many concerns in the draft document originally.

40

41 Q. Can you give us a flavour of "there were many
42 concerns", I mean, feel free to list them all, but can you
43 at least give us a flavour, we've got all afternoon, at
44 least a flavour of the concerns or the feedback that you
45 were getting?

46 A. I suppose, there was a response put forward by the
47 Southern Highlands key stakeholders group and four people

1 in the local business sector contributed their time and
2 resources to produce that document, which I think was 17
3 pages long in a submission to the draft, and there were
4 many concerns outlined in those 17 pages, but if I can just
5 refer to my notes if that's alright?
6

7 I suppose most people, and having read a few of these
8 in my roles within the industry sector, if something is
9 named as a plan you would expect that it would have some
10 goals, KPIs, targets, timelines, schedules; that would
11 include how things are to be achieved, when they'll be
12 achieved, who would achieve them, whose responsibility,
13 some milestones and some key reporting factors, and the
14 plan was devoid of those. The plan also had factual
15 errors, interpretation of data, did not seem to add up in
16 many circumstances was incorrect.
17

18 There were concerns by those involved that the
19 stakeholder engagement process, which was only a single
20 session in the preparation of this, was not - could have
21 been handled better, I suppose, would have been the words.
22 There were no pre-readings offered to those people that
23 were invited, you know, for them to show up, to be informed
24 and give relevant contributions to that process.
25

26 Personally, I was involved in two of those and some of
27 the data presented I had seen before in other government
28 presentations, and I had concerns about their relevance and
29 where they were flawed in some of that data, so I had
30 concerns on what would come out of that data in the end. I
31 must admit, there was a long response from the industry and
32 many groups within the region on that draft plan for the
33 future of our region. I can't say that many of the
34 considered ones were positive, in summary.
35

36 Q. Can I just ask you about the meeting that you referred
37 to then, that was a stakeholder engagement session; is that
38 about right?

39 A. That was the one in preparation of the draft, correct.
40

41 Q. Yes. Do you recall when that was and where that was?

42 A. It was, I think it was at a council facility in
43 Bowral; I can't recall the exact date. It was a small,
44 perhaps two-hour session to my recollection, where data was
45 presented and a bit of feedback was requested on that from
46 industry sectors.
47

1 Q. Who led that meeting? Were there councillors there or
2 was it just staff members?

3 A. The economic development unit within Destination
4 Southern Highlands to my knowledge led that, and I'm
5 assuming that because the group manager and the economic
6 development coordinator of that day put their name as
7 author when that document was submitted to council.
8

9 Q. Do I also understand your evidence, you weren't
10 provided with a copy of the relevant documents before that
11 meeting and they were given to you only at the session?

12 A. There was no pre-readings or papers given to anybody
13 engaged in those sessions to my knowledge; they certainly
14 weren't given to me.
15

16 Q. Do you think it would have been appropriate and of
17 assistance to you and other people in that meeting to have
18 received these sorts of documents prior to the meeting?

19 A. I would have thought it would have been appropriate
20 and most useful. Having engaged in this process with
21 different organisations at a state and federal level I
22 would have expected those.
23

24 Q. After that meeting what was your experience in the
25 engagement with council in that draft plan?

26 A. I suppose after the draft plan, post the submission in
27 response to the draft, there was bitter disappointment I
28 suppose that the main response from this council was that,
29 "Well, we're not gonna call it a plan any more, we'll just
30 call it a strategy", and then that's why a few minor
31 adjustments were made in the document. There was no
32 timelines, no KPIs, no targets added to the original draft.
33

34 I think, in my personal summary, to rename it a
35 strategy document and not a plan was a fairly poor response
36 to industry's submissions, and then there was one meeting
37 held, a public meeting held post that.
38

39 Q. Was that post, that session, public meeting, the one
40 convened on 18 December 2020?

41 A. I think that's correct, yeah, it was held at Mittagong
42 RSL.
43

44 Q. Can you tell me your impressions and any recollections
45 you have of that meeting?

46 A. I can but I can also trust that the Commissioner has
47 access to the video of that public meeting, I think it's on

1 record.

2

3 THE COMMISSIONER: Mr Parish, if there's a video, you
4 should add that to your list.

5

6 MR PARISH: Yes.

7

8 THE COMMISSIONER: Thank you.

9

10 THE WITNESS: I suppose the meeting reflected the
11 dismissive and disrespectful attitude of some of the senior
12 staff and elected councillors towards the public, points
13 and matters they made at that meeting, and I suppose I had
14 other concerns that that meeting was - had an attendance
15 cap that didn't seem relevant for the amount of community
16 engagement that was put in on this, and I found it a little
17 bit strange that a facility the size of Mittagong RSL
18 cannot accommodate more people to attend if they required.

19

20 MR PARISH: Q. So that, the previous meeting you were
21 talking about was with relevant stakeholders, this meeting
22 on 18 December 2020 was a general public meeting; is that
23 as I understand your evidence?

24

25 A. Yes, I think in general it was, but I do recall
26 receiving a specific invite to that meeting as well.

26

27 Q. And were members of council, by which I mean the
28 governing body, the councillors, at that meeting?

29

30 A. Yes, they were.

31

32 Q. Do you recall who was there?

33

34 A. My recollection, the mayor was there and led the
35 meeting in some of the circumstances and Mr Mark Pepping
36 was one of the senior executives that were there; to my
37 recollection those were the two main speakers on behalf of
38 the council at that meeting.

37

38 Q. Do you recall if members of the community were invited
39 to speak at this meeting?

40

41 A. They were, yes.

42

43 Q. Do you recall any specific speakers at that meeting
44 and how they were treated, either good or bad?

45

46 A. I think it would be fair to summarise, and it could be
47 confirmed by watching this meeting, that members of the
community were perhaps shut down and cut short at certain
times. Not that it was part of the business of the

1 meeting, but some community members brought up particular
2 examples in regard to their problems with the DA system and
3 how it was constraining economic development and tourism in
4 the area, and I think, if I paraphrase it, the mayor
5 replied, "Well, you know, I just didn't like that DA of
6 yours" or words to that effect, but that could be confirmed
7 by watching that video, and I found that quite
8 disrespectful to perhaps that member of the public.
9

10 Q. As a member of the business community in the Southern
11 Highlands what was your impression of that sort of conduct?

12 A. I thought it was a poor example of stakeholder
13 engagement, I thought it was quite disrespectful to the
14 business community. There were some actions outlined by
15 the Destination Southern Highlands group to come out of
16 that, and to my knowledge to this day they have not been
17 enacted on, and that's over two years ago now.
18

19 Q. Is that matters such as industry portals and online
20 hubs?

21 A. That's correct.
22

23 Q. And your evidence is that those haven't been in any
24 way, at least taken live as far as you know yet?

25 A. Personally I saw those actions, and they're listed in
26 the business papers of this council from that meeting, that
27 they were some form of a response to industry's concern and
28 a response to provide some sort of mechanism that the
29 industry could have input and feedback in getting a plan
30 that everyone was happy with and suitable and
31 fit-for-purpose, and to this day those mechanisms have not
32 been put in place.
33

34 Q. Do I understand that the proposed hub was initially
35 the initiative of the key stakeholders group?

36 A. No, I don't think it was, it was a proposal by the
37 business unit and, from memory, it was to be set up in
38 early 2021 and now, 12 months later, yet to exist.
39

40 Q. Do you think that there is sufficient industry
41 engagement from council with the tourism sector in the
42 Southern Highlands?
43

44 THE COMMISSIONER: At what time?

45
46 MR PARISH: Pardon me?
47

1 THE COMMISSIONER: I think you need to reference that to
2 the times, there's perhaps more than one.

3

4 MR PARISH: Thank you, Commissioner, that will help.

5

6 Q. Do I understand it that you have some concerns about
7 the economic development and tourism for the Southern
8 Highlands for the lack of engagement and collaboration?

9 A. I do.

10

11 Q. Can you give for me and the Commissioner a timeframe
12 of when that concern arises or from where that concern
13 arises?

14 A. Having dealt with the council at an industry level
15 over 20 years representing the wine industry locally, I
16 found it of most concern with the last elected council,
17 that it was very hard for industry to be involved in
18 strategy and planning for the future of our region, and in
19 particular our sector.

20

21 Q. Were you left with any impressions about why it was
22 that the last council in particular - or I should say the
23 suspended current council in particular were unable to
24 provide that?

25 A. Can you repeat that, sorry?

26

27 Q. Do you have any insight into why in particular this
28 last council, and by that I mean 2016-2020, had a
29 particular problem in that respect?

30 A. To generalise it, I think they stopped listening and
31 they stopped putting community first.

32

33 Q. Do you mean by that, at the governing body councillor
34 level or do you include in that the council staff and
35 management as well?

36 A. I think it would be fair to say both across the whole
37 council, but I see that - that goes to perhaps, you know,
38 our elected representatives and their role for governance
39 and compliance that that was not enacted.

40

41 Q. A lack of civic leadership; would you agree with that
42 phrase?

43 A. A lack of cohesion and unity to work for the local
44 community by the elected councillors would be my
45 description.

46

47 Q. Can I ask in respect of the lack of an economic plan

1 for a number of years and the problems that you saw with
2 the Draft Destination Management Plan, what sort of effect
3 does that have on your business personally and on the
4 industry that you're involved with?

5 A. I suppose without a designated plan and vision it
6 becomes quite difficult to attract new enterprises with no
7 certainty in place around what the priorities of the local
8 council are. It becomes difficult for the existing
9 businesses in the area to confidently invest and grow at
10 the same time, and I suppose the major concern among most
11 was that it was becoming difficult to attract new industry
12 and new business and new investment to the region because
13 basically the region was seen as a basket case.

14
15 Q. Can you tell the Commissioner of any personal
16 knowledge that you have of feedback that you received from
17 people outside the area that the council was a basket case
18 or the area that was a basket case?

19 A. Look, it's secondhand knowledge that comes back
20 perhaps through New South Wales Government departments
21 that, you know, investment or funding of activities here,
22 you know, is a continual issue because of conflict, I
23 suppose just in general terms I can reflect on that.

24
25 You know, inability to deliver projects by the
26 council, so their skills for project management were known
27 to be poor, I would say. I reference, I think it was a
28 reference to a project funded by the State Government for a
29 Berrima bypass where that could not be completed and some
30 of the funds had to be returned to the State Government for
31 that; I suppose that's a disappointment and a reflection on
32 the situation at the time.

33
34 Q. In respect of the concerns you identified about
35 cohesion and unity at the governing body level, to the
36 extent your answer differs, what effect does that have on
37 your personal business and the industry that you're
38 involved in?

39 A. I suppose from my personal point of view the
40 councillors are elected to represent the community and
41 they're there to work for the community for the best of the
42 community, and the conflict - and I must admit, especially
43 in the last two years of the current council, seemed to
44 increase and it didn't seem - they didn't seem to be
45 working for the good of the whole community and any sector
46 in particular, and I suppose it spiralled out into the
47 situation we are in today.

1
2 Q. In respect of that conflict that you identified at
3 governing body level, how did you become aware of that
4 conflict? Did you attend council meetings, or was it
5 through the media that you learnt, or was it people
6 speaking about it?

7 A. I would occasionally attend council meetings on
8 relevant matters for our industry and sector. I think it
9 was well-known and it's well documented in the press over
10 many years, there were personal conflicts between elected
11 councillors that weren't productive, they were not in the
12 best interests of our community.

13
14 Q. In attending council meetings from time to time, at
15 least in respect of the 2016-2020 council, did you form any
16 impression about the behaviour of councillors in the
17 meetings that you attended?

18 A. Again, I just reiterate I suppose or echo my previous
19 comments that there did not seem to be a cohesive and
20 united culture within the elected councillors, that they
21 were all working for their community; it seemed to be about
22 personal preferences and maybe some disputes they had
23 internally.

24
25 Q. Was there anything positive that you were left an
26 impression, was there anything positive that was happening
27 at the council level at least in respect of your industry?

28 A. In the past?

29
30 Q. We might just pause there and check whether it's the
31 live stream or the TV that's ...

32
33 THE COMMISSIONER: I've been informed the stream's still
34 live so we'll continue.

35
36 MR PARISH: That might allow me to withdraw my poorly
37 articulated question and re-ask it.

38
39 THE COMMISSIONER: Yes, do that.

40
41 MR PARISH: Q. Can you list any positive attributes or
42 impressions that you were left with dealing with the
43 governing body in particular during 2016-2020?

44 A. In the past previous councils we had had previous
45 circumstances, but in the current one - the last elected
46 council sorry, I can't recall any. An example of a
47 previous one was when the wine industry was developed in

1 the late 90s and early 2000s. We requested meetings with
2 the elected councillors at the time and they were quite
3 receptive about changing LEPs to accommodate an emerging
4 new industry that the old LEP did not reflect and those
5 changes were made and quite acceptable to the industry and
6 to the public and the community.

7
8 In the current one, it was very difficult to get
9 anything heard with any significance and any changes made
10 due to the conflicts within the elected councillors.

11
12 MR PARISH: I don't have any further questions at this
13 stage, Commissioner. I was going to ask whether he had
14 anything general to say, but if you wish to touch on any
15 specific topics?

16
17 THE COMMISSIONER: No, you proceed.

18
19 MR PARISH: Thank you, Commissioner.

20
21 Q. Is there anything else you wish to bring to the
22 inquiry's attention at this stage?

23 A. I suppose I did note perhaps some evidence given
24 yesterday and I liked the point about some of those funds
25 post-recovery going to an acclaimed horse stud, and I'd
26 like to perhaps give the inquiry that that's probably not
27 correct. It was a project put forward by industry for the
28 development of the equine industry, and I'm sure the
29 records could be found in the administrator's and the
30 public papers that that was a project by the council and
31 delivered by Destination Sydney Surround South and has been
32 quite successful and it wasn't given to one business
33 individual.

34
35 THE COMMISSIONER: Q. Yes. I don't know, you may have
36 been watching or reading along, but I have asked for the
37 records of how that was done to be tendered before me.

38 A. Yep.

39
40 Q. Was that a project that was stemmed from the bushfires
41 or was it happening anyway?

42 A. It was a project in train, I think, before and after
43 the bushfire program and it resulted out of a project
44 within the Southern Highlands key stakeholders group that
45 the equine industry had great potential, was existing here
46 already, and a coordinator was employed during that
47 project.

1
2 Q. A coordinator by who?
3 A. The delivery of that project was by Destination Sydney
4 Surround South.
5
6 Q. I see, the state funding agency.
7 A. But the funding directly came from Wingecarribee Shire
8 Council, and I can refer you to the administrator's notes
9 on where the money came from and where he thought it should
10 have come from after that.
11
12 Q. Yes.
13 A. But it's been quite a successful project with
14 investment by Racing New South Wales into this region for
15 training facilities already and other projects that are to
16 follow.
17
18 THE COMMISSIONER: Yes, I understand, thank you.
19 Mr Parish, anything arising?
20
21 MR PARISH: I might just confer with Mr Broad for a
22 second, if you wouldn't mind?
23
24 THE COMMISSIONER: Yes, of course.
25
26 MR PARISH: Q. If you wouldn't mind, Mr Bourne, there's
27 one meeting that I haven't asked you about yet and I was
28 just wondering if you were at this meeting and might have
29 some feedback or thoughts about it. It was an economic
30 development roundtable on Friday, 25 June 2021. Were you
31 involved in that roundtable meeting?
32 A. You'll have to refresh my memory.
33
34 Q. It was convened by KPMG and with the assistance of the
35 interim administrator, Mr Viv May?
36 A. I was at that meeting.
37
38 Q. You were at that meeting?
39 A. I were.
40
41 Q. Did you find that meeting helpful in terms of the way
42 that discussions were conducted about the council's
43 Southern Highlands Destination Strategy 2020-2030?
44 A. Yes, I found it a professionally run stakeholder
45 engagement process, quite productive, quite informative,
46 and I think that was enacted by the administrator and some
47 of the new executive and found that it was a positive step

1 forward to perhaps address the previous draft destination
2 plan rename strategy.

3

4 Q. Would it be fair to say that this meeting was run more
5 in the way that you would think a meeting should be run in
6 contradistinction to the previous meetings that you'd had
7 with Destination Southern Highlands?

8 A. Yes, I would - that would be accurate, yes.

9

10 Q. I might just ask you about a few of the key themes
11 that came out of the discussions. You don't need it in
12 front of you, I'll just tell you what they are and you can
13 tell me if you agree or disagree or have anything to add.

14

15 The first one:

16

17 *There was a high level of dissatisfaction*
18 *with the destination strategy, its factual*
19 *accuracy and its lack of interaction with*
20 *other policies and strategies and its lack*
21 *of defined actions.*

22

23 Would you agree with that?

24

A. I would.

25

26 Q. Is that something that you've already canvassed a bit
27 in your evidence as well when we were referring earlier to
28 some of the issues that you saw in the initial draft plan?

29

A. It is an accurate reflection of that.

30

31 Q. The second theme was a view that:

32

33 *Council through its published strategies,*
34 *the actions and interpretations of its*
35 *officers and its culture is*
36 *anti-development.*

37

38 Would you agree with that?

39

A. I think the majority of the people in the room would
40 agree with that, yes.

41

42 Q. Can you expand on why you hold that view, if you do
43 hold that view?

44

45 A. I think it's well-known and it's been canvassed by
46 other witnesses that the DA process was a real challenge in
47 this shire, and unfortunately it became too political and
wasn't based on facts or regulations. Some of the DAs

1 perhaps were passed because people advocated and lobbied on
2 a political sense and some were not, and they weren't based
3 on planning regulations - more on politics, I suppose.

4
5 THE COMMISSIONER: Q. Do you think in addressing that
6 concern - as I understand it there's now a local planning
7 panel - do you see that as a measure to address the issue
8 that you've just raised?

9 A. I see it as a very positive step towards that. I
10 think asking elected councillors who are members of the
11 public to make decisions on complex planning issues, you
12 know, was fraught with danger and I see the planning panel
13 as a very positive step forward.

14
15 THE COMMISSIONER: Yes, thank you.

16
17 MR PARISH: Q. If you assume that the impression at
18 least in people like you and industry groups that you're
19 involved with is that you need to lobby certain councillors
20 or find someone to support your application in order to get
21 a DA through, what does that do for confidence in business
22 groups like yours?

23 A. It is a dent in the confidence, but unfortunately with
24 the last council most people realised that the landscape
25 was political and therefore they had to engage in that
26 process to get some certainty about any application to the
27 council; whether that's right or wrong, that's what the
28 landscape was and that's disappointing, I suppose.

29
30 Q. The next key theme that this report says came out of
31 the consultations was:

32
33 *A significant issue for the region in*
34 *respect of housing affordability and*
35 *diversity and the impact on the*
36 *availability of appropriate staff in many*
37 *sectors, particularly in the tourism and*
38 *hospitality space.*

39
40 Do you agree with that?

41 A. Yes.

42
43 Q. Is there anything you want to add to that or explain
44 in that respect?

45 A. I suppose that goes across many of the industry
46 groups/sectors in our region, and I suppose our hope was
47 that the whole-of-destination management plan would somehow

1 address those, and it failed to do so.

2

3 Q. The next theme was:

4

5 *Similarly with transport infrastructure,*
6 *both connecting and bypassing townships and*
7 *communities is lacking or poorly*
8 *maintained.*

9

10 Do you agree with that generally?

11 A. I think so, yes.

12

13 Q. Do you have any specific examples to give?

14 A. I can refer to my previous example of a bypass that
15 was planned through Berrima that, due to whatever reason
16 within the council at the time, could not be delivered and
17 money had to be handed back to the State Government and the
18 community missed out again.

19

20 Q. Next:

21

22 *The tourism strategy should be separate*
23 *from or a subset of a broad-based economic*
24 *development strategy.*

25

26 Do you agree with that?

27 A. I think, yeah, tourism is part of a broader economic
28 development, so I would agree that it is a subset.

29

30 Q. Can you tell me your impression about whether, in your
31 view, there is a broad-based economic development strategy
32 in this shire?

33

34 THE COMMISSIONER: When?

35

36 MR PARISH: Q. At present?

37 A. Well, technically the destination management strategy
38 for 2020-2030 was passed by the local council, so
39 technically it would be. Whether it has the support of
40 industry, I would argue perhaps it does not because of the
41 flawed documents and submissions made by many groups, but
42 to answer your question, technically there is one in place.

43

44 MR PARISH: Thank you, Mr Broad.

45

46 THE COMMISSIONER: All right, that completes your
47 evidence, and I think Mr Parish has already given you the

1 opportunity to expand on anything you wish to, so thank you
2 for coming. Thank you for taking the time out of your day,
3 I appreciate that answering your summons to come here today
4 would have taken you away from other activities, so that is
5 very much appreciated.

6
7 Mr Parish, is there any reason why Mr Bourne ought not
8 be excused from further attendance?

9
10 MR PARISH: No, Commissioner.

11
12 THE COMMISSIONER: You are excused from further attendance
13 under your summons and you are free to go.

14
15 THE WITNESS: Thank you for the opportunity.

16
17 <THE WITNESS WITHDREW

18
19 THE COMMISSIONER: Mr Parish, you - I'm sorry?

20
21 MR PARISH: I might tender the document that I was just
22 referring to, but I'll do that in due course when I have a
23 hard copy perhaps.

24
25 THE COMMISSIONER: I see. Does that complete the
26 witnesses for today?

27
28 MR PARISH: Yes, for today.

29
30 THE COMMISSIONER: And the witnesses for tomorrow have
31 been made known on the website?

32
33 MR PARISH: I think we now have the whole week up on the
34 website, Commissioner.

35
36 THE COMMISSIONER: Excellent. And we have four tomorrow,
37 I think?

38
39 MR PARISH: That's correct.

40
41 THE COMMISSIONER: Could you just read them out so that
42 those who are watching can make a note should they wish to?

43
44 MR PARISH: We have Geoff Byrne, B-y-r-n-e, at 10am,
45 followed by Richard Mooney, followed by Brigid Kennedy,
46 followed by Holly Campbell.

1 THE COMMISSIONER: All right, is there anything else I
2 need to deal with today?

3
4 MR PARISH: Not for now, Commissioner.

5
6 THE COMMISSIONER: All right, we'll adjourn until 10am
7 tomorrow.

8
9 **AT 2.57PM THE INQUIRY WAS ADJOURNED TO**
10 **THURSDAY, 31 MARCH 2022 AT 10.00AM**

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