



## **PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL**

**COMMISSIONED UNDER S 438U OF THE LOCAL  
GOVERNMENT ACT 1993 (NSW)**

**PUBLIC HEARING  
SYDNEY**

**FRIDAY, 18 JULY 2025  
AT 10 AM**

**DAY 4**

### **APPEARANCES**

**Ms T McDonald SC, Senior Counsel Assisting  
Ms B Anniwell, Counsel Assisting  
Mr E McGinness, Counsel Assisting  
Mr J Emmett SC with Mr D Parish and Mr N Andrews, Counsel for Liverpool  
City Council  
Ms C Palmer, Counsel for Mayor Ned Mannoun  
Ms C Hamilton-Jewell, Counsel for Mr P Ristevski**

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to any direction against publication commits an offence against s 12B of the Royal  
Commissions Act 1923 (NSW).*

**<THE HEARING COMMENCED AT 10.14 AM**

**COMMISSIONER:** Yes, Ms McDonald.

5 **MS McDONALD:** Commissioner, may I first deal with some administration?

**COMMISSIONER:** Yes.

10 **MS McDONALD:** May I take you to MFI7, which was TB8 index.

**COMMISSIONER:** Just a moment. Yes, I have that.

15 **MS McDONALD:** There are a number of documents shown to the witness yesterday which I would now seek to tender.

**COMMISSIONER:** Yes.

20 **MS McDONALD:** On the second page of MFI7, item 81, which is document INQ.001.001.1122. I tender that.

**COMMISSIONER:** That's the minutes of the ordinary meeting held 26 November 2024.

25 **MS McDONALD:** Yes.

**COMMISSIONER:** That will be exhibit 12.

30 **MS McDONALD:** Item 82, document INQ.002.001.0101, minutes of the ordinary meeting held on 26 March 2014.

**COMMISSIONER:** That document will be exhibit 13.

**<EXHIBIT #13 MINUTES OF ORDINARY MEETING HELD 26/3/2014**

35 **MS McDONALD:** Item 87, document INQ.029.001.0002. Minutes of the ordinary meeting held 23 December 2023.

**COMMISSIONER:** That document will be exhibit 14.

40 **<EXHIBIT #14 MINUTES OF ORDINARY MEETING HELD 23/12/2023**

**MS McDONALD:** Item 100, document OLG.007.001.0004, affidavit of F. Portelli, 25 July 2024.

45 **COMMISSIONER:** That will be exhibit 15.

**<EXHIBIT #15 AFFIDAVIT OF F PORTELLI DATED 25/7/2024**

**MS McDONALD:** Item 109, document INQ.001.001.1036, agenda of ordinary meeting dated 30 August 2023.

5 **COMMISSIONER:** Exhibit 16.

**<EXHIBIT #16 AGENDA OF ORDINARY MEETING DATED 30/8/2023**

10 **MS McDONALD:** Item 121, document LCC.002.009.5926, resolution of ordinary meeting held 22 September 2010.

**COMMISSIONER:** Exhibit 17.

15 **<EXHIBIT #17 RESOLUTION OF ORDINARY MEETING HELD 22/9/2010**

**MS McDONALD:** Item 122, document LCC.002.009.5924, resolution for ordinary meeting held 21 June 2010.

20 **COMMISSIONER:** Exhibit 18.

**<EXHIBIT #18 RESOLUTION FOR ORDINARY MEETING HELD 21/6/2010**

**MS McDONALD:** Item 127, document LCC.010.007.9827, an email chain between S. Blackadder and F. Portelli.

25 **COMMISSIONER:** Exhibit 19.

**<EXHIBIT #19 EMAIL CHAIN BETWEEN S BLACKADDER AND F PORTELLI**

30 **MS McDONALD:** And that completes that exercise.

**COMMISSIONER:** Thank you.

35 **MS McDONALD:** I call Tim Pasley.

**<TIM PASLEY, SWORN**

40 **COMMISSIONER:** Yes, Ms McDonald.

**MS McDONALD:** Please state your full name.

**MR PASLEY:** Tim Pasley.

45 **MS McDONALD:** Your current occupation?

**MR PASLEY:** Manager of Circular Economy.

**MS McDONALD:** And that's at the Liverpool City Council?

**MR PASLEY:** Correct.

5

**MS McDONALD:** When did you first start working at Liverpool City Council?

**MRPASLEY:** 8 August 2018.

10 **MS McDONALD:** 2018?

**MR PASLEY:** Yes.

15 **MS McDONALD:** When you commenced working, what was your role or occupation?

**MR PASLEY:** I was the Procurement Business Partner.

20 **MS McDONALD:** And then, over time, did you move to a different area of Liverpool City Council?

**MR PASLEY:** Correct.

25 **MS McDONALD:** Yes. And what area was that?

**MR PASLEY:** It was called City Presentation.

30 **MS McDONALD:** And City Presentation, if you could describe it at a general level, what type of responsibilities did it have?

35 **MR PASLEY:** It was pretty in the operational arm of council. So basically rubbish, roads, parks, environment as well, so looking after the environment. I was in an environmental team there. And you also had strategic waste which was placed there as well.

40 **MS McDONALD:** After moving to that area, have you - sorry, I withdraw that. Over time, the title or name - different sections or divisions of the council has changed, but, over time, have you remained working in the area that has responsibility for matters such as waste collection?

**MR PASLEY:** Correct. So just - just to be clear, when I was the procurement business partner, City Presentation was my customer essentially. So I was looking after the depot, yes, from a procurement perspective.

45 **MS McDONALD:** All right. Now, can I ask you to maybe speak up a little bit?

**MR PASLEY:** Sure.

**MS McDONALD:** That would be good. So you moved then to City Presentation?

5 **MR PASLEY:** I was at City Presentation on day 1 as the procurement business partner, so I was tasked with fixing a lot of the contracts that had expired. Yes.

**MS McDONALD:** And from that role, did you move to another role within -

10 **MR PASLEY:** Correct. So I was the procurement business partner, I think, for about six months, and then I was a contract specialist for about four weeks. And then I applied for an expression of interest to become the waste and cleansing manager.

**MS McDONALD:** And were you successful with that?

15 **MR PASLEY:** Correct. Yes.

**MS McDONALD:** When did you – were you appointed to the position of Waste and Cleansing Manager?

20 **MR PASLEY:** I believe it was 2019. I - I think in August. Probably on the same date that I started one year, so on the 8th, I believe. Yes.

**MS McDONALD:** How long were you in that role?

25 **MR PASLEY:** I acted for, I believe, a year, maybe a bit longer from memory.

**MS McDONALD:** So you were performing that role in an acting capacity?

30 **MR PASLEY:** Correct. Yes.

**MS McDONALD:** And then were you appointed to the permanent position?

**MR PASLEY:** Yes. So I applied for the permanent position.

35 **MS McDONALD:** And you were successful?

**MR PASLEY:** Correct. Yes.

40 **MS McDONALD:** And, again, roughly, did that occur in about 2020?

**MR PASLEY:** I - I believe so. I think it may have been a year later.

**MS McDONALD:** 2021.

45 **MR PASLEY:** From memory. Yes. I'm not 100 per cent clear on the dates.

**MS McDONALD:** Now, from being appointed as the waste and cleansing manager, did you move to any other roles?

5 **MR PASLEY:** We rebranded, so it was still the same position, but we just named it Resource Recovery.

**MS McDONALD:** Resource recovery?

10 **MR PASLEY:** Correct. Yes.

**MS McDONALD:** So you were then the Resource Recovery Manager?

**MR PASLEY:** Yes. It was just a simple title change.

15 **MS McDONALD:** And were you appointed to any other role after that?

**MR PASLEY:** So I did act as a director for about six months, I think, or five months.

20 **MS McDONALD:** Can I just stop you there? Acting as the director. What was the particular division known?

**MR PASLEY:** I believe it was City Presentation at that time; if not, Operations.

25 **MS McDONALD:** And you acted in that role for five or six months.

**MR PASLEY:** Correct.

30 **MS McDONALD:** Again, roughly, can you indicate when did you commence that acting directorship?

**MR PASLEY:** I think in 2022, the start. Probably in the first quarter of 2022.

35 **MS McDONALD:** Towards the beginning of 2022?

**MR PASLEY:** I believe so, yes. I know I finished at the end of June, I believe.

**MS McDONALD:** You finished in that acting role towards the end of June?

40 **MR PASLEY:** June or July. I can't remember the actual date, but somewhere around then.

**MS McDONALD:** When finishing in that role, did you take a period of extended leave?  
45

**MR PASLEY:** Yes, I did.

**MS McDONALD:** And was that a period of about three months?

**MR PASLEY:** I believe it was about three months. Correct.

5 **MS McDONALD:** And, again roughly, are we looking around October/November 2022 when you returned to work?

**MR PASLEY:** Yes, I think so.

10 **MS McDONALD:** When you returned to work, what role were you occupying then?

**MR PASLEY:** So I originally came back to my role, so the - I believe the resource recovery manager role. And then I can't remember the dates, but I - I was - I was still technically in my role, but I was moved aside to work on the Cowpasture Road site  
15 and some projects related to that. So I had another member of my staff act up in my role, and he took on the responsibilities and duties of that.

**MS McDONALD:** Now, your current role as - sorry, could you repeat your current role?  
20

**MR PASLEY:** Yes. Circular Economy Manager. So that's strategic waste, yes.

**MS McDONALD:** When were you appointed to that role?

25 **MR PASLEY:** Last year, I believe. I can't really recall the actual month. It was about a year.

**MS McDONALD:** Now, upon your return around November 2022, you said you were moved, in a sense, to one side to work on particular projects.  
30

**MR PASLEY:** Yes.

**MS McDONALD:** In working for those projects, did that then lead to your appointment as the circular economy manager?  
35

**MR PASLEY:** We were organically heading that way anyway. Just to give a little bit of context, when I originally took over waste in 2019, it was quite small and underdeveloped. There was a period of no investment in that department, so I was tasked with bringing the operations up to a level that would satisfy the community.  
40 At a certain point before the split occurred, we - the department was quite large - larger than some directorates - so - I will let you ask the other questions later, but yes, just that.

**MS McDONALD:** You just spoke about a split, and when you referred to your current position as circular economy manager, you did say that that's dealing with strategy. You are referring to - was that the split between operations and strategy?  
45

**MR PASLEY:** Correct.

**MS McDONALD:** When - again roughly, when did that split occur?

5 **MR PASLEY:** I believe it happened early last year. There was a realignment.

**MS McDONALD:** So early 2024?

10 **MR PASLEY:** To be honest, I can't recall the actual date, but I did undertake the process, so I think - yes, I think we can provide the paperwork.

**COMMISSIONER:** Don't trouble yourself too much with the precise date, but early last year, doing the best you can?

15 **MR PASLEY:** I think so, yes.

**MS McDONALD:** Now, the split between operations and strategy, when you say the operations of the waste division, are you talking about collection of waste?

20 **MR PASLEY:** So collection of waste materials or cleansing, that's within the council's capability, so we have actual staff. Things like the three-bin system, so kerb-side bin collections. That's predominantly - that's done by a contractor, so strategic waste looks after the contracts.

25 **MS McDONALD:** All right. So a household who puts out the three bins, that's done by a contractor?

**MR PASLEY:** Correct.

30 **MS McDONALD:** Sorry, that work is undertaken by a contractor.

**MR PASLEY:** Yes.

35 **MS McDONALD:** And the operation of that contract, that comes under your jurisdiction?

40 **MR PASLEY:** Yes. So I run the tenders for those contracts. They are quite high spend as you can imagine in waste. You know, we have about 80,000-plus households, three bins usually for each household. That equates to over 1 million pick-ups a month.

**MS McDONALD:** All right. So that's part of your jurisdiction.

45 **MR PASLEY:** Correct.



**MS McDONALD:** The collection of waste, which I think you said is undertaken by council staff, is that, for example, waste at a local park or in the CBD? Is that an example of the collection that they would undertake?

5 **MR PASLEY:** Yes. So that's one example. Also bulky waste collections. So that's also an internal activity, and mattress collections now. That used to be done externally; now that's done internally.

10 **COMMISSIONER:** Is bulky collections something that might be described - I don't know if it's in your area but in other councils like kerb-side clean-up.

**MR PASLEY:** Yes, people have different terms for it.

15 **COMMISSIONER:** That's the idea.

**MR PASLEY:** It's usually like a big pile of materials.

20 **COMMISSIONER:** Okay. Yes. What about businesses in the - in the LGA. Is that something done by council, or is that contractors?

**MR PASLEY:** So that's - that's not something that we do at the moment, but it is in our waste strategy. So it's something that we were anticipating on doing in the future. I'm guessing we will talk about the strategy soon.

25 **COMMISSIONER:** Yes.

**MR PASLEY:** But the strategy, you know, we kind of reached for the moon with our strategy, so -

30 **COMMISSIONER:** But how is it done at the moment?

**MR PASLEY:** At the moment we don't touch trade waste. That's what they call it.

35 **COMMISSIONER:** I see.

**MR PASLEY:** We don't service businesses.

**COMMISSIONER:** I see.

40 **MR PASLEY:** Other than with the mattress shredder.

**COMMISSIONER:** Thank you.

45 **MR PASLEY:** Yes.

**MS McDONALD:** I just want to take you to some operational charts. The first one is document LCC-001-002-0001, and it can be live streamed. We've got a number of

these organisational charts. You can see at the right-hand top corner it's dated June 2024.

**MR PASLEY:** Yes.

5

**MS McDONALD:** There are a number of directorships, and if I can draw your attention to the one for operations.

**MR PASLEY:** Yes.

10

**MS McDONALD:** And we have got an Acting Director, Peter Scicluna. Peter -

**MR PASLEY:** Peter Scicluna.

15

**MS McDONALD:** Scicluna. Thank you for that. And at that point, was your position under Waste and Cleansing, Manager of Waste Services?

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**MR PASLEY:** Correct. There might have been a typo. I believe it was waste recovery during that time period, so maybe - maybe it didn't translate on this document, but, at some point, we became resource recovery, and I believe that happened before 2024.

**MS McDONALD:** All right. If we then go to document LCC-001-002-0004 -

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**ASSOCIATE:** Do you want that -

**MS McDONALD:** Yes, please. You can see the date towards the top right-hand corner, July 2024.

30

**MR PASLEY:** Correct. Yes.

**MS McDONALD:** If you look at the directorship for operations, now we've got the second box down from the bottom is Circular Economy Centre, Manager Circular Economy.

35

**MR PASLEY:** Correct. Yes.

**MS McDONALD:** And that's your role?

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**MR PASLEY:** That's correct, yes.

**MS McDONALD:** Moving up the boxes under that directorship, we still have a box for Waste and Cleansing.

45

**MR PASLEY:** Yes.

**MS McDONALD:** With a Manager of Waste Services.

**MR PASLEY:** Correct. So we wanted to make the distinction between operations and strategic.

5 **MS McDONALD:** That continues - excuse me for a minute. Would you bring up INQ.004.001.0012, and it can be live streamed. This is a document entitled a Proposed Model of Six to Four Directorates. Our understanding of this is that the decrease in directorships from six to four has now been implemented. Is that your understanding?

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**MR PASLEY:** I believe it's in a transitional phase at the moment, so I think -

**MS McDONALD:** I'm just concentrating at the number of directorships at the moment. Is it your understanding that it has moved from six to four?

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**MR PASLEY:** I think, to be honest, I'm not 100 per cent across the changes of them, the updates that we receive like this. So I think - I believe so. I believe so some directors are no longer here, and I believe some departments may have shifted under this - this structure.

20

**MS McDONALD:** Under this proposal - and, again, we understand that looking at departments underneath, which were in the purple boxes, that hasn't been settled yet, but under this proposal, again under operations, we can see Circular Economy Centre.

25

**MR PASLEY:** Yes.

**MS McDONALD:** And that's your area where you're manager.

30 **MR PASLEY:** I believe so, yes.

**MS McDONALD:** And we have got the separate purple box for the Waste and Cleansing Department?

35 **MR PASLEY:** Correct.

**MS McDONALD:** All right. Now, at the moment, your direct report is to the position of Director or Acting Director of Operations.

40 **MR PASLEY:** That's correct, yes.

**MS McDONALD:** And do you have a Director of Operations at the moment or is it an Acting Director?

45 **MR PASLEY:** An Acting Director.

**MS McDONALD:** And who is the Acting Director?

**MR PASLEY:** That's Peter Scicluna.

5 **MS McDONALD:** That was the person who you identified when I took you back to the May 2024?

**MR PASLEY:** Correct.

10 **MS McDONALD:** Now, can I move back to your role, now as the Manager of Circular Economy. You have given evidence that the contracts for the collection of the three bins, that comes under your responsibility?

**MR PASLEY:** Yes.

15 **MS McDONALD:** You also referred to - and we are going to get to this - the mattress shredding operation.

**MR PASLEY:** Yes.

20 **MS McDONALD:** That comes within your responsibility?

**MR PASLEY:** Correct. Yes. It's the only operational function in my team.

25 **COMMISSIONER:** The only operational function, did you say?

**MR PASLEY:** The only operational function that we control because we have the technical knowledge to oversee that.

30 **MS McDONALD:** Are there any other responsibilities that you undertake as part of this strategy department?

35 **MR PASLEY:** Yes. So strategic waste, the primary objective of strategic waste, which we call ourselves Circular Economy, is to divert as much material from landfill as possible. It's in the strategy, a local strategy that we created back in 2021, which was endorsed. We're also driven by state government strategy, which is the Waste and Sustainable Materials Strategy of 2041, and there are targets set in these strategies such as 80 per cent diversion of all waste streams by 2030.

40 **MS McDONALD:** Sorry. 80 per cent of -

45 **MR PASLEY:** Of all waste streams. So that could be recycling, green waste, material within the red bin, which is something that we just recently rolled out. So food organics, garden organics, waste management, FOGO. So that's something we just rolled out last week to 62,000 households, so that's a pretty big endeavour. So we are all about shifting behaviours. Just to give you a - to break it down very simply, to throw waste in landfill attracts a waste levy. So it's approximately about

320 something dollars this year, and half of it goes to state government as an additional tax called the waste levy.

5 So our objective is to divert material like that. So, for example, the red bin waste, I think it equated to 52,000 tonnes of material last year, you know, at 320 something dollars, and FOGO should hopefully remove about 18,000, 15,000 tonnes of that material into the green bin, which can be recycled into compostable material. So our primary objective is to pretty much educate the community, set policy, and change waste behaviours, and make people aware. We also reach out to children, students.  
10 That's about as simple as I can make it. If you want me to elaborate, please ask.

**COMMISSIONER:** And what you've just described is the notion of strategic waste generally - that is, diverting household and perhaps, as you expand, other forms of waste out of landfill to be recycled, reused, repurposed, composted and the like.  
15

**MR PASLEY:** Yes. Correct.

**MS McDONALD:** Now, before 2022, the council for its operations, including waste management, had a depot at Rose Street?  
20

**MR PASLEY:** Correct. Rose Street has been the primary depot for Liverpool Council since 1967, I believe.

**MS McDONALD:** Right. And it also had a facility - is it at Devonshire Street?  
25

**MR PASLEY:** We refer to it as western depot.

**MS McDONALD:** Western depot.

30 **MR PASLEY:** Correct. Yes.

**MS McDONALD:** Has the western depot ever been used?

**MR PASLEY:** During - so it has always been used as an ancillary kind of location.  
35 It's essentially just a dust bowl. We did activate it during the COVID period and split the depot in two for business continuity. That was to mitigate any kind of contact with one another. So if one part of the depot went down, we can still continue services for the community. That was a pretty challenging time, to be honest, during that period for this council, but we managed to - to get through it.  
40

**MS McDONALD:** Now, the Rose Street depot, as it sounds at being a depot, does that mean, or does its work include different equipment like trucks and other pieces of equipment there, housed there?

45 **MR PASLEY:** Predominantly, yes. Sorry.

**COMMISSIONER:** That's all right. I know. It's not your fault.

**MR PASLEY:** So, predominantly, most of our equipment resides at the Rose Street depot. There are some sites around the LGA, local government area, that we house other vehicles or equipment.

5

**MS McDONALD:** And it also has mechanical facilities?

**MR PASLEY:** Correct. So it did originally have the mechanical workshop at Rose Street, but that has been relocated to Cowpasture Road now.

10

**MS McDONALD:** When was it relocated to Cowpasture Road?

**MR PASLEY:** At the end of 2022, I believe. So as soon as we acquired the site, it happened, I believe, relatively quickly. Just to add a bit of context, the -

15

**MS McDONALD:** Well, no, if you can just answer my questions, we will get through this a little bit more quickly.

**MR PASLEY:** Yes. Sure.

20

**MS McDONALD:** All right. So you have given evidence that you went on leave for a period in late 2022 and then came back to the council?

**MR PASLEY:** Correct.

25

**MS McDONALD:** When you returned to the council, had Cowpasture Road been purchased?

**MR PASLEY:** Yes.

30

**MS McDONALD:** I want to take you to before Hoxton Park Road had been purchased. At - once - at a stage earlier than that, was there investigation or examination of whether there were other sites that could be leased for either a depot type operation or a mechanical workshop operation?

35

**MR PASLEY:** No. So we looked at Cowpasture Road. This is towards the end before I left. Is this what you are asking?

**MS McDONALD:** No, I'm not referring you to that. I'm asking you before Cowpasture Road was purchased, and a period before then, was there an investigation or a looking at leasing at leasing by the council of another site for the mechanical workshop?

40

**MR PASLEY:** No. Not as far as I'm aware, no.

45

**MS McDONALD:** You had no - do you know a Paul Sharkey?

**MR PASLEY:** Yes, I do.

**MS McDONALD:** You had no conversation with Paul Sharkey about that?

5 **MR PASLEY:** I had a conversation with Paul Sharkey when we saw Cowpasture Road. So we were invited, I believe, by some councillors to attend this site. We weren't looking for a mechanical workshop, but we were looking, I believe, at the time for a solution because the mechanical workshop wasn't actually fit for purpose. I believe there might be some Facebook videos or YouTube videos that Liverpool  
10 published at some point. The state of the depot wasn't - you know, it wasn't really up to scratch for modern standards, especially for a - for a mechanical workshop. But we were invited to Cowpasture Road, and that was the first time I heard of it, just to have a look at some premises there. I brought, I believe, Paul Sharkey along and some - some of the staff because I wanted an expert opinion if that site perhaps  
15 might, you know, potentially be a viable option as that - that's how it was presented to me.

**MS McDONALD:** I'm sorry, could you repeat that. It was put to you as a -

20 **MR PASLEY:** Potential viable option. So I wasn't really thinking about the mechanical workshop at the time, but I was invited to Cowpasture Road. I can't remember who, if it was the acting CEO or the mayor or something. I was just told to go to some site, and I went there with Paul Sharkey, and there was some guy that showed us around to look at the premises, and we were asked if this site could - you  
25 know, is this something that council would be interested in for leasing. And we had a look at the premises. I believe the owner - there was an owner there of some family member or something. I can't remember exactly who was there, but I know there were some councillors. And we said, "Look, we will look at it", and then we didn't really do much. So I asked Paul to give me a report on what his thoughts were on  
30 that - on that site, and it wasn't really - it wasn't a - it wasn't, like, the right site for us. That's what Paul essentially said. And nothing happened from that point.

**MS McDONALD:** This attendance at the premises, that was before you went on your long leave?

35

**MR PASLEY:** Correct. Yes.

**MS McDONALD:** That was when you were Acting Director -

40 **MR PASLEY:** Yes.

**MS McDONALD:** - of Operations.

**MR PASLEY:** Yes, yes.

45

**MS McDONALD:** You said that, in that evidence that you just gave, that you went to look at the premises because the council was interested in possibly leasing them?

**MR PASLEY:** Well, there was no - it wasn't really clear then. I was just literally invited to go to this site. I didn't know anything about it.

5 **MS McDONALD:** All right. Can I just stop you there. Who invited you?

**MR PASLEY:** I - I just know - I just remember there was some councillors. The acting CEO was meant to turn up. He didn't turn up. I brought some staff with me, and, yeah, it was a pretty casual thing, to be honest. It wasn't really planned or  
10 anything like that.

**MS McDONALD:** So in answer to my question, who invited you, your answer is, "I can't recall"?

15 **MR PASLEY:** I can't recall.

**MS McDONALD:** The acting CEO at the time was Peter Diplas?

**MR PASLEY:** Correct. Yes.  
20

**MS McDONALD:** So you turned up there. You had some staff members with you, one of whom was Paul Sharkey, I'm sorry.

**MR PASLEY:** Sharkey. Yes, yes.  
25

**MS McDONALD:** And in attending the site and having a look around, what were you assessing it for?

**MR PASLEY:** I was just told to visit that site. I went and had a look. I was told it was a workshop, and that's why I invited Paul along too because he is - he is a subject matter expert. He knows workshops. You know, he has been doing it for 40 years. I didn't know anything about workshops, to be honest, and so I brought him along, and we - we had a look, and we were like, well, it's far away from our operations. We talked internally. We didn't talk to the councillors. And, yeah, that was pretty in the end of that. Like, Paul wrote a response with his staff on how they  
30 felt about the site, and I'm not sure if you have that evidence or if it was provided, but, yeah, nothing much - like, I pretty much left shortly after that because I was going through a bit of drama at that stage that I was preoccupied with.  
35

40 **MS McDONALD:** And the report that Paul produced -

**MR PASLEY:** Yes.

**MS McDONALD:** - was something along the lines of, "This site is not for us".  
45

**MR PASLEY:** I believe so. I haven't looked at it in a number of years, but I - I remember it was, like, we can't lease this thing, you know, it's not for us. Like, we



should own something. But that wasn't - that - you know, like, I didn't know we were buying Cowpasture Road until I came back, so -

5 **MS McDONALD:** But in going to the site, bringing your staff with you, including Paul Sharkey, you must have had in your mind the use - the possible use to the council of the site. Can you recall what was in your mind when you were looking at the site back then?

10 **MR PASLEY:** I just had open mind. So I just - I was told to go there. As a director, you are usually called by councillors quite regularly. And I was - I was just like, you know, come to this site. I can't - I think - yeah, I can't recall who said that. It was either - I think it was one of the councillors.

15 **MS McDONALD:** Sorry, a councillor told to you go to the site?

**MR PASLEY:** I believe it might have been the mayor, to be honest. But, like, I can't - I can't recall, to be honest, 100 per cent clearly. I just know that I - I was basically summoned to go there. I said - they said that it's a workshop and -

20 **MS McDONALD:** Who said it was a workshop? You said, "They said it was a workshop". Who told you that?

**MR PASLEY:** It must have been either the mayor or the councillors, yes.

25 **MS McDONALD:** All right. Can I just pause. I am asking you questions that occurred a number of years ago.

**MR PASLEY:** Yes.

30 **MS McDONALD:** When you answer "it would have been" or "it could have been" -

**MR PASLEY:** Yes.

35 **MS McDONALD:** - do you actually have a recollection or are you sitting back and thinking, "Look, in the circumstances, I think it should have been this", because there's a difference in the type of evidence, and we just need to make sure that we know the basis of your evidence.

40 **MR PASLEY:** Sorry, it's like a very hazy period at the time because I was dealing with a lot of industrial matters at that point, so I was just fitting it in my day. The depot, Rose Street, required a lot of upgrades at that point in time, so -

**MS McDONALD:** Can I just stop you.

45 **MR PASLEY:** Yes.

**MS McDONALD:** What I asked you was, who told you to go to the site?

**MR PASLEY:** Yes.

**MS McDONALD:** And your answer was - and, again, I'm just making rough notes.

5

**MR PASLEY:** I believe - I believe it was the mayor.

**MS McDONALD:** All right. Can I just stop you there.

10 **MR PASLEY:** But I can't recall exactly.

**MS McDONALD:** Okay. You can't recall exactly. Do you have a recollection that it was the mayor?

15 **MR EMMETT:** Well, I object to that. I think there comes a point at which the witness has been clear that he can't recall. The questions need to be mindful of that. And to say, well, try - tell us what you do recall. He's done that. There are other questions that is appropriate to ask, but to press him to recall something risks real unfairness to this witness.

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**COMMISSIONER:** I'm not sure whether just yet, Mr Emmett. I think I would be assisted by just understanding for myself, and I'm not being critical because it was a number of years ago, but I think what counsel assisting is driving at, and it's a natural way to speak when someone says, "it would have been", I am understanding you as you are doing your best sitting here now to draw to your mind what you think happened, but you don't necessarily have a clear recollection. Is that fair?

25

**MR PASLEY:** That's correct. Yes. So I just had - I've just got an open mind. So if someone says be somewhere to just look at something, I was going - it seemed pretty, I guess, you know, we were trying to fix the depot as best we could, and an option of, you know, let's look at this workshop came across, and I had a look and I asked Paul, the subject matter expert, because I trust Paul's opinion. He came back to me with maybe the details in those emails, if you have got a copy of them, and - and Paul said, yeah, it's not - it's not for us, and I didn't really relook at it after that, to be honest. I believe I was asked by either the mayor or the CEO - the acting CEO, and I just said it's not - not for us, and shortly after that I was gone. There was no discussion of purchasing the site. That was a bit of a shock when I came back, to be honest.

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**COMMISSIONER:** So at the time that you went there, purchasing it wasn't on the radar. It was a -

40

**MR PASLEY:** No, no. It wasn't. I was just - like, it's as simple as how I'm trying to explain it. I was asked to go there. We had a look. I believe Paul said to the mayor, "Well, it is not really connected to the depots", and, you know, "It's not really a secure site." So I believe those were the two main things. And yeah, we didn't really revisit the conversation. You know, councillors come to directors all the time with

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ideas or something. It's not uncommon for that - that to occur. But, yeah, that's pretty much it.

5 Like my focus - like I did a lot of renovations to Rose Street. I know that's not what you were asking for, but I was trying to make the depot a little bit better. It was pretty run down. I did what I could as the director in that short period of time to try and fix some buildings and paint some things that needed to be painted and get some furniture for the staff and update the lunch rooms. You know, like, I was just trying to help brighten up the place a little bit. The workshop was a point of contention  
10 for - during that period. I believe there were some promotional videos by our councillors saying, you know, they are going to help fix the place up. I think it was genuine. I believe they wanted to help us, you know, help the depot become a better - a better place, and, yeah, it just - that's where it is. So -

15 **MS McDONALD:** All right. So you go on leave. You come back.

**MR PASLEY:** Yep.

**MS McDONALD:** And when you arrive back, 600 Cowpasture Road has been  
20 purchased?

**MR PASLEY:** Yes.

**MS McDONALD:** And in the position that you moved to, you were given  
25 responsibility for 600 Cowpasture Road.

**MR PASLEY:** Yep.

**MS McDONALD:** And when you say "responsibility for it" -  
30

**MR PASLEY:** Yes.

**MS McDONALD:** - at that point, when you arrived back, what was anticipated or what were you told that Cowpasture Road was going to be used for at that point. Not  
35 as how it may have developed subsequently, but what you can recall at that point.

**COMMISSIONER:** Just for my benefit, what time period are we talking about?

**MS McDONALD:** I'm sorry. This is, I think, around November/December 2022.  
40

**COMMISSIONER:** Okay. Thank you.

**MS McDONALD:** Sorry, I should have corrected that. You were given responsibility for Cowpasture Road -  
45

**MR PASLEY:** Yep.

**MS McDONALD:** - after you returned, but when I suggested about December 2022; is that correct? Or would it be some time in 2023?

5 **MR PASLEY:** It would be somewhere around that period. Yeah. You would have to look through the records.

**COMMISSIONER:** About late 2022, early 2023.

10 **MR PASLEY:** Yes. Somewhere around there.

**MS McDONALD:** And giving you responsibility for Cowpasture Road, that was done by whoever the Director of Operations was at that point?

15 **MR PASLEY:** Sorry, can you repeat the question?

**MS McDONALD:** Well, you come back.

**MR PASLEY:** Yes.

20 **MS McDONALD:** You are not in your substantive position. You have been put to a projects-type role.

**MR PASLEY:** Yes.

25 **MS McDONALD:** And as part of your project-type role, you have given evidence that you were given responsibility for 600 Cowpasture Road.

**MR PASLEY:** Yes.

30 **MS McDONALD:** Who said to you in your project role, "You are now to look after 600 Cowpasture Road"?

35 **MR PASLEY:** Yes. So I - the director at the time. To be honest, I can't recall the exact conversation, but I know - I know there was a bit of fuss internally in council at the time who - who should take control of this project. I think it was a meeting that took place with our infrastructure team and project delivery team, and no one had capacity or time to deal with it. So I believe I put my hand up and I just said, "Look, we have got this site now, so we have to - we will have to carry out the resolutions that council put forward", I believe, in a confidential report that was - I don't know if  
40 I can talk about it, but, yeah, there was a confidential report in that decided that this site, I believe, had to be purchased, and the intent of the site was a waste facility.

**MS McDONALD:** I'm sorry, can you - I am having difficulties hearing you.

45 **MR PASLEY:** Yes.

**MS McDONALD:** So you referred to a -

**COMMISSIONER:** Just pause for a moment. We are going to try a two-pronged approach. We are going to try to turn the volume up in the room, but there is a limit before it starts to interfere with the microphones.

5

**MR PASLEY:** Do you want me to try this microphone instead?

**COMMISSIONER:** Perhaps if - because if we lean too close to them, we get a little bit - I don't know what the noise is but the noise. Perhaps raise your voice in your normal seating position, or turn the speaker up a little bit, and hopefully that will get us to a nice equilibrium. But if someone asks you to repeat something or speak up, it's not a criticism. We will just have to make sure we get it all down.

10

**MR PASLEY:** Sure.

15

**COMMISSIONER:** Thank you.

**MS McDONALD:** Now, you've just given evidence that you put up your hand, and that you said something along the lines of there was a resolution, a confidential report, to council where there was the decision to purchase this site.

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**MR PASLEY:** Yes.

**MS McDONALD:** Is that correct?

25

**MR PASLEY:** Correct.

**MS McDONALD:** The - is your - sorry, I will start again. Have you seen this confidential report?

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**MR PASLEY:** I've only sighted it once or twice. But I wasn't - I don't actually have delegated authority to actually delve into the actual report and Infocouncil. That's our system. Can you hear me? Is that better?

**COMMISSIONER:** A little bit. A little bit louder if you wouldn't mind.

35

**MR PASLEY:** Yes. So I have - I have sighted it once before, and I can't - can't remember the specifics of it, but I know that - I know that there was a resolution in some extraordinary meeting to purchase this site and to use the - I believe the waste levy, and to dip into the reserve essentially. And when I asked my team when I returned, they didn't have any involvement from my understanding in the creation of that report. Because as you imagine, if you - if you are buying a waste facility, you would think that you would talk to your - the strategic waste team for input. Maybe some - some of our strategies or something were used, but, yeah, we had no involvement.

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45

**MS McDONALD:** Do you remember the title of this confidential report?

**MR PASLEY:** No, but I believe it was in August, and it was the only report in that extraordinary meeting.

5 **MS McDONALD:** If I can just ask you some questions about basic council meeting.

**MR PASLEY:** Yes.

10 **MS McDONALD:** We have heard evidence that when a matter arises which can be described as commercial-in-confidence, the council can move to a closed session, and in that closed session, they can consider confidential reports.

**MR PASLEY:** Mmm.

15 **MS McDONALD:** When you talk about a confidential report, is that the procedure that you are speaking about? There's a matter before council that is commercial-in-confidence. They move to a closed session. They consider a report. And then they come back into open session and either pass or reject a resolution, which usually is in rather bland terms.

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**MR PASLEY:** Yes.

**MS McDONALD:** So your understanding is that there was this report - confidential report - that council reviewed or discussed/debated in a closed session?

25

**MR PASLEY:** Yes.

**MS McDONALD:** You have - you have used the word "sighted it".

30 **MR PASLEY:** Yep.

**MS McDONALD:** When you say, "sighted it", does that mean, "I've just seen it and saw the title", or, "I had an opportunity to read it in a quick way", or, "I had an opportunity to read it in detail."

35

**MR PASLEY:** Look, I had - I read - I read the report at the time that I saw it because I wanted to understand what - what was in front of us and what we had to do with this site. Yes. So it was a depot - a new depot that was focused on waste, so it was in my best interests to know what exactly we were going to do with this particular site. So -

40

**MS McDONALD:** What is your recollection of when you read through the report?

**MR PASLEY:** I recall - you know, some of our reports potential - like, just being - like someone has read some of our documents and collated this report. Yeah. There were some - some elements, like the mattress shredder. There was some things

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that were drawn from strategy, I believe. You know, bits of information from our team to - to form the report. I - I - I recall that there were a number of -

5 **MS McDONALD:** Can I just pause you. I did ask roughly when you read the report?

**MR PASLEY:** I think when I came back to be honest. No, probably early 2023, I think. Early 2023.

10 **MS McDONALD:** So, again, if we say early 2023?

**MR PASLEY:** Yes, I think so. Yes.

**MS McDONALD:** I want to just ask you some questions about terminology to assist us.  
15

**MR PASLEY:** Sure.

**MS McDONALD:** We've heard use of the word "depot".

20 **MR PASLEY:** Yes.

**MS McDONALD:** And you have described some of the functions at Rose Street, that it houses council equipment. Does a depot also have some kind of mechanical workshop facilities, or is that kind of optional?  
25

**MR PASLEY:** Most councils have a - you know, a mechanical workshop of some sort in their - in their depot environment. Yeah, it is pretty common. Yes.

**MS McDONALD:** And I know where - I'm asking questions at a general level, but a depot is usually to house equipment and with some kind of workshop facility attached.  
30

**MR PASLEY:** Correct. It depends on the size of the council, but for a council the size of Liverpool, yes. Yep.  
35

**MS McDONALD:** You have now spoken about there appears to be from this report a focus on it - on 600 Cowpasture Road being a waste facility. When you use the terminology "waste facility", what would you see that facility including?

40 **MR PASLEY:** Well, planning approvals so you can actually conduct, you know, waste activities on the site for starters. In the case of Cowpasture Road, you know, there was - there was a vision in this document for what Cowpasture Road was to be.

**MS McDONALD:** Right. I'm just interested at the moment in working out terminology.  
45

**MR PASLEY:** Yes.

**MS McDONALD:** So a "waste facility" means that you can - that it has the ability to conduct waste activity on the site.

5 **MR PASLEY:** Correct. Like, bring waste to the site for sorting or processing or disposal. Not - not in the case of Cowpasture. It is not a landfill. But there was an intent - you know, like that's what the intent of the facility was. It's a waste facility for, like, a community recycling centre, like what we have at Rose Street. You know, the mattress shredder was to ultimately go there too as per the document.  
10 That's - yeah, like, that's pretty much it. Like anything to do with waste. Does that answer your question or -

**MS McDONALD:** Yes.

15 **MR PASLEY:** Yes.

**MS McDONALD:** So Rose Street, although a depot, also has some waste facilities on it.

20 **MR PASLEY:** Correct. Yes.

**MS McDONALD:** And without going to the mattress shredder at the moment, that involves some kind of recycling or sorting facility?

25 **MR PASLEY:** Yes. So we have a community recycling centre at Rose Street.

**COMMISSIONER:** Is that where people can take electronics, TVs, gas bottles and the like?

30 **MR PASLEY:** Correct. There is 13 waste streams that that facility collects. Polystyrene and some of the items that you mentioned.

**MS McDONALD:** Now, your evidence is that either late or early 2020 - sorry - late 2022/early 2023, you were given the task of looking after Cowpasture Road. You  
35 look at this - you have described it as a confidential report that was before council. Can I just ask, you said, "I don't have the delegated authority to delve into this report". Do you remember saying that?

**MR PASLEY:** Yes.  
40

**MS McDONALD:** What did you mean by that?

**MR PASLEY:** So if I click into our system, Infocouncil, if I double click on that report, it says I'm not authorised to view the report.  
45

**MS McDONALD:** And that's because your role as Manager Circular Economy doesn't have the authority to -



**MR PASLEY:** Correct.

5 **MS McDONALD:** So your - the one time that you read it, were you handed a paper copy or something like that to have a look?

**MR PASLEY:** I believe it was an email from it - from the - the CFO with my direct report copied in.

10 **MS McDONALD:** And, sorry, the CFO?

**MR PASLEY:** Yes, the Chief Financial Officer.

15 **MS McDONALD:** So your recollection is the Chief Financial Officer sent you the report as an attachment with the - either director or acting director copied in?

**MR PASLEY:** Yes.

20 **MS McDONALD:** Do you remember who the CFO was at that time?

**MR PASLEY:** We have had the same CFO for - so, yes.

**MS McDONALD:** That's Vishwa Nadan?

25 **MR PASLEY:** Correct, yes.

**MS McDONALD:** You may not be able to answer this, but do you know why Mr Nadan forwarded it to you?

30 **MR PASLEY:** I called him up, I believe, and just wanted to understand what we had been handed, and I wanted to know a bit more. Like, you know, you can't go into this blind, right? So, yeah, I - I had returned. We had this facility, and we had to do something with it, and there was some actions in that report that I needed to be aware of.

35 **MS McDONALD:** I'm - I have no problem with that. I'm just - what I'm asking you is, why the chief financial officer, who is in a different division, support or whatever it was called, why you made the inquiry of him and not just your CEO? Can you see what I'm asking you?

40 **MR PASLEY:** Yes. I - I can't recall. But probably that time of the year we talk finance anyway, because we set the budgets, so it probably came up casually in conversation to begin with, but I can't recall the exact conversation. I'm just - you know, a lot has happened from then and now. So is there anything specific that you  
45 want to know about that or -

**MS McDONALD:** I was just curious as to why the chief financial officer would be sending you a report dealing with what was to happen with 600 Cowpasture Road.

**MR PASLEY:** Yes.

5

**MS McDONALD:** Can I maybe raise this, and this is a topic we were going to come to. Has there been since the purchase of 600 Cowpasture Road a decision about the utilisation of particular waste rates that are obtained and their use?

10 **MR PASLEY:** Was there a conversation about the rates and their use, sorry?

**MS McDONALD:** No. Look, sorry, I withdraw that. I will come to that at the relevant time. So you were sent by the CFO a copy of this report as an attachment. After you had read it, were you required to return it or destroy it or -

15

**MR PASLEY:** Not - not to my recollection. It was just handed to me so -

**MS McDONALD:** I'm just wondering, given be that you had it as an attachment, why you said, "I only read it once."

20

**MR PASLEY:** Well, I wanted to know what was in it, so I read it. Yep.

**MS McDONALD:** But you had the opportunity to re-read, wouldn't you?

25 **MR PASLEY:** I - I can, yes. So -

**MS McDONALD:** But you have only read it once?

30 **MR PASLEY:** I have read it once, yes. And I - you know, maybe there's a way to audit the clicks on my computer or something, and maybe I read it again. I'm not sure, but yes.

**MS McDONALD:** And it's your evidence that, in this report, there is a reference to the land being used as a waste facility.

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**MR PASLEY:** I believe so, yes.

**MS McDONALD:** And is it your - I'm sorry, I withdraw that. The mattress-shredding equipment, is it your recollection that it was referred to in that report?

40

**MR PASLEY:** Correct, yes.

45 **MR EMMETT:** I rise to my feet just to take care in relation to the content of that report because there has been an application in relation to it that I think you have not yet determined.

**COMMISSIONER:** Okay. Something we need to deal with now.

**MS McDONALD:** I don't think so.

5 **COMMISSIONER:** All right. Well, Mr Emmett, if we get into territory you consider dangerous, you will let me know?

**MR EMMETT:** Yes. As I say, it's the content of the report rather than the fact of it.

10 **COMMISSIONER:** Yes.

**MS McDONALD:** It is subject already to a non-publication order.

**COMMISSIONER:** Okay.

15 **MS McDONALD:** So it would be a matter of we won't live stream it if at any time it needs to be shown to a witness.

**COMMISSIONER:** Are you content with that?

20 **MR EMMETT:** I'm content with that, and just to the extent that anything to date has disclosed anything in the content, just - really I'm saying this for the benefit of anyone watching -

25 **COMMISSIONER:** Yes.

**MR EMMETT:** - you, Commissioner, I'm told, have already made an order about the non-publication of the contents of that document, as I understand it.

30 **COMMISSIONER:** I have. But if you want me to do anything in particular about the transcript or the evidence that's already out -

**MR EMMETT:** I simply wanted - I wanted to have vocalised that in the public forum so that anyone watching understands that.

35 **COMMISSIONER:** I see. Thank you.

**MR EMMETT:** I'm grateful to the Commission.

40 **COMMISSIONER:** Could I just have the doc ID of the document, please?

**MS McDONALD:** We are just trying to work out which one it is.

**COMMISSIONER:** I see.

45 **MS McDONALD:** There are two that - there is one which is - that refers to a 9 August meeting which is OLG.001.001.1392.

**COMMISSIONER:** Yes.

5 **MS McDONALD:** And excuse me for a minute. And then there is another report which is dated November, which is LCC-004-005-1703.

**COMMISSIONER:** Thank you.

10 **MS McDONALD:** I just want to go off on a bit of a tangent at the moment and get you to - or ask you to assist in working out location of different sites.

**MR PASLEY:** Yes.

15 **MS McDONALD:** And for that purpose - and this may be a bit of a challenge at the moment for the live streaming, but can I hand you this.

**COMMISSIONER:** You don't need to do that in the future. Someone will get it for you. Thank you.

20 **MR PASLEY:** Okay.

**MS McDONALD:** Doing our associate out of a job.

25 **COMMISSIONER:** I'm a fan of efficiency.

**MS McDONALD:** Sorry.

**MR PASLEY:** Do you want it back?

30 **MS McDONALD:** Yes. It's administration, which I'm not that proficient at. Could you just excuse me. Associate, can I hand you this bundle, and also we will hand one to the Commissioner. Thank you.

35 **ASSOCIATE:** (Indistinct).

**MS McDONALD:** Look, that might assist in some way. The particular page that I want to take the witness to is INQ.035.001.0001.

40 **ASSOCIATE:** Just confirming this is okay to go on the live stream?

**MS McDONALD:** Yes, it is. Now, looking at the map, you can identify as its titled, it's the suburbs within the Liverpool local government area. Correct?

45 **MR PASLEY:** Correct.

**MS McDONALD:** I want you to identify three particular areas, and what I'm going to do is I'm going to hand you three fluorescent pens. With pink, can you indicate where 600 Cowpasture Road is.

5 **COMMISSIONER:** In a general sense.

**MR PASLEY:** Yes.

10 **COMMISSIONER:** We can't be pinpoint accurate.

**MR PASLEY:** Yes, sorry. Without being able to zoom in -

**COMMISSIONER:** We can zoom it in.

15 **MR PASLEY:** Yep. It's near the M7. Just, you know, where that - I believe that pink corner near Green Valley.

20 **COMMISSIONER:** I think counsel assisting are you suggesting that in the hard copy in front of you with the pink highlighter, you just put a cross where you think it is.

**MR PASLEY:** I'm probably going to stuff to be honest, but I think it is around there somewhere. Can I do a big circle? Yep. Around there.

25 **MS McDONALD:** Now, before I ask to look at this, and then we will go back and seek to get you to identify it for the live streaming.

**MR PASLEY:** Yes.

30 **MS McDONALD:** With your green fluorescent pen, would you indicate the depot that you refer to earlier at Devonshire - I think it was Road?

35 **MR PASLEY:** If it was Google Maps, I can pinpoint the actual street. Is that all right? I believe it is next to where Austral is, like, those roads in there. So -

**MS McDONALD:** And then with the final blue fluorescent pen, would you mark where The Northern Road is?

40 **MR PASLEY:** Just along the whole road?

**COMMISSIONER:** The Northern Road?

**MS McDONALD:** The Northern Road.

45 **MR PASLEY:** Yes. So, like, from Luddenham all the way down the -

**MS McDONALD:** So you have followed the road through with your blue fluorescent pen.

**MR PASLEY:** Is that what you wanted or - yep. Cool.

5

**MS McDONALD:** Terrific. All right. Could I just retrieve that to have a look at.

**MR PASLEY:** Hopefully I passed.

10 **MS McDONALD:** Commissioner, what - if I can do this, just hand around this -

**COMMISSIONER:** Of course.

15 **MS McDONALD:** - to counsel. I will hand this back to you. An additional question, on that map are you also able to indicate where the Rose Street depot is?

**MR PASLEY:** Yes.

20 **MS McDONALD:** Hold on. Before you can -

**MR PASLEY:** Yes.

**MS McDONALD:** - I will hand you a purple.

25 **MR PASLEY:** Thanks.

**MS McDONALD:** And may I retrieve that again. Now, with the map that's now on the screen, again very roughly, the purple circle for Rose Street was made around where the word Liverpool appears?

30

**MR PASLEY:** Correct. Yes.

**MS McDONALD:** Your pink circle for Cowpasture Road, part of the circle intersected where at Green Valley is referred to.

35

**MR PASLEY:** Yes.

**MS McDONALD:** Then if you then move along to Austral, where the word Austral appears, you put a green circle next to it, and that was to indicate Devonshire Road.

40

**MR PASLEY:** Yes.

**MS McDONALD:** And then if you keep on going to the left of the document, and you see the road that starts up at Luddenham.

45

**MR PASLEY:** Yes.

**MS McDONALD:** And then you can trace it down the page to where about Smeaton Grange. That's north-western Road.

**MR PASLEY:** Yes.

5

**MS McDONALD:** Excuse me for a minute. Commissioner, I tender - excuse me for a minute. Commissioner, I will hand up the marked copy at the moment. I'm sorry, you have been kept out of the loop at the moment.

10 **COMMISSIONER:** That's all right. I have been following.

**MS McDONALD:** But at the moment, can I tender document INQ-035-001-0001 as marked by Mr Pasley?

15 **COMMISSIONER:** That will be exhibit 20.

**<EXHIBIT #20 DOCUMENT INQ.035.001.0001 MARKED BY MR PASLEY**

**COMMISSIONER:** Is it just the one at the moment?

20

**MS McDONALD:** Yes, the marked -

**COMMISSIONER:** All right.

25 **MS McDONALD:** Yes.

**COMMISSIONER:** Do you want to - are you going to be dealing with any of the other maps with this witness?

30 **MS McDONALD:** Eventually, but not necessarily with Mr Pasley.

**COMMISSIONER:** Do you want to mark them - the bundle as an MFI or -

**MS McDONALD:** That would make sense.

35

**COMMISSIONER:** Yes. So it's 18 pages, and if I can - excuse me for a minute. If the MFI could note that it's a bundle of - I will describe them as maps, commence - of 18 pages commencing with INQ.035.001.0001 unmarked, and finishing with the document INQ-035.001.0001\_0018.

40

**COMMISSIONER:** That bundle will be MFI11.

**<MFI #11 BUNDLE OF 18 MAPS**

45 **COMMISSIONER:** And I will return to Madam Associate the exhibit so I don't lose it. Copies can be made for the parties.

**MS McDONALD:** Commissioner, is that an appropriate time?

5 **COMMISSIONER:** Yes. We are just going to take the morning adjournment. So we will start again at 10 to 12. If you wouldn't mind just being ready to go a couple of minutes before that.

**MR PASLEY:** Yes.

10 **MS McDONALD:** In the meantime, feel free to stretch your legs and get some refreshment, and we will see you back then. I will adjourn until 10 to 12.

**<THE HEARING ADJOURNED AT 11.29 AM**

15 **<THE HEARING RESUMED AT 11.57 AM**

**COMMISSIONER:** Yes.

20 **MS McDONALD:** Mr Pasley, I want to take you back now to the document that was emailed to you as an attachment by Mr Nadan, and this is when you had returned to your work at the council.

**MR PASLEY:** Yep.

25 **MS McDONALD:** And you had been given in your role the responsibility for the Cowpasture Road site. Now, can we bring up document LCC-004-005.1703. Now, this is subject to a non-publication order, so we cannot live stream it. Now, this has some pages to begin with which deal with legal issues about the actual purchase of the property. I don't know if that was forwarded to you, but our understanding of the report, it commences at page \_0007. And, Ms Associate, what we might do is just  
30 scroll through it so Mr Pasley can have a look. We will stop there. Mr Pasley, we were scrolling through that rather quickly.

**MR PASLEY:** Yes.

35 **MS McDONALD:** The intention was not for you in some miraculous matter to speed-read that document as it was coming through the screen. It was rather for you to see what was contained in the report, and I hope, looking at that, could then confirm that that was the confidential report that you were given access to.

40 **MR PASLEY:** Yes. Yes.

45 **MS McDONALD:** Now, I wanted to take you just to two sections at the moment. Can I just preface it by if at any time in answering any question you would like to look at more detail at the report, just say so, and we can bring it up or focus on whichever page you wanted to have a look at. But the first section I wanted to take you to was page \_0008. Now - and it is at the beginning of the page, the paragraph that commences:



"Given the intended use of the property and waste associated function, the proposal is to."

5 Then there is three dot points:

"Use up to \$5 million from Council current DWM Reserves."

10 **MR PASLEY:** Yes.

**MS McDONALD:**

15 "Borrow up to 32.7 million. Increase DWM levies to cover full cost of servicing loan."

**MR PASLEY:** Yes.

**MS McDONALD:** Now, the reference to DWM, what's that a reference to?

20 **MR PASLEY:** It's domestic waste management. I think in the legislation it is DWMC, domestic waste management charge. So section 496 and 504 of the Local Government Act. Yes.

25 **MS McDONALD:** And, in summary, are they charges that can be imposed on rate payers, but they are identified for a particular use, and then the legislation, which you very usefully just identified, then imposes an external restriction on the use that the council can make with those - those amounts?

30 **MR PASLEY:** Yes. So it's restricted funding for the purposes of waste management. So from when we collect the waste to where we responsibly get rid of it or recreate it into something else. Yes.

35 **MS McDONALD:** The reference in the first dot point to "current DWM reserves", what's your understanding of what that's referring to?

40 **MR PASLEY:** So when it comes to managing finances of waste, you take out an estimation on how much waste you are going to generate in the year. Any money that we tend to save would go into a reserve at the end of the financial year, and that reserve cumulates over time. The reserve can build up with other ways as well. So many - many years ago, before the China Sword policy in 2018, I believe, we used to actually generate income from the recycling bin. So any kind of income that was created from the recycling bin would end up in that reserve, which would be reinvested back into waste when required. Yes.

45 **MS McDONALD:** So your understanding, that first dot point is that this is intended to be that reinvestment into a facility dealing with waste recycling?

**MR PASLEY:** Yes.

**MS McDONALD:** The next point is borrowing some funds.

5 **MR PASLEY:** Yes.

**MS McDONALD:** The last dot point:

10 "Increase the domestic waste management levy to cover full cost of servicing the loan."

The DWM levy, is that referring to what is imposed on rate payers every year?

15 **MR PASLEY:** Yes. So you can see it on the rates notice that you have general - the general funds or the general rates, and then you've got a separate line item for the domestic waste management charge, and I believe we have other levies as well, but I don't recall what those are (indistinct)

20 **MS McDONALD:** And what is anticipated here is that, is there would be an increase in that levy, and the amount that it has been increased would then be used to paying interest/capital off the loan?

**MR PASLEY:** That's how I'm seeing it, yes.

25 **MS McDONALD:** Could I just pause for a minute. Could I ask you to speak up a little bit, and could I just inquire of counsel down that end - it's better. Right. Thank you. Still in this document, would you then - can we move to page 0010 - one-zero. I'm focusing on the paragraph before "site details".

30 **MR PASLEY:** Yes.

**MS McDONALD:** And then there it has:

35 "Measurables for recycling and waste diversion from landfill would be achieved by the operation of a mattress-shredding recycling operation from the proposed site, noting currently approximately 20,000 mattresses per annum in the Liverpool LGA are sent to waste."

40 Now, the mattress-shredding recycling operation, before it was introduced within the Liverpool local government area, if a rate payer wanted to dispose of a mattress, was it part of - I think you described it as the bulk.

45 **MR PASLEY:** No. So bulky waste collection is separate. So some councils tend to throw the mattresses in that bulky waste collection. We had a separate service for mattress collection. So that was accomplished by a contractor initially when I first came. Yes.

**MS McDONALD:** So you - before the mattress recycling operation was introduced, council had a contract with an outside firm who would come and collect mattresses and take them away?

5 **MR PASLEY:** Correct. Yes.

**MS McDONALD:** Now, this mattress-shredding recycling operation, I'm going to ask you some more questions in detail about it, but, currently, is it being operated by two machines, which are known as "the Crocs"?

10

**MR PASLEY:** Yes, that's correct.

**MS McDONALD:** What we may do at this point, Commissioner, and I'm sorry if we can - that's not being live streamed, is it, but we can pull that down. And I wish to play, a video from TikTok, which is a video of the operation of the Crocs.

15

**COMMISSIONER:** Excellent.

**MS McDONALD:** Which I know you've been hanging out for. And it is INQ.025.001.0001. Could I just ask, Ms Associate, do we need to move to a separate system to play that? Just before we hit play, can that be expanded in any way?

20

**COMMISSIONER:** Whilst that's happening, can I just have that number again - the doc ID? I see it on the screen. I see it. Thank you.

25

**(Video played)**

**MS McDONALD:** Mr Pasley, I think you were featured in the video at one stage?

30 **MR PASLEY:** Yes.

**MS McDONALD:** That's correct.

**MR PASLEY:** I was smiling.

35

**MS McDONALD:** My next question is -

**COMMISSIONER:** I think everybody was in that video.

40 **MS McDONALD:** Yes.

**COMMISSIONER:** Even the mascot.

**MS McDONALD:** Well, that was going to lead to my next question. Is it part of your job description to be the mascot or -

45

**MR PASLEY:** You have to be 6 feet tall to fit into the suit.

**COMMISSIONER:** It might have been Mr Parish.

5 **MS McDONALD:** Yes. Now, before I forget, I tender that video, being item INQ.025.001.0001.

**COMMISSIONER:** Exhibit 21.

10 <**EXHIBIT #21 VIDEO**

**MS McDONALD:** The video featured - and I'm just going to use the description Croc - was the Croc - I'm sorry. I will start again. The Croc at that - that was depicted was at Rose Street?

15 **MR PASLEY:** Correct, yes.

**MS McDONALD:** And at that point was there only one Croc?

20 **MR PASLEY:** I - I can't recall when the second one came. I think it was around probably a few months after that. Yes.

**MS McDONALD:** And as the video depicted, one of the advantages of the Croc is that it allows the recycling of all aspects of a mattress?

25 **MR PASLEY:** So the Croc is a processing unit. So you process the waste from raw waste, and it separates the material into two resource streams, so metal and flock. At the moment, the majority of the flock is being converted into a - am I talking loud enough? Yes. Sorry. The majority of the flock is actually being turned into a material called Process Engineered Fuel, so PEF. That's how we are getting the 96 per cent  
30 diversion rate. So if you recall what I said before, with the waste and sustainable materials strategy, every council has to try and achieve 80 per cent diversion across all waste streams. So we accomplish that on the - on the Croc. So our Process Engineered Fuel for your records is a fuel source for cement kilns - so, like, Boral - and they - they use it as a fuel source to run those kilns. So that's where we  
35 are sending it at the moment. Yes.

**MS McDONALD:** The steel - so, as you said, in a sense, you have the - it's called flock?

40 **MR PASLEY:** Flock, yes.

**MS McDONALD:** And then you have the steel. What's happening with the steel?

**MR PASLEY:** It goes to a metal recycler. A local one.  
45

**COMMISSIONER:** And is there any waste byproduct at all left?

5 **MR PASLEY:** The four per cent is usually, like, contamination. So if they are going through the flock, and there might be some trace elements of metal - sometimes you get small amounts - they might just reject that portion. Not all mattresses are in the best condition too, so we might get one that has been sitting in a park for a very long time. So we don't really want to mix that with rest of the flock. So we try and extract the metal out of that, but we might not put the flock into that PEF product. Yes.

10 **MS McDONALD:** Can I just confirm with the flock, that is predominantly being used as PEP?

**MR PASLEY:** PEF. P-E-F. Process Engineered Fuel.

15 **MS McDONALD:** And, as you said, that - it's then being sold to entities, for example, like Boral.

**MR PASLEY:** We don't sell it to them. We actually pay a disposal fee to get rid of the flock, and then it's up to the company that we deal with to - they do a bit of further refinement, and then they sell it as a product.

20 **MS McDONALD:** And your understanding is, after that refinement, it is then being sold to, for example, Boral or -

25 **MR PASLEY:** Correct, yes. Sometimes they export it overseas too, so we don't have that capability in council to do that.

**MS McDONALD:** Now, there was also a reference on the video to the production of tiles, and I think there is also coffee tables.

30 **MR PASLEY:** Yes.

**MS McDONALD:** Is that another possible byproduct from the flock?

35 **MR PASLEY:** Correct. So, you know, we are working with UNSW. We've got an agreement that's only just recently established itself to conduct world-leading research and science. We have PhD students. What we intend is to have PhD students come to site and work on the sites. And these are people from our community. It gives them an opportunity. UNSW won't award people a PhD, to change the criteria unless they provide something tangible to the economy or industry, so this is a really good opportunity to connect, you know?

40 **MS McDONALD:** Now, this University of NSW research -

**MR PASLEY:** Yes.

45 **MS McDONALD:** - are they currently located at 600 Cowpasture Road?

**MR PASLEY:** No, they are not. But they do - we do have an agreement that is recently passed where the students can come to 600 Cowpasture Road.

**MS McDONALD:** And do what?

5

**MR PASLEY:** Conduct their research. So into green hybrids. So that's their proposed - I don't know if I can share that. That's the university commercial-in-confidence thing, so it hasn't come to fruition yet.

10 **MS McDONALD:** Now, I want to go backwards and take you to a document, which is LCC-004-020-9797, which is entitled Draft Mattress Processing Facility Business Plan Liverpool City Council.

**MR PASLEY:** Yes.

15

**MS McDONALD:** And if - before we live stream it - if that can be live streamed.

**ASSOCIATE:** (Indistinct).

20 **MS McDONALD:** Yes. LCC-004-020.9797. That's the first page of the document.

**MR PASLEY:** Yes.

**MS McDONALD:** You have seen this draft report before?

25

**MR PASLEY:** Yes, I have.

**MS McDONALD:** It is entitled Draft. To your knowledge, was ever a final report produced?

30

**MR PASLEY:** Not to my knowledge.

**MS McDONALD:** And this was produced by an outside organisation for the council.

35

**MR PASLEY:** Correct. I engaged a consulting firm, yes.

**MS McDONALD:** You engaged?

40 **MR PASLEY:** I believe I engaged them, yes.

**MS McDONALD:** Right. And this was around March 2022.

**MR PASLEY:** Correct.

45

**MS McDONALD:** And this is a draft business case for the mattress facility?

**MR PASLEY:** Yes, it is. But we had the initial approval in - in our waste strategy at the end of 2021.

**COMMISSIONER:** Sorry, could you just repeat that. You had the initial -

**MR PASLEY:** So we had the initial approval in our waste strategy, from my understanding, at the end of 2021. There was a mention of the mattress recycling, like, shredder. Yes.

**COMMISSIONER:** Thank you.

**MR PASLEY:** So Waste Management and Sustainable Material Strategy of 2031 - 2021-2031.

**COMMISSIONER:** Thank you.

**MR PASLEY:** Yes.

**MS McDONALD:** In particular in this report, I want to take you to section 7, which is entitled Location and Site Analysis. That commences at page \_0019. In this part of the report, as you can see in the first paragraph under section 7, the report opines that:

"The council will need to find suitable land to establish the mattress-shredding facility based on the following: Sufficient face for the building and operation; appropriate zoning of land to be able to establish the operation; and land to be owned by council."

Correct?

**MR PASLEY:** Yes.

**MS McDONALD:** It then examines two properties owned by the council. The first one is one at the corner of Ash Road and Jedda Road, Prestons. The second one, if we can go to the next page, \_0020, it's a reference to the council's western depot, and it's identified as the Devonshire Road. That was the depot that you identified very early in your evidence as being one of the depots/landsites owned by council and available for the council.

**MR PASLEY:** Correct. Yes.

**MS McDONALD:** And - and if we look at this part of the report, there's an aerial photograph of the site, and then the two paragraphs immediately underneath that confirm that there's sufficient area for the shredding of the mattresses, though they note part of the land is currently being used by the council or other operations, and the land will also need to be cleared of contaminants. Where it refers to contaminants, what is it referring to there? Do you know?

**MR PASLEY:** Yes, I do. I don't know if - can I say it? Because it might devalue the land.

5 **MS McDONALD:** Excuse me for a minute.

**MR PASLEY:** Yes.

10 **MS McDONALD:** Commissioner, I do press the question, and I would like the - obviously like the answer. My learned friend has a concern. At the moment, can we cut the live streaming.

**COMMISSIONER:** What's the concern? Is it the one raised by the witness?

15 **MR EMMETT:** That's right. The position is this: I don't have any instructions on this save that - I'm grateful to the witness for drawing attention to it -

**COMMISSIONER:** Yes.

20 **MR EMMETT:** - it may be that what the witness says would affect the value of the land. It is not hard to see why that might be the case. And if that's so, for the time being, Commissioner, if you would make an intermediate confidentiality order under section 12B.

25 **COMMISSIONER:** To go into a private session and a non-publication order.

**MR EMMETT:** And I can take some instructions.

30 **COMMISSIONER:** I think that's probably right, Ms McDonald.

**MS McDONALD:** Yes.

35 **COMMISSIONER:** All right. Bear with me just a second. And everybody who is in the room can remain, I take it? We might just shut the door. Not that I expect someone to come in, but just in case:

40 (1) pursuant to section 12B of the Royal Commissions Act I direct that this next passage of evidence taken in private. I also direct that the transcript of that private session not be published, otherwise than to the legal representatives of the authorised parties, the chief executive officer of the council and the general counsel and deputy general counsel of the council.

Is that - have I got that bit right?

45 **MR EMMETT:** Yes.

**COMMISSIONER:** We can adjust the order.



**MR EMMETT:** Yes. It's a very minor matter. And the role I've been describing as Deputy General Counsel, it is Acting Deputy General Counsel is the formal title. I can take that up with -

5

**COMMISSIONER:** Okay.

**MR EMMETT:** - one of those assisting you.

10 **COMMISSIONER:** Is it the acting or the incumbent deputy general counsel. All right. We will go into private session. Thank you.

**<THE HEARING MOVED TO PRIVATE SESSION AT 12.24 PM**

15 **<THE HEARING SESSION RESUMED AT 12.32 PM**

**COMMISSIONER:** All right. We are back into the public session, and Ms McDonald will ask you the next question.

20 **MS McDONALD:** I'm taking you back to this part of the draft mattress-processing facility business plan and the section which is looking at potential sites, and we were looking at the Devonshire Road site, and you have given evidence that you had a discussion with the report writers -

25 **MR PASLEY:** Yes.

**MS McDONALD:** - Pro Lead Plus about the western depot at Devonshire Road. Independently to that discussion with them, had you produced any report either internally with council or to council itself looking at issues or problems with the  
30 Devonshire Road depot?

**MR PASLEY:** No, not that I recall. And I believe this business case, I just wanted to make it clear, I actually think it's a lot earlier than the date that's on - on there when we - when we conducted this because obviously got the timeline. Cowpasture Road  
35 is not in this report, so it is - it was before Cowpasture Road was acquired.

**MS McDONALD:** Well, Cowpasture Road was acquired in say August to November 2022, so it does predate the purchase by the council - really the council looking at purchasing that property. So does that change your evidence about the  
40 date of this?

**MR PASLEY:** Yes. Sorry. I'm just trying to recall all of this. So we obviously worked on this business plan - so we worked on this business plan way before then. I believe it was straight after the strategy was endorsed. I would have to talk from the  
45 consultant to find out the days we engaged him, but I believe it pre-dates the purchase of Cowpasture Road because Cowpasture Road would have been in this report if that was the case.

**MS McDONALD:** But it does predate the purchase of Cowpasture Road.

**MR PASLEY:** Yes, yes.

5

**MS McDONALD:** As I said, Cowpasture Road was purchased around November 2022. This is dated March 2022.

**MR PASLEY:** Is it 2022 or 2023, I thought I saw.

10

**MS McDONALD:** No, no. Can we just go back to page 9797.

**MR PASLEY:** Okay. Sorry. I thought I saw 2023 there for a second.

15

**COMMISSIONER:** So that makes sense time-wise now?

**MR PASLEY:** Yes, yes. Definitely.

**MS McDONALD:** Is Devonshire Road depot still used by the council?

20

**MR PASLEY:** Yes, it is.

**MS McDONALD:** What for?

25

**MR PASLEY:** I believe civil works operate out of there. So the teams that build, you know, widen the roads, because obviously there's a lot of development going out west. So they are stationed there because it makes sense proximity-wise to - I don't look after that department, but that's my understanding of it. Yes.

30

**MS McDONALD:** Now, in the issues that you raised or discussed during the closed session - and I don't want you to go to detail about that - that doesn't affect the operation of the site for the civil work? Or is that outside your area of responsibility?

**MR PASLEY:** It's outside of my area of responsibility, yes.

35

**MS McDONALD:** All right. Now, excuse me for a minute. You spoke about in the lead-up to this report being prepared at looking at alternative sites to save costs. Do recall that. I'm just asking you first, do you recall giving that evidence?

40

**MR PASLEY:** Saying that I was looking at alternative sites?

**MS McDONALD:** Yes.

**MR PASLEY:** This was all internal.

45

**MS McDONALD:** Yes, but to save costs.

**MR PASLEY:** Yes. Well, that's what - that's what - I'm a procurement person, so I'm always going to look at value for money. It's always - it's in the DNA of my thinking, yes.

5 **MS McDONALD:** And so that's what you are talking about with saving costs, trying not to incur additional debt for the council in trying to find an alternative site that the council already owns.

**MR PASLEY:** Yes. I was trying to run this thing very lean, to be honest.

10 **MS McDONALD:** You were trying to what?

**MR PASLEY:** Run the operation very lean. So low overheads. I was trying to keep the costs down low to justify going down this path because, obviously, we were  
15 paying a contractor a significant amount of money, so we took over mattresses for ourselves. Sorry, am I talking loud enough or -

**MS McDONALD:** No.

20 **MR PASLEY:** Okay. Yes.

**MS McDONALD:** Excuse me for a minute. And when you spoke about trying to have a lean operation, are you referring to if it is approved by council, the lean operation of the actual mattress-shredding operation?

25 **MR PASLEY:** Yes. Like, as little staff as possible to be able to get the same outcome the contractor was.

**MS McDONALD:** So cut back, basically, on your costs?

30 **MR PASLEY:** Yes. Yeah.

**MS McDONALD:** Now, could we go back to - excuse me.

35 **COMMISSIONER:** Madam Associate.

**MS McDONALD:** I want to take you back to exhibit 20, which was the map that you marked this morning. I don't think it has been scanned yet, so I will have to give you the - your marked version. But identifying Rose Street, do you move - and this is  
40 a very rough direction - from Rose Street, you move out to the west to Cowpasture Road. Is that correct?

**MR PASLEY:** Yes. Yep.

45 **MS McDONALD:** Then you move out further to the west to the Devonshire Road depot.

**MR PASLEY:** Yes.

**MS McDONALD:** Correct?

5 **MR PASLEY:** Sorry, what - what about it? Like, where is showing the locations of these sites. Is that what are you -

**MS McDONALD:** No, I'm asking you questions.

10 **MR PASLEY:** Yes.

**MS McDONALD:** And this - the last question I asked you, moving from -

**MR PASLEY:** Rose Street?

15

**MS McDONALD:** - Rose Street to Cowpasture Road, you are moving in roughly a westerly direction?

**MR PASLEY:** Correct, yes. Yes.

20

**MS McDONALD:** And then from Cowpasture Road out to Devonshire Road depot, again, roughly a western -

**MR PASLEY:** Correct. Yes.

25

**MS McDONALD:** And then again from Devonshire Street -

**MR PASLEY:** Yes.

30 **MS McDONALD:** - out to The Northern Road, again, we are moving in a western - westerly - roughly westerly direction.

**MR PASLEY:** Yes. Yes.

35 **MS McDONALD:** That's correct.

**MR PASLEY:** Correct. Yes.

40 **MS McDONALD:** All right. Could you just keep that with you for one moment, and can we return to - yes - the draft business plan, and can we move to page 0022. Now, if you need context please tell me, but this is still under that section 7, which is looking at location and site analysis. Do you see that? We can go back to it. It starts at 0019. Right?

45 **MR PASLEY:** Okay.

**MS McDONALD:** And if we just very quickly scroll through. We are under section 7.4 Land Acquisition, and if you would then go through to 0022, you can see the last paragraph.

5 "Suitable land west of Northern Road exists that can be acquired by council for the sole purpose of waste management and resource recovery precinct."

**MR PASLEY:** Yes.

10 **MS McDONALD:**

"The land will also serve as a location for any innovative waste management, and will be closer to the growth areas near the western Sydney Airport."

15 Do you see that?

**MR PASLEY:** Yes. So -

20 **MS McDONALD:** Now, the - that is the recommendation that's contained in the report.

**MR PASLEY:** Yes.

25 **MS McDONALD:** Cowpasture Road does not meet the description of the land suggested in that paragraph.

**MR PASLEY:** You are correct. Yes.

30 **MS McDONALD:** It's not land to the west of Northern Road.

**MR PASLEY:** It is actually. So this is a completely different project now we are talking about, and it's extremely confidential-in-confidence.

35 **MS McDONALD:** Hold on. Stop for a sec. If we can just take it in stages.

**MR PASLEY:** Yes.

40 **MS McDONALD:** You agree that the Cowpasture Road property does not meet the description set out in that paragraph.

**MR EMMETT:** I am going to rise to my feet.

45 **COMMISSIONER:** Hang on. Is there a purchase problem with the particular question?

**MR EMMETT:** I don't know because I don't know the nature of the extent to the Commercial in confidence. If it relates to that paragraph, the answer is possibly.

**COMMISSIONER:** I understood the question to be is Cowpasture Road suitable land west of Northern Road. Is that the import of the question?

5 **MS McDONALD:** Sorry. Yes, Commissioner.

**COMMISSIONER:** If we go further, I understand there might be a problem, but is there a problem with that question?

10 **MR EMMETT:** As I say, if that - if that paragraph does not form part of the commercial-in-confidence that Mr Pasley just referred to, there is not a difficulty with it. I don't know whether that paragraph forms part of the matter that Mr Pasley was referring to.

15 **COMMISSIONER:** Perhaps ask the particular question again, and we will see if we can narrow it to the mere issue of location, and then we will go one step at a time.

**MS McDONALD:** Taking it step by step, the Cowpasture Road property -

20 **MR PASLEY:** Yes.

**MS McDONALD:** - in terms of its location, does not meet the description of suggested suitable land in that paragraph of the report on mattress-processing facility.

25 **MR EMMETT:** I am concerned about that - because - and, again, I don't know whether it's the suitability - if the question is it east or west of a particular road, that question can be asked and answered undoubtedly. This is a document over which - the - I'm sorry. Yes. So, as I say, that's - the fear I've got is because  
30 Mr Pasley has adverted to a commercial in confidence, the details of which I don't know - and, of course, I don't want to ask him on the fly in the hearing what that's about. We could do that in closed session, but that may be a level of complexity that is unnecessary if the question is one of physical location of the land.

35 **COMMISSIONER:** Cowpasture Road is not west of Northern; correct?

**MR PASLEY:** Correct.

40 **MS McDONALD:** To your knowledge, after the production of this report - draft report to council, was there any investigation of suitable land west of Northern Road?

**MR PASLEY:** Yes. So there's a - there is some work that we did with a company called Arcadis.  
45

**MS McDONALD:** Can you give me the company's name again?

**MR PASLEY:** Arcadis.

**MS McDONALD:** Did you commission this work by Arcadis?

5 **MR PASLEY:** Yes.

**MS McDONALD:** When did do you that?

10 **MR PASLEY:** I can't recall the specific dates, but there was a study done into a particular piece of land.

**MS McDONALD:** That study by Arcadis that you commissioned, was it prepared after you returned to work at council after your three months leave?

15 **MR PASLEY:** I think so, to the best of my knowledge.

**MS McDONALD:** So it was commissioned after the purchase of 600 Cowpasture Road?

20 **MR PASLEY:** The study, yes, but I had an idea prior to Cowpasture Road.

**MS McDONALD:** I'm sorry, I didn't hear the -

25 **MR PASLEY:** So if you look at our -

**MS McDONALD:** No, no, no. Just answer my question.

**MR PASLEY:** Yes.

30 **MS McDONALD:** The first question is, so that study -

**MR PASLEY:** Yes.

35 **MS McDONALD:** - was - you commissioned it after the purchase -

**MR PASLEY:** I believe so, yes.

**MS McDONALD:** - of 600 Cowpasture Road. Is that correct?

40 **MR PASLEY:** That study, yes.

**MS McDONALD:** Okay.

45 **MR PASLEY:** Yes.

**MS McDONALD:** Had you - you have spoken about a study into a particular piece of land. Had you engaged Arcadis to do other work broadly in the area of looking at suitable areas of land?

5 **MR PASLEY:** No, no.

**MS McDONALD:** So your involvement with Arcadis, commissioning them to undertake a study, was done after you returned to work at the council after your leave.

10

**MR PASLEY:** Yes, I believe so.

**MS McDONALD:** And, again, if I'm going to move into something that you think is confidential, please be - exercise caution beforehand. Would you identify what the piece of land was that this study looked at?

15

**MR PASLEY:** So we knew the piece of land in a smaller form from a previous report that was done by WSROC, so that's the Western Sydney Regional Association of Councils, I believe. Yep. So we just simply expanded what was in that report to look into this site further, and, in our strategy, there's reference to the idea of that, but we just weren't clear until this report was created.

20

**COMMISSIONER:** So I take it you are being cautious because you don't want to identify the site?

25

**MR PASLEY:** I - I can tell you the significance of it, but not publicly because -

**COMMISSIONER:** Could you - Madam Associate, could you give the witness a piece of paper and a pen, and you can just write down the site, and then hand it to Ms McDonald, and then she can determine what to do next.

30

**MR PASLEY:** It's not an address; it's a region.

**COMMISSIONER:** Okay.

35

**MR PASLEY:** I can draw it on the map but you have to -

**COMMISSIONER:** My attempt to help has failed spectacularly. I will stop trying. Just pause for a moment.

40

**MS McDONALD:** If I can just ask some general questions so I try to get this clear in my mind. Arcadis - you commissioned them to undertake a study into, your evidence was, a particular piece of land; correct?

45 **MR PASLEY:** Correct. Yes.



**MS McDONALD:** Are you now saying that particular piece of land is actually a region?

**MR PASLEY:** Yes.

5

**MS McDONALD:** Is it a region within the Liverpool City Council area?

**MR EMMETT:** I am going to object. Again, I don't know the level of sensitivity, and if we are going to start sort of zeroing in on something which - I just don't know  
10 whether this is going to disclose it or not.

**COMMISSIONER:** I understand.

**MR EMMETT:** Maybe the easiest thing is to go into private session. Questions can  
15 be asked fully, and it may be that all of it or much of it can then be released.

**COMMISSIONER:** I think that's - as focused as I am, as I think I should be, on doing as much of this in public as I can, I do understand that there might be some inadvertent disclosure of matters that could properly be the subject of a 12B order. I  
20 think, Ms McDonald, if - it might also be it is more efficient if we go into private with - unless you don't want to pursue it any further?

**MS McDONALD:** I do want to pursue it further, but I think there are some questions that I can ask arising from a publicly available document -  
25

**COMMISSIONER:** Okay. All right.

**MS McDONALD:** - that might -

30 **COMMISSIONER:** Shortcut it?

**MS McDONALD:** - shortcut it and let us understand what the witness is referring to.

35 **COMMISSIONER:** All right. Well, Mr Emmett, if that still poses a problem, don't hesitate to let me know.

**MR EMMETT:** May it please.

40 **COMMISSIONER:** If it's already in the public domain, it is already in the public domain.

**MR EMMETT:** If there is a publicly available document, as say, I don't know what it is that -  
45

**COMMISSIONER:** I understand. We are both finding out as we go.

**MR EMMETT:** Thank you, Commissioner.

**MS McDONALD:** Ms Associate, would you bring up, please, LCC-014.002.0515.  
And -

5

**ASSOCIATE:** (Indistinct) LCC.004.002.0515?

**MS McDONALD:** I'm sorry. I'm terribly sorry. I will just confirm. It's document  
LCC.014.002.0515, and that can be brought up, and it is the Liverpool City Council  
10 Waste Management and Resource Recovery Strategy dated August 2021. And,  
Mr Pasley, in your evidence, at times you occasionally referred to the strategy that  
was determined.

**MR PASLEY:** Yes.  
15

**MS McDONALD:** Which I think at one section foreshadowed the  
mattress-shredding facility. Is this the document that you were referring to?

**MR PASLEY:** Yes. And we just have to be careful because when we shared  
20 this - certain elements of this to the public, we had this particular thing redacted,  
which was the strategic land acquisition section. I don't think it goes into the detail  
that the Arcadis report did, but it may show the area that we are looking at.

**MS McDONALD:** Excuse me for a minute.  
25

**MR PASLEY:** Like, maybe it is public now.

**COMMISSIONER:** Just hang on.

**MS McDONALD:** Just excuse me. Just to begin with, would you please - could we  
30 please go to page \_0110. No, sorry, 0110. You can see this is section 17 references.  
Can we move down the document. Can you see under Public Space Cleansing/litter.  
The second dot point refers to:

35 "ARCADIS and WSROC, Western Sydney Regional Litter and Illegal Dumping  
Baseline Project."

Do you see that reference? You have got to say yes or no.

40 **MR PASLEY:** Yes. So that's public. But I can't - I don't think I can explain the  
significance of that.

**COMMISSIONER:** That's all right. Don't worry about what the next question.

45 **MS McDONALD:** Just take it question by question.

**MR PASLEY:** Okay.

**MS McDONALD:** It really would help. I have taken you to the reference section and the reference to what appears to be some kind of report dealing with that project.

5 **MR PASLEY:** Yes.

**MS McDONALD:** When you were speaking about work that Arcadis had done previously, is that what you are referring to?

10 **MR PASLEY:** Yes.

**MS McDONALD:** And can I just ask, again step-by-step, that report wasn't a specific report for Liverpool City Council -

15 **MR PASLEY:** No.

**MS McDONALD:** - but was a report that was commissioned by, what, a number of councils or by whom?

20 **MR PASLEY:** WSROC commissioned it. Just to give a bit of context, they were - we were part of a joint venture procurement activity called Project 24. So we combined with a number of councils in the south-western Sydney region to tender together, and this particular report was looked at as a potential option to, you know, to potentially pursue. It never really got off the ground, but, yes, you know, like, if  
25 we brought a transfer station or something like that, they were saying maybe these councils can potentially buy a transfer station and potentially put that in tendering documents to be a bit more attractive to get a better - better deal for the region. And that - that's just pretty in the very basic explanation of what that was, but it was just a - something that WSROC had pursued. I think it happened before I - I came  
30 around.

**MS McDONALD:** All right. Now, just trying to get back to the issue that I was asking you about. Is it your understanding that, in that project, there was some examination of available land that if the project was adopted, could be useful for the  
35 purposes of the project?

**MR PASLEY:** Could be useful, yes.

40 **MS McDONALD:** And your understanding is in this report there might have been further elaboration of sites that might be available.

**MR PASLEY:** Yes. From my recollection, there were a number of sites identified around Sydney. Yes.

45 **MS McDONALD:** And getting back to what I was asking you about with the mattress-recycling operation, you gave evidence that you commissioned Arcadis into a study in a particular piece of land, and that was after you came back. You then said

that the particular piece of land was more in terms of a region. I'm just trying to work out - again, at a general level - is there overlap between what was considered in that project report and what you commissioned Arcadis to look at in early 2023? And I'm not asking you to identify the region, but, rather, whether there is overlap.

5

**MR EMMETT:** Again, I do want to be heard on that. If there is - and I'm particularly conscious of the time.

**COMMISSIONER:** I understand the point.

10

**MR EMMETT:** It may be there is no problem with answering that question; it may be there is a problem. Can I have an opportunity to take instructions on it?

15

**COMMISSIONER:** Yes. We might rush return to it after lunch. I think the question - I understand the issue you are raising. We are going to take the lunch break now. If you wouldn't mind being back here ready to go again a couple of minutes before 2 pm, that would be fantastic. And is there anything else I need to do before we adjourn?

20

**MS McDONALD:** No, thanks, Commissioner.

**COMMISSIONER:** All right. We will adjourn until 2 pm.

**<THE HEARING ADJOURNED AT 12.59 PM**

25

**<THE HEARING RESUMED AT 2.11 PM**

**MS McDONALD:** I want to take you to the Waste Management and Resource Recovery Strategy.

30

**MR PASLEY:** Yes.

**MS McDONALD:** For 2021 to 2031. This is document LCC.014.002.0515.

35

**ASSOCIATE:** Do you want that document shown?

**MS McDONALD:** Yes, please. We are at the first page, Mr Pasley. You can identify that as the first page of this document.

40

**MR PASLEY:** Yes.

**MS McDONALD:** Can we move through to page \_0091. This is a section 14.4 which is dealing with strategic land acquisition.

45

**MR PASLEY:** Yes.

**MS McDONALD:** And if we move - if you just pause, we can see in the first paragraph:

5 "Within the Sydney metro area there is limited waste processing capacity including limited landfill space."

This section is looking at that particular issue if you keep on moving through the document, and at that page, which is 0092 -

10 **MR PASLEY:** Yes.

**MS McDONALD:** - towards the bottom of the page, you can see that there is a suggestion or a recommendation for council to acquire suitable land for waste management it need, and the three dot points:

15 "Identify and acquire suitable land."

"Undertake relevant studies."

20 "Establish a waste management precinct."

And then there is some more do the points on next page, which is 0093:

25 "Establish relationships through “public and private sector” arrangements."

**MR PASLEY:** Yes.

30 **MS McDONALD:** Now, before lunch I had asked you questions about any reports, examinations, studies looking at acquisition of property for the Croc, and you refer to - after you returned, so after the purchase of 600 Cowpasture Road, an Arcadis study.

**MR PASLEY:** Correct. Yep.

35 **MS McDONALD:** Now, without going into details about that, that Arcadis study, did it derive from this section of the overall strategy looking at wider issues of land acquisition for waste management purposes?

40 **MR PASLEY:** Yes.

**MS McDONALD:** All right. Now, still within - excuse me. Previously you referred in this document to its identification of the mattress-processing facility. If we can then go back to page\_0086. Section 14.2 deals with the mattress-processing facility.

45 **MR PASLEY:** Yes.

**MS McDONALD:** And if we - if I can just take you to the last paragraph on that page, it refers to:

5 "Council has been granted 80,000 via a particular grant endorsed and provided by the EPA to create a business study for the purpose of investigating a mattress-shredding facility."

10 And then it notes a further 600,000 of grant available from the New South Wales EPA being the Environmental Protection Authority?

**MR PASLEY:** Yes.

**MS McDONALD:** Is that your understanding?

15 **MR PASLEY:** Correct, yes.

**MS McDONALD:** And I'm jumping ahead - for the establishment of the mattress-shredding facility.

20 **MR PASLEY:** Correct.

**MS McDONALD:** Now, I want to move to some very general questions about the financing of the mattress-shredding facility.

25 **MR PASLEY:** Sure.

30 **MS McDONALD:** Could document LCC-016.001.006 be brought up but not put on the live streaming for the minute. Can I indicate this is information we have been provided dealing with the income and expenditure of the mattress-shredding facility. I understand that it's a summary document from the financial statements and other financial records of the council, but it's in a user-friendly format. I'm just wondering if there is any issue with it. If that can be live streamed. And, Mr Pasley, I understand you are not an accountant.

35 **MR PASLEY:** Yes.

**MS McDONALD:** But this document may assist in identifying particular expenses and revenue. Can you see it's divided into capital expenditure and then operating expenditure.

40 **MR PASLEY:** Yes.

**MS McDONALD:** And under capital expenditure, it lists the costs incurred with buying two shredders?

45 **MR PASLEY:** Yes.

**MS McDONALD:** So that's two actual Crocs, and then some other equipment - for example, a grab bucket, site preparation and installation, and then two mattress-collection trucks.

5 **MR PASLEY:** Yes.

**MS McDONALD:** And it's your understanding that that - that capital expenditure has been incurred?

10 **MR PASLEY:** Yes. From my understanding, yes.

**MS McDONALD:** All right. Then can you see the heading Operating Expenditure?

15 **MR PASLEY:** Yes.

**MS McDONALD:** And there is employee-related costs. Looking at that, you have got a CEC coordinator and technician, then waste operative mattress metal truck, and then 4 FTES. Is that full-time employees?

20 **MR PASLEY:** Yes.

**MS McDONALD:** Right. So is your understanding those - it would be five positions are now occupied by council employees?

25 **MR PASLEY:** There should be six positions. So coordinator is one and technician is another.

**MS McDONALD:** And sorry?

30 **MR PASLEY:** The technician is in a separate (indistinct)

**MS McDONALD:** Sorry. So it's actually six in total?

35 **MR PASLEY:** Correct. So the two that I look after are the coordinator and the technicians. So that's the operation of the Croc. The other four positions are for the retrieval of mattresses under the Waste Services Department.

40 **MS McDONALD:** All right. So that comes under another one of those purple boxes?

**MR PASLEY:** Yes. So the - the waste and cleansing box that you saw earlier on.

**MS McDONALD:** Yes.

45 **MR PASLEY:** Yes.

**MS McDONALD:** Then we've got Other Operating Expenses, and I won't take you through all of those, but you can see there has been money paid for consultants, waste bins, mechanical repairs, equipment and spares, et cetera.

5 **MR PASLEY:** Yes.

**MS McDONALD:** And then there's also - and we will come back to this - development application expenses.

10 **MR PASLEY:** Yes. The 2,139. Is that what are you referring to?

**MS McDONALD:** I thought it was actually -

15 **COMMISSIONER:** I think it might have been 3,217, but you are just one line out, I think.

**MS McDONALD:** Yes. If we can then go to operating income, it is broken down into, first, recycling service. What's that referring to? You can see it's got Recycling Service and then sale, recycling materials (steel).

20 **MR PASLEY:** Yes, I believe the steel is the recovery of the metal that we are selling to our metal recycler, and the recycling service, I think - don't quote me on it because I've never seen this particular spreadsheet, but I believe it should refer to the flock. So from the sale of the mattresses to a council or to one of our clients. So we charge \$30 a unit delivered at the depot and \$40 a unit through the Croc cage system. So I believe that's the revenue that should be coming in to council.

**MS McDONALD:** And can I just confirm with that, is that the revenue that's coming to council where other councils have contracted with Liverpool City Council.

30 **MR PASLEY:** Yes.

**MS McDONALD:** Along the lines of, "Can you please now come and collect our discarded mattresses, and we will pay you a certain fee for that".

35 **MR PASLEY:** So every council has a different approach. So Campbelltown Council, we send a Croc cage, and that Croc cage gets retrieved from their depot back to our facility. Wollondilly, they actually deliver from the contractor. So they go and collect them from the kerbside and then deliver them.

40 **MS McDONALD:** My point was, however, they come in -

**MR PASLEY:** Yes.

45 **MS McDONALD:** - Liverpool City Council is charging Wollondilly, and was it Campbelltown?



**MR PASLEY:** Yes.

**MS McDONALD:** A fee for either picking up or recycling delivered mattresses which save that council the cost of having - contracting with a third party other  
5 than - sorry, this is a very convoluted question. I apologise for that.

**MR PASLEY:** That's all right.

**MS McDONALD:** It is revenue from providing mattress-recycling services to two  
10 other councils?

**MR PASLEY:** Correct. And private companies too.

**MS McDONALD:** All right. But at the moment, the contracts are with those two  
15 nominated councils?

**MR PASLEY:** I believe we have one with Penrith City Council as well. We have only just done some trials with them, so they have sent a few mattresses. But it's not full - fully in effect yet. But we do have an agreement in place.  
20

**MS McDONALD:** Right.

**MR PASLEY:** Yes.

**MS McDONALD:** Then if we - there is an entry for operational savings, and if you go along that line, it's \$460,000.  
25

**MR PASLEY:** Yes.

**MS McDONALD:** Is it your understanding that that represents the cost to Liverpool City Council before you introduced the Croc and had to deal with mattresses - discarded mattresses?  
30

**MR PASLEY:** Yes, I believe so. It looks reduced, but that's probably based on the numbers that we are seeing now because we have total control of the collection of mattresses. Before, when it was done through a private contractor, you would have to take their word for it. We would actually be charged for non-presented mattresses, which is pretty much the basis for this. Accountability all across the whole thing.  
35

**MS McDONALD:** But that figure -  
40

**MR PASLEY:** Yes.

**MS McDONALD:** - represents the cost that used to be incurred but now no longer is being incurred by the council.  
45

**MR PASLEY:** Under - under the old agreement. I'm not sure what the latest contracted rates are, but I'm sure we have brought stability to pricing now that we've brought another option to the market.

5 **MS McDONALD:** I'm not asking you that. I'm just trying to identify what that item is.

**MR PASLEY:** Yes.

10 **MS McDONALD:** So it's the cost saving because you are no longer contracting with a third party?

**MR PASLEY:** Correct. Yes.

15 **MS McDONALD:** Right. And then if you look under Funding Sources, I'm sorry, we have got domestic waste management levies. This was an amount or that you referred to earlier that there had been an increase in the levies that were being charged.

20 **MR PASLEY:** Yes. So that - that should be the - you know, what we charge, you know, basically for the residents, you know, for the DWMC, yes.

**MS McDONALD:** And then the Better Waste and Recycling grant.

25 **MR PASLEY:** Yes.

**MS McDONALD:** Is your understanding that the council did apply to the EPA for some kind of financial assistance to purchase the first Croc?

30 **MR PASLEY:** Yes.

**MS McDONALD:** And that represents that funding?

**MR PASLEY:** Correct.

35

**MS McDONALD:** And then finally you've got the loan borrowing - loan borrowings because money had to be borrowed to complete -

**MR PASLEY:** Yes. I'm not too sure about the loan borrowings line item.

40

**MS McDONALD:** All right. But your understanding is that at least some money had to be borrowed, number 1, to purchase 600 Cowpasture Road.

**MR PASLEY:** Correct. Yes.

45

**MS McDONALD:** And may have been also borrowed for the second Croc, but you are not too sure?

**MR PASLEY:** Possibly. I - I don't know. My financial delegation is 75,000, just so you know.

5 **MS McDONALD:** Okay. Thank you for that. Now - and that could be taken down, please. Now, my understanding - and would you confirm this - is that, presently, you have two shredders or Crocs that are operative?

**MR PASLEY:** Correct. Yes.

10

**MS McDONALD:** They are located presently at the Rose Street depot?

**MR PASLEY:** Yes.

15 **MS McDONALD:** They are operating at the Rose Street depot, but alternatively.

**MR PASLEY:** Correct. So we only have approval to operate one Croc at a time. So if one has been maintained or needs some kind of maintenance, we switch them out. Just so you know too, under the POE Act, we are restricted to how many mattresses we can keep on site, so it is very important that we keep it operating because if we exceed those limitations, we can be in trouble with the EPA because we don't have an environmental protection licence because we are operating under the threshold.

20 **MS McDONALD:** Right. So because you don't have the EPA licence, there's a threshold of - is it mattresses?

**MR PASLEY:** It's just waste and stockpiles in general. So we are operating under that - that restriction because we don't feel the need that we require an EPL at this stage. But for Cowpasture possibly, if we get the feed stock.

30

**MS McDONALD:** If you get sorry?

**MR PASLEY:** The feed stock. That's what they call the amount of material coming in. The waste. Yes.

35

**MS McDONALD:** Now, with 600 Cowpasture Road, for the mattress shredders to be moved to that property, has a development consent application been made?

**MR PASLEY:** Yes. So we - we've - we've made an attempt to lodge one, and based on a pre-DA meeting, which I think we discussed last time in the voluntary interview, yes, there was a pre-DA meeting that occurred. There was a bit of a wrench thrown in - in the project. We were advised then that there was a change to state planning laws where the Biodiversity Act, or the biodiversity section under the SEPP and the infrastructure SEPP were combined. So that caused some issues around flooding. So we - yeah -

40  
45

**MS McDONALD:** Can I just stop you and we will go back to that.

**MR PASLEY:** Okay, yes.

5 **MS McDONALD:** But the first step in this process is for the Crocs to be moved to 600 Cowpasture Road, and to start operating, you need development consent.

**MR PASLEY:** Correct. Yes.

10 **MS McDONALD:** And is it your understanding that the procedure is, because it's council seeking a development consent, in a sense, it's kind of considered in-house to begin with?

15 **MR PASLEY:** Yes. So it has to go through checks and balances before it goes to an impartial - the local planning panel. So we don't actually decide our own development applications from my understanding of the process, but our planning team do have opinions and -

**MS McDONALD:** Yes.

20 **MR PASLEY:** Yes.

**MS McDONALD:** Now, could document OLG.001.001.0805 be brought up, and I will just inquire, that is correspondence from Liverpool to PLANZONE Pty Ltd re predevelopment application advice, and if that could be live streamed. Now,  
25 Mr Pasley you have seen this document before?

**MR PASLEY:** Probably not directly. Maybe I've sighted it. Like, I've got a team of people that normally put this together as well as the consultants, so I believe maybe the consultant lodged it. They do lodge these things on our behalf, and we take their  
30 advice when it comes to this stuff.

**MS McDONALD:** All right. If you look at the first page, it refers to the:

35 "Proposed new council depot waste-recycling recycling facility with existing structures on site to remain. Proposal is for waste management and storage, storage on site, offsite processing, maintenance of council vehicles, et cetera, and existing offices to be refurbished. Construct a large central waste storage and sorting facility. Proposed mattress shredding will occur on site."

40 **MR PASLEY:** Yes.

**MS McDONALD:**

45 "Proposed additional second driveway on southern end, and existing maintenance bays for vehicles already in place and one existing wash bay."

So that is, as it states, is the proposed development. On that page, it then refers to a date of meeting, which is 6 March of last year. And then if you see Council Representatives, if we turn to 0002, there are a number of people listed. The second-last council representative is yourself.

5

**MR PASLEY:** Yes.

**MS McDONALD:** And then applicant representatives. I take it they are representatives of the consultant -

10

**MR PASLEY:** Correct, yes.

**MS McDONALD:** - that your section has employed to assist you with the development application.

15

**MR PASLEY:** Correct.

**MS McDONALD:** Now, in this document, and I don't want to go to it in detail, but it raises particular concerns with the development application. As you said, the first one, put broadly, is whether it actually comes within permissible development.

20

**MR PASLEY:** Yes.

**MS McDONALD:** And was it the case that that was - that is an issue?

25

**MR PASLEY:** Correct.

**MS McDONALD:** Also, if we go to page 0003 in that section, which finishes with "other relevant matters", it is stated:

30

"The site is identified on flood-labile land."

**MR PASLEY:** Correct.

**MS McDONALD:** And, again, is that an issue of concern which is preventing the development consent being granted at the moment?

35

**MR PASLEY:** Yes. And I know you don't want the answer, but the - just for context, Rose Street also had these same issues, but the law hadn't changed by then. So we are just applying pretty much the same - the same strategy essentially.

40

**MS McDONALD:** Now, the site being identified as being "flood-labile land", is it anticipated to mitigate the associated with that, that there has got to be additional work or construction on the site?

45

**MR PASLEY:** Yes. And I'm trying to avoid that.

**MS McDONALD:** I'm sorry?

5 **MR PASLEY:** I'm trying to avoid the additional cost to the ratepayer if that's the path we are going down, but I haven't proposed that to anyone at this stage. But, yes, to raise the PMF level and to build a flood barrier around the site is essentially the last resort to - to make an attempt to make this permissible.

10 **MS McDONALD:** All right. So you have identified that as an ultimate solution, but, at the moment, you haven't put that forward?

**MR PASLEY:** I haven't - I haven't reached to that conclusion yet. I'm trying to look at every possible way of overcoming these challenges without putting that option on the table because it could be worth one, \$2 million, and that's something that's not - from what I understand, with this loans thing, not accounted for. Yes.

15 **MS McDONALD:** This meeting was dated 6 March 2024.

**MR PASLEY:** Yes.

20 **MS McDONALD:** It raises a number of issues whereby you didn't get the box-ticking that you wanted from your planning section. Is that fair to describe it in that way?

25 **MR PASLEY:** Yes. So we were blindsided by what was said in that meeting because we were of the understanding that that particular team had pushed this whole - you know, that they supported that original confidential report saying - no, I don't know the specifics, but saying someone would have recommended buy the site because we can get all these things done. So, you know, we were a bit perplexed when we had this meeting, and a particular planner was laughing and carrying on about, you know, you can't do this and whatever.

**MS McDONALD:** All right.

35 **MR PASLEY:** So, yes.

**MS McDONALD:** And I take it is the procedure that you - where it's the council applying for the consent, you do need your planning section to give it the green light or a tick before you go to that independent planning panel?

40 **MR PASLEY:** Yes.

**MS McDONALD:** So they are essentially the gatekeepers. We go through them just to double-check that everything is as it should be. They apply those checks and balances. I don't fully understand what they do, hence why we use a consultant that has expertise in that - that field. But, yes, that's - - -

**MS McDONALD:** And, at the moment, are you still trying to rectify some of the concerns identified at this meeting to gain that green light or the tick from the gatekeeper?

5 **MR PASLEY:** Yes. So we are looking at ways to change the PMF level. Just so you know too that there is a flood barrier around the perimeter of the site. It just never was recorded in that - that land that's outside of Cowpasture Road. It is a flood barrier, but it just never was recorded when they built the thing. So we are not - we are trying to make an argument. And we actually went to the Planning Minister too,  
10 by the way, to try and -

**MS McDONALD:** All right.

**MR PASLEY:** To try and understand the SEPP in its current form.  
15

**MS McDONALD:** I'm more interested in - you are still taking those steps.

**MR PASLEY:** Yes.

20 **MS McDONALD:** The issue has not been resolved?

**MR PASLEY:** No, no. I'm going to keep looking until we find an answer.

**COMMISSIONER:** Do you know when the change to the SEPP that you referred to happened?  
25

**MR PASLEY:** No, I don't know when it happened. If I had known it, that we probably wouldn't have - yeah, you know, we probably would have said something.

30 **COMMISSIONER:** Yes.

**MS McDONALD:** Sorry, I missed that. If you knew about it, you wouldn't -

**MR PASLEY:** If we knew about the changes to the SEPP, you know, we probably  
35 could have saved ourselves some heartache in that meeting, you know? So I only found out about it when we had that pre-DA meeting, and it threw a big spanner in the works.

**MS McDONALD:** Your advisers didn't inform you?  
40

**MR PASLEY:** They - they didn't know. They weren't aware. Yes.

**MS McDONALD:** The issues that were raised during this meeting, considering the development application advice, had to your knowledge - and I know you weren't  
45 there before Cowpasture Road was being purchased - but was there any consideration to your knowledge about these issues leading up to the purchase of 600 Cowpasture Road?

**MR PASLEY:** No. I didn't know anything about the planning side of things.

**MS McDONALD:** I'm sorry?

5

**MR PASLEY:** I didn't know anything about the planning side of things. Like, literally nothing about Cowpasture Road until we saw the site as a potential rental. Nothing more than that. Yes.

10 **MS McDONALD:** Now, as I asked you immediately after lunch, the status of the mattress-recycling operation.

**MR PASLEY:** Yes.

15 **MS McDONALD:** It's currently at Rose Street, but, as you said, there are some restrictions with it operating both machines?

**MR PASLEY:** Yes. The -

20 **MS McDONALD:** At the same time, I'm sorry.

**MR PASLEY:** Yes. We are not going for two machines, by the way, at the same time at Rose Street. Rose Street was only ever meant to do a certain amount. When Cowpasture became a potential option, we started thinking about the future beyond  
25 Rose Street because Rose Street has the capacity - a maximum capacity - a theoretical capacity if we ever get those approvals. Yes.

**MS McDONALD:** Now, with the operation of the mattress-shredding equipment at Rose Street, is there currently, in respect of that operation, some development  
30 consent that you are seeking?

**MR PASLEY:** For Rose Street, yes. We are in one right now.

**MS McDONALD:** I'm sorry?

35

**MR PASLEY:** We have just lodged a development application.

**MS McDONALD:** All right. Sorry, can I bring up document INQ.034.001.0001, and this is a letter, before you put it on live stream, dated 3 June 2005. A letter from  
40 Liverpool City Council addressed to you, Mr Pasley, and it has got "return of PAN - development application".

**MR PASLEY:** Yeah. We have had a few of those to be honest.

45 **MS McDONALD:** All right. Can we just pause for the minute. Yes.

**MR PASLEY:** Yes.



**MS McDONALD:** If that can be live streamed. You just commented you have had a couple of these. Do you recall receiving this letter at the beginning of June?

5 **MR PASLEY:** I can't remember specifically, I just get the - the planning - like the APP to advise us. They pretty much lodge it. My name is used as - because I'm the - I'm the - I've got the - the access to the portal on behalf of council. So, you know, like I said before, it's not easy to do waste infrastructure anywhere so -

10 **MS McDONALD:** Now, you can see from the first page, this is in respect of a modification application -

**MR PASLEY:** Yes.

15 **MS McDONALD:** - for 99 Rose Street. I take it that's the address of the depot?

**MR PASLEY:** Correct. Yes.

20 **MS McDONALD:** And if we just look at the beginning of this, the first paragraph states:

"After thanking you for the above application, the council has returned the application because it was unclear, could not be assessed, and was not accompanied by mandatory documents particularised below. You must re-lodge your application.

25 **MR PASLEY:** Yes.

30 **MS McDONALD:** This application, at least part of it is looking at - if we keep on going - you can see - yes, keep on going a little bit. Under the red - stop. The proposed development involves the extension of operating hours and modification of the mattress-shredding enclosure.

**MR PASLEY:** Yes.

35 **MS McDONALD:** So it - does that mean that at the moment you are subject to restriction on your operating hours, and you are trying to get those expanded in some way?

40 **MR PASLEY:** It's going to sound very silly, but we lodged a second development application. So in the first development application, we had two and a half hours of operation six days a week. We were surprised about the sixth day, but we got it. And it was based on noise generated from the machine. So before we actually had control of the machine and purchased it, we went with an upper limit of - I think it was 125, 126 decibels. So it was going to be a pretty loud operation. So we put that in the  
45 initial application with. When we had received the machine, and we did some sound mitigation work, I think we reduced it to about 96 decibels, which was a significant reduction. It is because of the type of material were shredding too, so mattresses have

a dampening effect. So just to show the hypocrisy of this particular one, we actually got -

5 **MS McDONALD:** Sorry, Mr Pasley, can I stop you.

**MR PASLEY:** Okay. Yes.

**MS McDONALD:** There was a first DA.

10 **MR PASLEY:** Yes.

**MS McDONALD:** Which was granted.

15 **MR PASLEY:** Yes.

**MS McDONALD:** And, as you said, that was on two and a half hours operation, six days a week.

20 **MR PASLEY:** Yes.

**MS McDONALD:** But then when you got one of the Crocs on site, you did some tests, and it wasn't as noisy as you were anticipating?

25 **MR PASLEY:** Yes.

**MS McDONALD:** Did you then apply for an amendment or a modification to the development consent that you were granted?

30 **MR PASLEY:** Yes. Yes.

**MS McDONALD:** Now, that particular one, has that been determined or is - am I looking at it at the moment in that letter.

35 **MR PASLEY:** Look, I can't remember dates specifically, but I do know DA number 2 got approved.

**MS McDONALD:** Okay.

40 **MR PASLEY:** And that allows us to operate, I believe, for 11 hours a day, six days a week. But the local planning panel determined that we can just remain - shred the same amount of mattresses in that larger window, which makes no sense. So that's what DA3 is for, to correct that.

45 **MS McDONALD:** So -

**COMMISSIONER:** This is DA3, the one that we are looking at here?

**MR PASLEY:** Look, I would have to consult my team to be honest, yes.

5 **MS McDONALD:** I assume it would be because this one, which is only dated the beginning of June, was rejected and told to resubmit it. So I assume DA2 with the increase in hours must have been granted before that.

10 **MR PASLEY:** I think APP made a mistake on the paperwork, and I think I signed a document when it should have been the property manager, which I found out. So we got that signed by him and re-lodged. I believe that's what that it is. Yes.

**COMMISSIONER:** All right. And what's the - so the next variation that you are seeking, which has not yet been granted, is to increase the volume of mattresses that can be processed during that 11 hours a day, six days a week?

15 **MR PASLEY:** Yes, yes. We want to lift those restrictions.

**COMMISSIONER:** Yes.

20 **MR PASLEY:** We kind of got halfway there, but we want to get further.

**COMMISSIONER:** You got the hours, but you haven't got volume.

**MR PASLEY:** Yes.

25 **COMMISSIONER:** Yes. Understood.

**MS McDONALD:** And that third application to increase volume, it's your understanding - has it been lodged?

30 **MR PASLEY:** Yes.

**MS McDONALD:** But hasn't been determined yet?

35 **MR PASLEY:** No.

**MS McDONALD:** Commissioner, could you excuse me for a moment?  
Commissioner, may I tender the following documents?

40 **COMMISSIONER:** Are these all in MFI7 - in the list in MFI7 or are they -

**MS McDONALD:** No, they are not. Could you excuse me? They are in TB8.

**COMMISSIONER:** So that is in the list - the list that's in MFI7?

45 **MS McDONALD:** Yes.

**COMMISSIONER:** Yes, I have that.

5 **MS McDONALD:** We are just cross-referencing. Commissioner, could I suggest this: May I tender and identify the documents by a broad description with their identification number. What we will do over the weekend is then cross-reference it to your - that MFI. Excuse me.

**COMMISSIONER:** Just ignore MFI7. I will stop interjecting.

10 **MS McDONALD:** I tender the draft mattress plan, being document LCC-004-020-9797.

**COMMISSIONER:** That document will be exhibit 22.

15 **<EXHIBIT #22 DRAFT MATTRESS PLAN**

**MS McDONALD:** I tender the resource recovery strategy 2021-2031, being document LCC-014-002-0515.

20 **COMMISSIONER:** That document - I'm sorry.

**MR EMMETT:** I rise to my feet in relation to that. My recollection of the evidence before lunch in relation to that is that a published version of that was redacted. It doesn't sound like the redactions matter, and I may be misremembering which document that was said about.

25 **COMMISSIONER:** No, I think you are right.

**MR EMMETT:** We should be clear. If it's the redacted version there can be no difficulty, and it's not clear that the unredacted - so if it's the version that's in the public domain, there can be no difficulty with that. As I stand here, I don't know -

**COMMISSIONER:** I understand. Is this a document that has been sourced from the council website as well?

35 **MS McDONALD:** It has been produced by the council under summons.

**COMMISSIONER:** Yes.

40 **MS McDONALD:** I didn't understand that there were any redactions to it. I do understand Mr Pasley at one stage spoke about redactions dealing with land acquisition, but I took him to that section and there were - didn't appear that there was confidential material.

45 **COMMISSIONER:** Can I do this: It's not going to go up on our website over the weekend, Mr Emmett, so is it convenient if I mark it, and between you and Ms McDonald and those who are with you both over the weekend, you can let me know if there needs to be something more done.

**MR EMMETT:** Yes.

**COMMISSIONER:** Does that satisfy your concern for the moment?

5

**MR EMMETT:** Yes.

**COMMISSIONER:** For the moment that will be exhibit 23.

10 **<EXHIBIT #23 RESOURCE RECOVERY STRATEGY 2021-2031**

**COMMISSIONER:** And if there is anything need to be done with that document we with deal with it either in chambers over the weekend or on Monday.

15 **MS McDONALD:** I tender the mattress shredding income and expenditure table, document LCC-016-001-0006.

**COMMISSIONER:** That will be exhibit 24.

20 **<EXHIBIT #24 MATTRESS SHREDDING INCOME AND EXPENDITURE TABLE**

**MS McDONALD:** I tender the Liverpool City Council pre-development application advice, being document OLG.001.001.0805.

25

**COMMISSIONER:** 25.

**<EXHIBIT #25 LIVERPOOL CITY COUNCIL PRE-DEVELOPMENT APPLICATION ADVICE**

30

**MS McDONALD:** And then the final document, which is up on the screen, the return of PAN - development application, being document INQ.034.001.0001, and I should have indicated that letter is dated 3 June 2025.

35 **COMMISSIONER:** That document will be exhibit 26.

**<EXHIBIT #26 RETURN OF PAN – DEVELOPMENT APPLICATION**

**MS McDONALD:** No further questions.

40

**COMMISSIONER:** Thank you. Is there -

**MR EMMETT:** There may be. Can I just have a brief discussion with my learned friend?

45

**COMMISSIONER:** Of course. Would it be better if I go off the bench?

**MR EMMETT:** So the position is this. I don't have any questions for Mr Pasley. The matter I was discussing was whether there was a further video that the council may seek to tender to put before you. It doesn't have to be through Mr Pasley. So, in the circumstances, I don't want to take up more time now. We will have a further discussion, and if we ask that you receive that video, we will -

**COMMISSIONER:** Talk to Ms McDonald about it, and if Ms McDonald doesn't propose to tender it, you can make an application to me.

**MR EMMETT:** May it please.

**COMMISSIONER:** Does anyone else seek leave to ask any questions of the witness?

**MS HAMILTON-JEWELL:** No, thank you.

**COMMISSIONER:** Thank you for your attendance. The Commission appreciates it. Ms McDonald, are we adopting the same course with all witnesses at the moment?

**MS McDONALD:** Yes. If Mr Pasley would not be excused from his summons.

**COMMISSIONER:** What that means is, I won't formally excuse you from any further attendance. In the likely attendance you will need to be back someone will tell you, and if the decision is made that you can be excused from your summons, we will tell you that as well. But you are free to go for today.

**MR PASLEY:** Sure. Thank you.

**<THE WITNESS WITHDREW**

30

**MS McDONALD:** Commissioner, we have another witness here. I was going to seek an indulgence. Could we just have a very short break for less than five minutes. I have to retrieve another document from my chambers.

**COMMISSIONER:** All right. I will go off the bench for three minutes and I will return in three minutes.

**<THE HEARING ADJOURNED AT 2.55 PM**

**<THE HEARING RESUMED AT 2.57 PM**

**MS McDONALD:** I call Sheldon Rodricks.

**COMMISSIONER:** Yes.

45

**<SHELDON LEO RODRICKS, SWORN**

**COMMISSIONER:** Yes, Ms McDonald.

**MS McDONALD:** Please state your full name.

5 **MR RODRICKS:** My full name is Sheldon Leo Rodricks.

**MS McDONALD:** And what is your current profession?

10 **MR RODRICKS:** My current occupation I'm the coordinator for building and development compliance for the Liverpool City Council.

**MS McDONALD:** Now, Mr Rodricks, how long have you been working for Liverpool City Council?

15 **MR RODRICKS:** I took charge on 3 June 2024, so I've just about finished a year.

**MS McDONALD:** Where did you work prior to that?

20 **MR RODRICKS:** Prior to that I was with Campbelltown City Council, and then before that with Fairfield. Prior to that, I was with Corrective Services New South Wales. Before that, I was with Border Force contracted to SIRCO with immigration detention, and before that I was with Fraser Coast Regional Council, and before that Canterbury, and before Canterbury Leichhardt City. So I started in 2004.

25 **MS McDONALD:** So you've worked for a number of councils.

**MR RODRICKS:** I have spent 20 years in government, yes.

30 **MS McDONALD:** I first want to locate where you sit within two organisational charts.

**MR RODRICKS:** Yes.

35 **MS McDONALD:** Would you bring up LCC-002.010-2298, please.

**ASSOCIATE:** (Indistinct).

40 **MS McDONALD:** Yes. This is a Liverpool City Council organisational chart as at 2025.

**MR RODRICKS:** Correct.

45 **MS McDONALD:** Looking at the green boxes with directors, which director was yours - was your section under?

**MR RODRICKS:** I was in the second column, Community Standards.

**MS McDONALD:** Right. So that's under Director Planning and Compliance, and then underneath that there's the Community Standards Manager Community Standards.

5 **MR RODRICKS:** That's correct.

**MS McDONALD:** Would you please bring up INQ-004-001.0012.

**ASSOCIATE:** (Indistinct).

10

**MS McDONALD:** Yes, thanks. The heading of this document is a Proposed Model of Six to Four Directorates. Mr Rodricks, we have heard evidence that the decrease from four directorates - from six to four has occurred - has been implemented.

15 **MR RODRICKS:** That's my understanding, yes.

**MS McDONALD:** But there is still discussion about which particular - if I can call them the purple boxes, so the underlying departments of directorships, where they are finally going to be located?

20

**MR RODRICKS:** That is correct.

**MS McDONALD:** But looking at this proposed model, do we turn again to - I think it was planning and design.

25

**MR RODRICKS:** Yes.

**MS McDONALD:** And, again, you will see the final purple box is Community Standards, and that's where you are employed?

30

**MR RODRICKS:** That's probably where we will sit now, yes.

**MS McDONALD:** Sorry. Okay.

35 **MR RODRICKS:** Yes.

**MS McDONALD:** Now, as you currently sit within the organisation, to whom do you directly report?

40 **MR RODRICKS:** My direct manager is Noelle Warwar, and above her there is Lina Kakish.

**MS McDONALD:** And Ms Kakish occupies the director position?

45 **MR RODRICKS:** That's correct.

**MS McDONALD:** And is Noel - I'm sorry, Noelle.



**MR RODRICKS:** Warwar.

**MS McDONALD:** I apologise for that, does she occupy a manager role?

5

**MR RODRICKS:** Yes.

**MS McDONALD:** And your role, at a very general level, what does it involve?

10 **MR RODRICKS:** So as coordinator, I pretty much run a team of investigators into  
building and development compliance. So whenever there are breaches of the  
planning regulation or there is actual unlawful use of property or unauthorised  
works, we deal with it. That's predominantly our remit. But over the last year, it is  
anything that cannot be investigated by any other department comes to us. So it's not  
15 uncommon for fireworks on new year to land on my desk, or potholes in the road to  
land on my desk, because the organisation is - is set up in such a way that even the  
customer service people would not be able to actually track who is who in the zoo to  
conclusively give somebody an answer if you were calling in to say, "There is a hole  
in Moore Street", for example, or, "There some works going on. Who deals with it?"  
20 But because we are the - we are the frontline, we are the people on the street, we  
have an awareness. So rather than give them the run around, we deal with it.

**MS McDONALD:** And if for example a hole in the road is noticed by one of your  
investigators, if there is going to be an investigation or something done about it, they  
25 report it to you?

**MR RODRICKS:** Yes.

**MS McDONALD:** And do you discuss it, or at least coordinate a response with  
30 whoever in the organisational structure would be dealing with holes in the road?

**MR RODRICKS:** Yes. It sits on me then to find out who is actually responsible for  
that and on that particular day and that week, actually, and then pass it on to them. So  
we create a job in the pathway system so that it is trackable and accountable, so it  
35 knows it came from one of my offices or one of the rangers or me during my  
inspections. And we pass it on to the relevant team, and then we report back to  
whoever reported it to us, or if it's just one of us, we keep a track of it to see where  
it's going. And, unfortunately, because of the shortages of staff we don't have the  
manpower track to follow through, but we do have it in case it comes back. It will  
40 show that either me or one of my officers picked up the job, and we passed it on.

**MS McDONALD:** Returning to your core work.

**MR RODRICKS:** Yes.  
45

**MS McDONALD:** You spoke about you and your team of investigators, if there has been some non-compliance with a building or a development consent or something along those lines.

5 **MR RODRICKS:** Yes.

**MS McDONALD:** Those complaints, again, at a general level, how are they raised with you?

10 **MR RODRICKS:** They are supposed to come through the CRS system. So we had a - we had a complaints system tracking system called the call pathway, and it comes to customer service via phone call or an email, and then they raise the CRN number. It's generally seven digits. It is called a CRN seven-digit number to it, and it gets passed to my team, and we put it in what we call the bucket, and then it is my job to  
15 triage it every day, every week, whenever I get the chance, and to see what the job is, whether it is something that we deal with or to pass it on to the relevant department. If it is something we deal with, I pass it on to one of the offices, or if it's not a priority - so we follow a risk-based assessment. So, generally, we - it's - it's risk to life, firstly. So that would include any garages, any sheds that have been converted  
20 into habitable spaces without regard to fire code or building code or damp courses, and flood - a lot of flood issues, especially in the Austral/Kemps Creek area. So that's predominantly the priority, threat to life, then threat to properties. Other properties. So there is a neighbour being affected, or if it's an imminent threat, or if it is a significant threat to their property, going to undermine their land, then we jump on it.  
25 Everything else gets put on the backburner until we get the time to get to it.

**MS McDONALD:** Now, the initiation of the complaint, in what you've described is that usually from a member of the public contacting the council with, for example, a complaint, "My neighbour has built a new garage, and I don't think it complies with  
30 development consent or no development consent was obtained"?

**MR RODRICKS:** Yes.

**MS McDONALD:** Can I turn to another possible source of complaints. That is from  
35 a member of the governing body of councils.

**MR RODRICKS:** Yes.

**MS McDONALD:** So from one of the councillors. Can a councillor raise on behalf  
40 of a constituent a particular complaint about a building?

**MR RODRICKS:** Yes.

**MS McDONALD:** If a councillor is contacted by a constituent and wants to - and  
45 the councillor wants to raise that complaint with you, again at a very general level what is the procedure?

**MR RODRICKS:** We have to contact councillor support, because there is a team that supports the councillors in their - in the execution of their duties, and it forms a trackable accountable system. So it has to go through the councillor support. And from there it - from there it comes to - sorry. I use my hands a lot. It's just law enforcement, one-on-one. You have to be ready for anything that comes. But yeah. So that's - so it comes to councillor support. It ends understand either to my director or to Noelle, and then she hands it off to me to see whether it is something we can do, and if it is, we create a CR for it. So we have our own pool of admin officers or I do it. Because sometimes we - we are spread so thin, everybody chips in with stuff. So we pass it on, a CR is created, and then we actively investigate the matter. Even if it's going to be no - if there's going to be no outcome, no conclusive or enforcement action, because it's come from a councillor - I call them redbacks. That's a habit from 2004 with Leichhardt City, we call them redback.

15 **MS McDONALD:** Redback.

**MR RODRICKS:** Redback. It's a common nomenclature, it comes down from old school local government, from 1993 when the Act came out. Anything that came from the top is a redback. You jump on it, you deal with it and you sort it out. That's how it is.

**MS McDONALD:** All right.

**MR RODRICKS:** So we deal with those, and it comes to me. I have a look. If it's something that needs to be urgently taken care of, I go out, because I had - I had a team. I have two people now, and it's getting more and more difficult to manage the caseload that we have. So I chip in. I go out, and I do less than an equivalent amount of jobs that they do, yes, but I chip in for all these redbacks that come in, and I take over the investigation, and that's the process. Councillor, through councillor support to my management, to me, and then I triage it, and I either handed it over or execute the job myself.

**MS McDONALD:** We can take down that organisational chart.

35 **MS HAMILTON-JEWELL:** I just have one - the volume for this witness is not a problem with the witness, but the speed.

**COMMISSIONER:** You need to speak a little slower, and I need to speak into the microphone. We are both getting a little ticking off. Not only for the people in the room, but there are some people online taking everything down. So just - if you wouldn't mind. Thank you.

**MR RODRICKS:** Copy that.

45 **MS McDONALD:** And sorry, I'm going to ask, it is Friday afternoon, redback, based on the spider or -

**MR RODRICKS:** Yes, based on the spider. It's - it's something you need to jump on immediately.

**MS McDONALD:** Right.

5

**MR RODRICKS:** So kill it before it escalates and becomes a nest of redbacks. That's what the theory was back in 2004.

10 **MS McDONALD:** Now, Mr Rodricks, what I want to do is take you through primarily a series of emails which are of arise from an email that was sent to councillor support. It's going to be a little bit time consuming, but I will take you to the various emails. They usually will speak to them - the document will speak for itself, but I need to establish, in a sense, this chronology. Could I also flag, Commissioner, there might be some private information in maybe a reference to a  
15 constituent's address in the email. If we come to one of those emails at the moment, we won't put it up on the live stream, and we will seek a non-publication order -

**COMMISSIONER:** Okay.

20 **MS McDONALD:** - about that.

**COMMISSIONER:** Okay.

25 **MS McDONALD:** Now, the first document is LCC-007-002-0006. Yes. Can you see at the top of the email it is an email from Councillor Peter Ristevski. It was in March of this year, and it is to Councillor Support, and the subject is a particular suburb within the council area.

30 **MR RODRICKS:** Yes.

**MS McDONALD:** And then if we can look at the body of the email, there is a request about assisting with the below, and there's an identification of a complaint about a neighbour - I will put it broadly - doing something with logs.

35 **MR RODRICKS:** Yes. I'm familiar with this one.

**MS McDONALD:** All right. So is this first step in the process, we assume from the terms of this that the councillor has received some kind of complaint from a constituent. He wants it pursued or investigated. It's forwarded to Councillor  
40 Support. And then if we go to document LCC-007-002.0022, and please don't put this on live streaming. Could you move to page 13 to begin with - dot 0013. So that's the email that I - an extract from the email that I just took you to. And then if we can proceed up the page, that was the original email, and if we keep on going, we've got from Councillor Support on 6 March to Councillor Ristevski:  
45

"Thank you for your email. Could you please provide name and address of the resident with the issue so the appropriate team can action and respond."

And that's from Katrina Harvey. Just looking at her signature block, she is part of Councillor Support, is she?

5 **MR RODRICKS:** That's correct.

**MS McDONALD:** All right. And then if we stop live streaming now.

10 **COMMISSIONER:** Sorry, as in the document?

**MS McDONALD:** It's not on. Terrific. If you then look at the next email, there is a reference to a particular address. Correct?

15 **MR RODRICKS:** Correct.

**MS McDONALD:** And then if we proceed, then there is an email from Noelle Warwar to the councillor, referring to that inquiry, and it would appear that there a:

20 "Council officer has attempted to investigate the matter, unable to gain access."  
And with some further queries.

**MR RODRICKS:** That's correct.

25 **MS McDONALD:** And if we can keep on going. And then if you go to LCC.007.002.0012, we might -

**ASSOCIATE:** (Indistinct).

30 **MS McDONALD:** We might just for the moment. Can you see Noelle - sorry, if you keep on going down. On 11 March Leanne Bourne emails you -

**MR RODRICKS:** Yes.

35 **MS McDONALD:** - asking:

"Not sure if we can assist with this one. Can you get an officer to have a look and provide a response for Noelle to the councillor."

40 And then if we move up. Keep on going. Stop there. There is an email from you to Leanne Bourne, and you refer to a video snippet. Is that right?

**MR RODRICKS:** Yes. That's the one.

45 **MS McDONALD:** And if you keep on going, you identify:

"Fencing is a private matter. Best referred to" -

That's a community justice centre?

**MR RODRICKS:** Justice centre, yes.

5

**MS McDONALD:**

"And we have got no real authority about it."

10 Then you contain what seems like a screen shot. In the original referral by the councillor, were there some videos attached to the email?

**MR RODRICKS:** We could not open them because they were corrupted in transit or while they were put into the CRM system. And that's why we needed to gain  
15 actual access, get eyes on to see what's exactly the situation, because we couldn't rely on - they are not time stamped. We couldn't prove they were taken by - who they were taken by, how they were obtained. So it's best that, under the Act, we have the powers of entry, powers of investigation. I like my officers to do their own investigations and their own evidence now. That's why there was a bit of spiel about  
20 gaining access and getting the actual person's address and so on and so forth.

**MS McDONALD:** Then if you go to the top of the document, you receive an email from Noelle Warwar saying:

25 "Can you please investigate the alleged filling of land and any other complaints relating to this compliance."

**MR RODRICKS:** Yes.

30 **MS McDONALD:** Would you then go to document LCC.007.002.0022. And if you go to the bottom of the page, which is 0006. That's an email from Noelle Warwar to the councillor, asking about some further clarification of the complaint.

**MR RODRICKS:** Correct.

35

**MS McDONALD:** And then if we move up the page, we've then got - this is dated April, so we've jumped ahead a little bit from - we will leave that for the minute. On 2 April, yes. It would appear before then we've got a Mr Lang attending the property and inspecting the fence.

40

**MR RODRICKS:** That's correct.

**MS McDONALD:** Is Mr Lang one of your investigators?

45 **MR RODRICKS:** He is.

**MS McDONALD:** Did he investigate - attended the property, inspected the fence, took some photographs, et cetera?

**MR RODRICKS:** That's correct.

5

**MS McDONALD:** And then, after doing that, does he then respond to you?

**MR RODRICKS:** Yes.

10 **COMMISSIONER:** About when is the time period?

**MS McDONALD:** 2 April.

**COMMISSIONER:** Thank you.

15

**MS McDONALD:** And then on 3 April, do you then email Leanne Bourne referring to your investigator Lang's attendance?

**MR RODRICKS:** Correct.

20

**MS McDONALD:** Can document LCC-007.002.0010 be put up? I'm sorry, if you can just - sorry. Page 0002 down the bottom. There is your email to Leanne Bourne of 3 April. Is that correct?

25 **MR RODRICKS:** Yes.

**MS McDONALD:** Now, you do start with a particular comment.

**MR RODRICKS:** Yes.

30

**MS McDONALD:** And then the rest, which I will come back to, the rest of the email is reporting about inspector Lang's attendance at the particular site and what he observed?

35 **MR RODRICKS:** Correct.

**MS McDONALD:** Your comment at the beginning of that email.

"This is a Ristevski special, I think."

40

**MR RODRICKS:** That's correct.

**MS McDONALD:** What were you referring to there?

45 **MR RODRICKS:** I was referring to the amount of reports we get on investigations through him, through Councillor Ristevski particularly. And we have 13 councillors, but he, Councillor Ristevski, seems to form the bulk of my councillor requests.

**MS McDONALD:** We will return to that -

**MR RODRICKS:** Yes.

5

**MS McDONALD:** - later on, and then if we - the next email, again, is from Noelle Warwar asking about any photos I can check out, et cetera.

**MR RODRICKS:** Yes.

10

**MS McDONALD:** And then if we continue, you respond with an indication where in the document management system you can find it.

**MR RODRICKS:** That's correct.

15

**MS McDONALD:** Now, would you then go to document LCC-007.002.0022? And then if you go to page 005. You can see there the response from Noelle Warwar to Councillor Ristevski.

20 **MR RODRICKS:** Yes.

**MS McDONALD:** And in the body of the document, she refers to his inquiry:

"An inspection did not identify any unauthorised activity."

25

There's a reference to logs, et cetera. And:

"No further action can be taken on this matter. Please don't hesitate to contact me if you wish to discuss further."

30

**MR RODRICKS:** Correct.

35 **MS McDONALD:** And then if you keep on going, keep on going. There, on 7 April, Councillor Ristevski replies, and if we turn to the body of the document, it appears that he is raising again the original complaint which was in his first email of 3 March 2025.

**MR RODRICKS:** Yes.

40 **MS McDONALD:** And then if we can keep on going, and stop there. If we go to a different document, LCC.007.002.0032. Sorry, I'm just - you've got Leanne Bourne -

**MR RODRICKS:** Yes.

45 **MS McDONALD:** - emailing you with:

"Hi, Sheldon. Please see further email from Councillor Ristevski."



**MR RODRICKS:** Yes.

**MS McDONALD:** And then if we keep on going, you respond on 7 April saying:

"None of the allegations made under were evident to investigator Lang. If it's the fence that's the only issue in question, we have little authority over the matter. Should refer the complaint to the Community Justice Centre. Would you like me to take a look before this becomes an issue with Councillor Ristevski?"

Can I just ask there, are you offering actually to go out and have a look at the site yourself?

**MR RODRICKS:** Yes, and I did.

**MS McDONALD:** All right.

**MR RODRICKS:** Yes.

And was that as a matter to try and nip in the bud any further escalation of the issue?

**MR RODRICKS:** Yes.

Excuse me for a moment. Then can we go to document LCC.007.002.0022. And then you will see down the bottom Ms Warwar's response to Councillor Ristevski saying:

"I refer to the enquiry. It doesn't constitute a development under the EPA Act."

**COMMISSIONER:** I'm sorry, Ms McDonald, which page number?

**MS McDONALD:** Sorry, 003.

**COMMISSIONER:** This is the email 7 April, 10.12 am?

**MS McDONALD:** Yes.

**COMMISSIONER:** Thank you.

**MS McDONALD:** And this is Ms Warwar's response:

"I refer to the inquiry regarding the fence, et cetera. It doesn't constitute development under the relevant legislation. As such, fall outside the regulatory jurisdiction."

Then there's a reference to the Dividing Fences Act and a reference to the Community Justice centre.

**MR RODRICKS:** Correct.

5 **MS McDONALD:** Then there's a response by Councillor Ristevski on 8 April where he says:

"I think we are on the wrong page."

10 And there's a reference to "a wall with no DA", and some further reference to the wall:

"Can you please come back to me."

15 **MR RODRICKS:** Correct.

**MS McDONALD:** And then on 11 April in document LCC - same document. Good. There's Noeline Warwar -

20 **MR RODRICKS:** Noelle.

**MS McDONALD:** - responds on 11 April at 4.03. You have got that?

**MR RODRICKS:** Yes.

25 **MS McDONALD:** In which she states:

"Council officers have determined that the low-lying structure, et cetera, is structurally sound."

30 Some other references to the wall or the fence:

"It's considered a civil matter with no further action required from council. But, again, please do not hesitate to contact me if you wish to discuss the matter further."

35 **MR RODRICKS:** Correct.

**MS McDONALD:** And then if we can go to the same document but a little bit up. We've got Councillor Ristevski's reply on 16 April:

40 "Can I please organise a meeting with the relevant resident and Council.

**MR RODRICKS:** Correct.

45 **MS McDONALD:** And then if we move to document LCC.007.002.0028. Excuse me. Commencing on page - I think it's 5, right down the bottom. If you keep on moving the - you can see there an email from Noelle Warwar to Lina Kakish and others referring to:

"Councillor Ristevski has requested an on-site meeting."

And then there is a photograph provided. Many - a couple of photos.

5

**MR RODRICKS:** Yes.

**MS McDONALD:** Sorry, can you go - and after referring to - this is on the bottom of page 005:

10

"As you can see from the photos, there's nothing here that requires a DA."

Et cetera, then reiterates that it's a civil matter.

15

**MR RODRICKS:** Correct.

**MS McDONALD:** Now, could we then stop there on page - at the top of page 005, Dan Riley responds with:

20

"Agree. Recommended course of action?"

**MR RODRICKS:** Correct.

**MS McDONALD:** And then again, further on, we've got from Noelene Warwar -

25

**MR RODRICKS:** Noelle.

**MS McDONALD:** Noelle, I'm terribly sorry.

30

**MR RODRICKS:** Like the Christmas carol.

**MS McDONALD:** Thanks:

35 "Lina was going to raise it with the councillor after his previous email, but I thought I would have one last go at putting the matter to rest. Let's await Lina's advice as it may be best if he hears from a director."

And then you have page 2, a response by Noelle Warwar:

40

"Yes, please. You may recall, before you left the councillor wasn't happy with our position (indistinct) before you intervene. I did, and he is not happy. That's after three responses. He wants to meet on the site."

And then there's a reference to the photos:

45

"Do you want to send him an email? Let me know what we should do next."

**MR RODRICKS:** That's correct.

**MS McDONALD:** And then you have on page 1, Noelle again with a draft response for the councillor.

5

**MR RODRICKS:** Correct.

**MS McDONALD:** And, again, it appears to reiterate what was in previous emails, that there's no compliance action which has been raised, and if it's a fence or a wall, it's different legislation, and the Community Justice Centre may assist.

10

**MR RODRICKS:** Correct.

**MS McDONALD:** And then at the top of this page - sorry. Hold on. Yes. LCC.007.002.0022. You have the email from Ms Kakish to the councillor, which basically sets out what was in that draft or proposed response that we just saw.

15

**MR RODRICKS:** Correct.

**MS McDONALD:** Now, and is it your understanding that after that email was sent, there was no further correspondence from the councillor about this particular issue?

20

**MR RODRICKS:** To the best of my knowledge, no.

**MS McDONALD:** All right. Now, in the chronology of emails that I've rather painstakingly took you to, and I do apologise for that, you have the initial raising of the issue by the councillor to Councillor Support. You then have on 7 April, after receiving a reply, a repeating of what the complaint was.

25

**MR RODRICKS:** Yes.

30

**MS McDONALD:** Then you have another response by the councillor on 8 April, where he says, "I think we are on the wrong page. The wall or fence is illegal. There is no DA."

35

**MR RODRICKS:** Correct.

**MS McDONALD:** There is further correspondence, and then, on 16 April, the councillor requests the meeting, and then it seems, from his perspective, the matter is put at an end.

40

**MR RODRICKS:** Correct.

**MS McDONALD:** So in that chronology, you really have about four emails from the councillor.

45

**MR RODRICKS:** Correct.

**MS McDONALD:** I took you to your comment in the earlier email where you referred to it being "a Councillor Ristevski special".

5 **MR RODRICKS:** Yes.

**MS McDONALD:** The requests that he put through, which, as I said, were about four in total, in your experience dealing with, at this council, councillors raising issues on behalf of constituents, does that appear to be excessive?

10

**MR RODRICKS:** Yes.

**MS McDONALD:** And why does it appear to be excessive?

15 **MR RODRICKS:** Because there is a repeated attempt in my - in my experience to prove something that doesn't exist. So we determined that the retaining wall that was referred to was actually the footing of the fence. It was the concrete footing the fence was mounted on. It was at ground level. It may have been 50 centimetres above - both sides actually. The contour of the land showed there was no undulation  
20 in the natural contours of the land, and we were trying to demonstrate to the councillor that despite what the constituent may have told him, and despite what he believed, was the situation, we did not warrant using what is now valuable resources for the council to repeatedly go into that property, just to prove a point which was point - it was futile. There was no - there was no actionable evidence to suggest that  
25 this warranted an investigation, and we thought mediation through the CJC would rather resolve because looking at the context and the content of the initial complaint that came in, it spoke about stopping the boy from doing something and telling - because there is - there is a further - there is further documentation to this that's sitting on the system somewhere. It's probably how it hasn't been trimmed in  
30 the email system. But it says that there is - he is putting screws through the fence to deliberately hurt the child, and I said, look, this has nothing to do with council. We deal with hard concrete brick and mortar kind of situations.

**MS McDONALD:** Right. Can I just pause there. Are you referring to another matter  
35 raised by the councillor through Councillor Support dealing with this property but a different issue?

**MR RODRICKS:** No, the same one.

40 **MS McDONALD:** The same issue.

**MR RODRICKS:** The same - but there is different content to it. So started off the fence is leaning over, he is putting stuff in between. Demonstrated that that wasn't the case. Then it got to putting screws through the fence to harm the child next door  
45 from [Not for publication]. The property in question, the subject property was - I won't say the rest of it. But that's how it is.

**MS McDONALD:** Excuse me. I do apologise.

**COMMISSIONER:** Just bear with us. This is why we have a delay. So that -

5 **MR RODRICKS:** My apologies.

**COMMISSIONER:** That won't come through on the feed. No, no. Don't apologise. That's fine.

10 **MS McDONALD:** The matter that you just raised, is that a matter that would have been given a different complaint number through the system?

15 **MR RODRICKS:** It isn't - it is a complaint that would have under normal circumstances not have been taken. Customer service would have referred this straight to its - it's not a council matter. Dividing fences Act and the Trees Act we have nothing to do with. We have no jurisdiction over it, so we cannot even actually investigate the jobs.

20 **MS McDONALD:** I'm sorry, I think we might be at cross-purposes.

**MR RODRICKS:** Yes.

**MS McDONALD:** The particular chronology of emails that I have referred you to.

25 **MR RODRICKS:** Yes.

**MS McDONALD:** It came through Councillor Support.

30 **MR RODRICKS:** Correct.

**MS McDONALD:** Originally, it appears that the complaint is in terms of non-compliance with a DA or a development consent, which, on its face, would ground jurisdiction for your area.

35 **MR RODRICKS:** Yes.

40 **MS McDONALD:** And with this particular complaint, when you started looking at it, it was determined it's really not a development consent matter. It's something outside our jurisdiction. It's been described in the emails, civil Community Justice Centre area.

**MR RODRICKS:** Correct.

45 **MS McDONALD:** But are talking about in respect of this - these - this property, or there had been other complaints, but quite clearly those complaints on their face do not come within the jurisdiction of the council.

**MR RODRICKS:** Correct.

5 **MS McDONALD:** And is your understanding of the Councillor Support email system that the issue was raised by the councillor, and there's a form of triage from Councillor Support people along the lines of, "Is this a council matter, or should - or should it go elsewhere?"

10 **MR RODRICKS:** With this council in - in the past year my experience has been that Councillor Support will forward any complaint that comes from a councillor. It is my responsibility or my counterpart with the certification of the rangers to decide whether we take it on, or we respond in the manner that we did, saying it's a civil matter or it is out of council's purview.

15 **MS McDONALD:** You - in respect of the emails I've taken you through, there were resources in that investigator Lang went out to the premises?

**MR RODRICKS:** Correct.

20 **MS McDONALD:** But that, was, in a sense, the only resource in getting somebody to attend the site.

**MR RODRICKS:** Correct.

25 **MS McDONALD:** Is or did you attend the site in -

30 **MR RODRICKS:** I attended the site on two occasions, prior to Lang attending, and I had left business cards. We had no response from the complainant. And then finally, when he did respond, I passed on the information to DC Lang, and I said, He has gotten back to us. Maybe you can go there today and see what you can see and then see what the story is, and then we can decide whether we are going to take action or are we just going to stand our ground and say it is still a civil matter." Because -

35 **MS McDONALD:** I'm just looking at the deployment of resources.

**MR RODRICKS:** Yes.

**MS McDONALD:** So you went out.

40 **MR RODRICKS:** Yes.

**MS McDONALD:** Is on one occasion. Investigator Lang went out on another occasion. And did you mention you went out on a second occasion?

45 **MR RODRICKS:** Yes.

**MS McDONALD:** And what was the purpose of that?

**MR RODRICKS:** To try and raise a response from the complainant. So I went out twice, and DCO Lang went out twice.

5 **MS McDONALD:** When did DCO Lang go out?

**MR RODRICKS:** On the dates that he took the photograph that has been tendered to - to Councillor Ristevski, and he went on a previous occasion to the subject property as well.

10

**MS McDONALD:** All right. Now, the use of resources.

**MR RODRICKS:** Yes.

15 **MS McDONALD:** When you were describing your area and the work you do, I think you spoke about you have investigators?

**MR RODRICKS:** Yes.

20 **MS McDONALD:** Have those - the number of investigators decreased?

**MR RODRICKS:** Yes.

25 **MS McDONALD:** When you started your role at the council, how many investigators did you have?

**MR RODRICKS:** I had three. I had three. And now I have two.

30 **MS McDONALD:** And the one that you lost, was that a matter of redundancy or did they go to another council or another workplace?

35 **MR RODRICKS:** They - he did go to another council, but we had a chat before he went, and the reasons why not professional growth or anything. I mean, if I can be honest, he - his very words verbatim, "I've had enough of this". He handed me a piece of paper, and he said bye to me. That's how it was.

**MS McDONALD:** I'm sorry, this was in, like, an exit interview or an exit chat.

40 **MR RODRICKS:** Exit chat.

**MS McDONALD:** He said to you, "I've had enough of this."

**MR RODRICKS:** He said he had had enough of this.

45 **MS McDONALD:** Did you ask him what he had enough of.



**MR RODRICKS:** Yes. It's a bit of a list. We start with the workload that was there. When I took over in 2024 I had - nearly 2,000 customer requests on backlog that was left because they didn't have adequate resourcing. There was no triage system in place. So I spent my first three months sorting those out.

5

**MS McDONALD:** Can I just pause you there. When you say a 2,000 backlog.

**MR RODRICKS:** Yes.

10 **MS McDONALD:** Are these complaints dealing with buildings.

**MR RODRICKS:** Yes.

**MS McDONALD:** Compliance with buildings and development consents, et cetera.

15

**MR RODRICKS:** Yes. And they were modified complaints. Funnily enough, I think out of the 2,000, there may have been about 30 that related to councillor requests. But the bulk of them was actually rate payers calling in and emailing and logging their complaints and their complaints about neighbours and stormwater and unauthorised use, unauthorised landfill, land clearing, buildings, non-compliance with planning consent, non-compliance with DA. So I had to go through all of those and sort them out at, and all that time my - currently, at that point, the three of them were all sitting on over 120 jobs each. So we had that 500 sitting there, plus another 2,000 in the bucket that somebody needed to clean up. That was - because my delegations took a while to come through the channels, so I said might as well put myself to good use, got all those whittled down. So out of the 3,000 - out of the 2,000 that we had, managed to bring it down to about 270, 280-odd. And then from that load, I had to again triage, according to the risk assessment, what's imminent life and property, et cetera. And so on. And then we managed to put it through, and at that point I realised that this would not work for us. I had to get in there and get my hands dirty as well.

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25  
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So generally a coordinator doesn't really get out to do investigations. They sit in the office and they coordinate the transfer - the transfer and the movement of information between councillors and directors and managers, so that when a councillor such as Peter Ristevski contacts us we have information to give him. So that's predominantly my core job, is to be that link between the investigations team via the manager and director, to the governing - to the governing council. But over the last year it's - it has become clear that if I don't get out and chip in and do about 100, 150 jobs myself, we are never going to get to the top - to the top of this pile, because the jobs keep coming in and then to - sorry, am I going on?

35  
40

**MS McDONALD:** No.

45 **MR RODRICKS:** And to just - to aggravate the situation, we keep getting councillor requests. If you look at one particular job, it took us nearly a month of repeated trying to convince that we had no jurisdiction. If we had jurisdiction,

happily take it on. It's very easy for us to write an advisory then a notice and an order and then enforce it as the evidence -

5 **MS McDONALD:** Can I stop you. With the chronology of emails that we have taken you to -

**MR RODRICKS:** Yes.

10 **MS McDONALD:** - your frustration there was that it was looked at, lack of jurisdiction was identified.

**MR RODRICKS:** Yes.

15 **MS McDONALD:** And then it appears to be a refusal or an absence of acceptance that there was no jurisdiction.

**MR RODRICKS:** Yes.

20 **MS McDONALD:** Which required further resources to be employed.

**MR RODRICKS:** Correct.

25 **MS McDONALD:** The complaints that are provided to you through the conduit of a councillor, can you make a general observation? Do they appear to be increasing or from other councillors?

30 **MR RODRICKS:** No. I think there's - there's maybe one councillor that - that is predominantly my focus right now. Yes. Because we have other councillors that do put in complaints and reports for their constituents, and we can deal with them as per - because there's a - there's a commonsense approach to it. If we give them the advice they rely on the promise that we are the professional on the job. We have been doing this long enough to realise what we can prosecute, what we can enforce, and what will hold up in court. At the end of the day, that's the - that's the ultimate resolution, to take it to court and have it heard in front of a judge or a magistrate.

35 But in - in this councillor's case, particularly, it seems to be - it seems to be always let's have a second look and then a third look and then a fourth look. And we don't have that time. We genuinely don't have that time. Because it - because firstly, I mean - and this is the frustration that we have, the systems that we have - I mean, government systems are bad predominantly because they are built by the cheapest tender, you get your systems. Fair enough. But the system that we have doesn't work for us. The vehicles are parked nearly a kilometre away, so if -

40 **MS McDONALD:** The what sorry?

45 **MR RODRICKS:** The council vehicles, our response vehicle, the ranger, the DCOs they are parked in a different building at the old council office down the street. And

you have to - so just getting to your vehicle to respond to a job. Say I will give you a classic example. Someone is cutting down 300 trees out of Kemps Creek at a land-clearing job, and we get the job on the call. For the officer to respond he has got to get down to the building, go down to Moore Street, go to the basement - navigate  
5 the one way, no ways and all the other traffic issues, and then move on to drive to Kemps Creek.

**MS McDONALD:** Can I just stop you and return to complaints from councillors.

10 **MR RODRICKS:** Yes.

**MS McDONALD:** As I put to you that your concern here was lack of jurisdiction -

15 **MR RODRICKS:** Yes.

**MS McDONALD:** - that then continued. To your knowledge, when councillors are elected, so you've - this is a recently new council, having been elected in September of last year. Do you know, is there any training or education of the new councillors to help them understand what the jurisdiction is and what falls outside the  
20 jurisdiction?

**MR RODRICKS:** I'm not aware if this council does it, but I do know at Fairfield and at Campbelltown they ran sessions wherein my managers there and my coordinators there, senior officers, went and actually had - a 15-minute session.  
25 These are the acts that we deal under. This is what we can do, this is what we can't do. And it's not like - I mean, I've said this to you before, it's not like an American movie where the mayor runs everything, and the council says you do this and you do that. We can't, because there's a rule of law. There is legislation. I keep telling everyone, my authority comes from the New South Wales legislation. I cannot - I  
30 have to paint within those lines. I cannot - and I cannot have my boys out there doing anything that would get them into trouble, and that's pretty much has always been my MO.

**MS McDONALD:** Can I take you back to you have recently lost one of your  
35 investigators.

**MR RODRICKS:** Yes.

**MS McDONALD:** That person hasn't been replaced?  
40

**MR RODRICKS:** Not yet.

**MS McDONALD:** Is it anticipated that the person will be replaced?

45 **MR RODRICKS:** Well, we have advertised, I'm happy to say.

**MS McDONALD:** So you are going through that process.

**MR RODRICKS:** Yes.

**MS McDONALD:** Excuse me for a minute. No further questions.

5

**COMMISSIONER:** Anyone?

**MS HAMILTON-JEWELL:** Yes, Commissioner. Mr Rodricks, you gave evidence earlier that you went out to site on two occasions because you had to raise the landholder.

10

**MR RODRICKS:** Yes.

**MS HAMILTON-JEWELL:** Am I correct in my understanding that the reason you had to go a second time was because the landholder wasn't home or available on the first occasion?

15

**MR RODRICKS:** Correct.

**MS HAMILTON-JEWELL:** So when you went on the first occasion, you didn't actually access the site; is that correct?

20

**MR RODRICKS:** No. I left a card on the door.

**MS HAMILTON-JEWELL:** And you also gave evidence that DCO Lang went out to the site on two occasions.

25

**MR RODRICKS:** That's correct, yes.

**MS HAMILTON-JEWELL:** Again, did DCO Lang go out on two occasions because on the first occasion he couldn't raise the landholder?

30

**MR RODRICKS:** No. On the first occasion, he went in response to - pursuant to me leaving the business card, and he actually inspected the site from the landholder's perspective. The second time, he went because we had further councillor requests, and we needed to get a second look. So go again, have a look at both the properties, and he did.

35

**MS HAMILTON-JEWELL:** You also just gave evidence a moment ago that you are not aware of Liverpool City Council does training, but at previous councils at which you had been employed, there were 15-minute sessions with the councillors where you explained what was within the jurisdiction or outside the jurisdiction of the council.

40

**MR RODRICKS:** Yes.

45

**MS HAMILTON-JEWELL:** Am I correct in my understanding that you personally have never spoken to Councillor Ristevski about what is within and what is outside of your jurisdiction in the council's jurisdiction?

5 **MR RODRICKS:** That is correct.

**MS HAMILTON-JEWELL:** Thank you. Commissioner, just a moment if I can seek some instructions?

10 **COMMISSIONER:** Yes.

**MS HAMILTON-JEWELL:** Just one further question. You are - Noelle Warwar, your manager, she has never said to you, has she, that she has had a conversation with Councillor Ristevski as to what is within and what is outside of council's jurisdiction? Is that correct?

**MR RODRICKS:** Not in those words, no.

20 **MS HAMILTON-JEWELL:** Thank you. No further questions, Commissioner.

**COMMISSIONER:** Anything arising?

**MS McDONALD:** Can you just excuse me?

25 **COMMISSIONER:** Yes.

**MS McDONALD:** Mr Rodricks, you've - you were asked some questions about attendance at the site by DCO Lang. I took you through a series of emails dealing with - if I can describe it as the leading - leaning fence.

30 **MR RODRICKS:** Correct.

**MS McDONALD:** Were there other issues arising from this site separate to the leaning fence issue where DCO Lang had attended the site to your knowledge.

35 **MR RODRICKS:** No, I - if you - can you elaborate on the question? Are you asking me whether -

**COMMISSIONER:** Just pause. Thank you.

40 **MS McDONALD:** Could you just excuse me. No, I'm sorry, no re-examination.

**COMMISSIONER:** All right. Thank you. Mr Rodricks, that completes your evidence. Thank you very much for your attendance and assistance today.

45 **MR RODRICKS:** Thank you, sir.

**COMMISSIONER:** We won't - I'm asked not to formally excuse you from your summons.

**MR RODRICKS:** Yes.

5

**COMMISSIONER:** That means in an unlikely event we need to get you back, someone will tell you, and when you are formally excused, someone will communicate that to you. But that means you are released from your attendance and free to go today.

10

**MR RODRICKS:** Thank you, Commissioner.

**<THE WITNESS WITHDREW**

15 **COMMISSIONER:** Is there anything else to attend to this afternoon?

**MS McDONALD:** No, Commissioner. We will resume Mr Portelli's evidence on Monday.

20 **COMMISSIONER:** Yes.

**MS McDONALD:** I understand on the website the proposed witness order for next week has been placed.

25 **COMMISSIONER:** Yes.

**MS McDONALD:** I understand we - excuse me - we might have recently received some correspondence which might mean we may have to shift it around a little bit.

30 **COMMISSIONER:** Okay.

**MS McDONALD:** But we are going to have a discussion about that now, and if that is the case, obviously, it will go up on the website as soon as that's determined. But if the - if the parties can just maybe keep an eye on the website.

35

**COMMISSIONER:** Yes. And you can keep lines of communication open between you -

**MS McDONALD:** Yes.

40

**COMMISSIONER:** - otherwise to give - keep everybody informed. Do you want to start slightly earlier on Monday?

**MS McDONALD:** Would you excuse me?

45

**COMMISSIONER:** Yes.

**MS McDONALD:** Maybe if we could start at 10 on Monday but pick up maybe on the Tuesday.

**COMMISSIONER:** Yes, yes.

5

**MS McDONALD:** I'm just a little bit concerned that -

**COMMISSIONER:** Yes. I don't want to impose -

10 **MS McDONALD:** For example, Mr English isn't here and -

**COMMISSIONER:** Of course, of course.

**MS McDONALD:** And I don't want to say start at 9.30 if there is some issue.

15

**COMMISSIONER:** You are quite right. 10 on Monday, but if - over the course of the next couple of weeks if there is a need to start slightly earlier and it can be accommodated amongst everybody else's obligations, you can just let me know.

20 **MS HAMILTON-JEWELL:** Sorry, Commissioner. Can I just raise one matter, and it may well be it has happened in the background, and I'm not aware of it at this stage. There was a discussion yesterday, Commissioner, about you expanding the non-publication order over the private session yesterday. I understand a proposed form of order was circulated. Can I inquire, Commissioner, whether or not it has  
25 been made?

**COMMISSIONER:** It hasn't been made. I understood it had been circulated, but I hadn't yet been told that it had been agreed.

30 **MS McDONALD:** I think we were proceeding on the basis - it was circulated this morning. We received a response from Mr English saying, "I'm fine with this."

**COMMISSIONER:** Yes. We are just waiting for the other dominos to fall.

35 **MS McDONALD:** Yes.

**COMMISSIONER:** All right.

**MS McDONALD:** Could you just excuse me?

40

**MS PALMER:** I can say on the record my client is fine.

**COMMISSIONER:** Your domino has fallen.

45 **MS HAMILTON-JEWELL:** I can give the same indication, Commissioner.

**MS McDONALD:** I think the only small further amendment that has got to be made is a reference to the acting deputy counsel.

5 **COMMISSIONER:** All right. Has somebody got the wording? And is this going to be to every order I've made thus far or to the orders I've made yesterday or - how do we regularise this?

10 **MS McDONALD:** I think we've just turned our attention to what had courted yesterday.

**COMMISSIONER:** For the private session?

**MS McDONALD:** Yes.

15 **COMMISSIONER:** All right.

**MS McDONALD:** Maybe if we can restrict it to that, and then, again, we can have a discussion. I think it will be particularly my learned friend, Mr Emmett, if - depending on the particular issue, he may have to refer to or ask other council staff. I just can't anticipate that at the moment.

20 **MR EMMETT:** I can help - I can assist with it now. It is not the need to include an additional staff member. The person who I referred to yesterday is the deputy general counsel, and that may be an appropriate definition. In fact, a formal title is acting deputy general counsel. That was the person we were referring to yesterday, and that's the way she should be described.

25 **COMMISSIONER:** That's understood. I think perhaps the issue might be slightly different in that I made some non-publication orders or orders pursuant to section 12B prior to the hearings, and if there is to be some expansion to that, I think Ms McDonald was referring to, you might need to get some instructions as to whether there is some issue from your side about the expansion of those

30 **MR EMMETT:** Yes, that's right.

35 **COMMISSIONER:** All right. So this will be limited just to the private session evidence of both yesterday and today.

40 **MS McDONALD:** Yes.

**COMMISSIONER:** Yes? All right. And if there is something else that needs to be expanded on those earlier orders, that can be worked out as quickly as we can.

45 **MS McDONALD:** Commissioner, if I read this out?

**COMMISSIONER:** Yes, please.



5 **MS McDONALD:** This order does not prevent the disclosure of the transcript of the private session by the legal representatives of represented parties to their clients in order to obtain instructions. For that purpose only and on the basis that an undertaking is entered into in writing by those receiving the transcript, that the transcript and its contents will not be disseminated further. In the case of the council, the client is taken to be the chief executive officer, the acting general counsel. Sorry, can you excuse me.

10 **COMMISSIONER:** Anybody serving in the role of the counsel or deputy general counsel from time to time whether permanently or acting.

15 **MS McDONALD:** Sorry, it should be the general counsel and the acting deputy general counsel, and the transcript of the private session is to be returned by the client to their legal representatives at the conclusion of the inquiry.

**COMMISSIONER:** And otherwise, the client is the author - the party who has been given authorisation to appear?

20 **MS McDONALD:** Yes.

**COMMISSIONER:** That's the intent of the orders?

25 **MR EMMETT:** Commissioner, I'm terribly sorry. The instructions are coming - and in fact, Commissioner, you put it better before. There is a third person, who is the actual deputy counsel, who is - who has not been here, but who we do seek to be in the tent.

30 **COMMISSIONER:** All right. Can I do this for today. I will vary the order that I made yesterday in relation to the private session evidence and the order that I made today, such that the orders that I've made do not prevent the legal representatives of the authorised parties showing that transcript to the authorised parties. In the case of the individuals, that will be the individuals who have been granted authorisation to appear. In the case of the council, it is to the CEO and any person from time to time filling the role of general counsel or deputy general counsel.

35 **MR EMMETT:** May it please. Thank you.

40 **COMMISSIONER:** All right. And perhaps if we can tidy up the writing over the weekend, I might just make that more formal on Monday.

**MS McDONALD:** Yes.

**COMMISSIONER:** And anything else for this afternoon.

45 **MS McDONALD:** No, thank you.

**COMMISSIONER:** All right. Thank you, everybody. We will adjourn until 10 a.m. on Monday. Thank you.

**<THE HEARING ADJOURNED AT 4.09 PM TO MONDAY, 21 JULY 2025  
5 AT 10 AM**