



PUBLIC INQUIRY INTO LIVERPOOL CITY COUNCIL

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

**PUBLIC HEARING
SYDNEY**

**FRIDAY, 1 AUGUST 2025
AT 10.09 AM**

DAY 14

APPEARANCES

**Ms T McDonald SC, 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 N Mannoun**

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<THE HEARING RESUMED AT 10.09 AM

COMMISSIONER: Yes, Ms McDonald.

5 **MS McDONALD:** Commissioner, could we deal with some administration first?

COMMISSIONER: Of course.

10 **MS McDONALD:** First, could I hand up two documents. The first document is an amended index to tender bundle number 1, and the second document is an amended tender bundle volume 8, general exhibits as at 1 August 8.30 am

COMMISSIONER: Thank you. TB-1 first?

15 **<EXHIBIT #TB-1 AMENDED TENDER BUNDLE VOLUME 8, GENERAL EXHIBITS AS AT 01/08/2025 INCLUDING ORGANISATIONAL STRUCTURE DATED 11/06/2025**

20 **MS McDONALD:** Yes. Item number in 6, I tender INQ.009.001.003, the organisational structure as at 11 June 2025.

COMMISSIONER: Should that just be added to exhibit 1 which is TB1?

25 **MS McDONALD:** Yes.

COMMISSIONER: That document can be added to exhibit 1.

MS McDONALD: Amended index to TB-8.

30 **COMMISSIONER:** Yes, I'll just mark that MFI 17

<MFI #17 AMENDED INDEX TO TB-8

35 **MS McDONALD:** Would you please go to item 210. Excuse me for a minute. Excuse me.

COMMISSIONER: Of course.

40 **MS McDONALD:** Sorry. Item 210. I tender LCC.001.006.0015, letter from Liverpool City Council to Shayne Mallard 3 April 2023.

COMMISSIONER: That will be exhibit 54.

45 **<EXHIBIT #54 ITEM 210 - LETTER FROM LIVERPOOL CITY COUNCIL TO SHAYNE MALLARD DATED 03/04/2023**

MS McDONALD: Item 287.

COMMISSIONER: Yes.

5 **MS McDONALD:** I tender document LCC.016.001.0037, email chain regarding valuation of 3 Hoxton Park Road.

COMMISSIONER: Exhibit 55.

10 **<EXHIBIT #55 ITEM 287 - EMAIL CHAIN REGARDING VALUATION OF 3 HOXTON PARK ROAD**

MS McDONALD: Item 289, I tender document INQ.005.001.0012, email chain between Councillor Ristevski and Council employees re Council Facebook page.

15 **COMMISSIONER:** Exhibit 56.

20 **<EXHIBIT #56 ITEM 289 - EMAIL CHAIN BETWEEN COUNCILLOR RISTEVSKI AND COUNCIL EMPLOYEES RE. COUNCIL FACEBOOK PAGE**

MS McDONALD: Item 298, I tender document LCC.010.007.8834, Shayne Mallard curriculum vitae.

25 **COMMISSIONER:** Exhibit 57.

<EXHIBIT #57 ITEM 298 - CURRICULUM VITAE OF SHAYNE MALLARD

30 **MS McDONALD:** Item 305, I tender document INQ.044.001.0003, inaugural speech of the Honourable Shayne Mallard.

COMMISSIONER: Exhibit 58.

35 **<EXHIBIT #58 ITEM 305 - INAUGURAL SPEECH OF THE HONOURABLE SHAYNE MALLARD**

MS McDONALD: Item 309 was a document that there is a non-publication order over but I tender LCC.002.002.0088, ARIC Liverpool Civic Place update 19 July 2024.

40 **COMMISSIONER:** All right. That document will be exhibit 59 and subject to the order I made yesterday

45 **<EXHIBIT #59 ITEM 309 - ARIC LIVERPOOL CIVIC PLACE UPDATED DATED 19/07/2025 (SUBJECT OF NON-PUBLICATION ORDER)**

MS McDONALD: Item 310, I tender document INQ.001.001.0258, the judgment of the District Court in Mannoun v Ristevski, judgment 2024 of the District Court judgment 564.

5 **COMMISSIONER:** That will be exhibit 60.

**<EXHIBIT #60 ITEM 310 - JUDGMENT OF DISTRICT COURT IN
MANNOUN -V- RISTEVSKI, JUDGMENT 204 OF THE DISTRICT COURT
2024 JUDGMENT 564**

10

MS McDONALD: And if there's nothing else from any of the parties.

COMMISSIONER: I have been given the proposed wording of the direction about the transcript. Should I vary all of the directions I've made about transcripts to adopt that wording?

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MS MCDONALD: I think that would be sensible.

COMMISSIONER: Does anyone wish to be heard against that? All right. So in respect of every direction I've made pursuant to section 12B of the Royal Commissions Act restricting the publication of any section of the transcript of the Inquiry proceedings, I vary those directions by - as follows: those directions do not prevent the disclosure of the transcript by the legal representatives of any authorised party to that authorised party 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 authorised party or client is taken to be the chief executive officer and any person from time to time filling the role of the general counsel or deputy general counsel. The transcript is to be returned by the client or authorised party to their legal representative at the conclusion of the Inquiry, and I'll adopt that wording going forward. Anything else before we get to the evidence?

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30

MS MCDONALD: Not from me.

35 **COMMISSIONER:** Thank you.

MS McDONALD: I call Emily Tinson.

COMMISSIONER: Yes. Thank you, Ms Tinson, would you like to take an oath or an affirmation?

40

MS TINSON: Affirmation.

<EMILY SARAH TINSON, AFFIRMED

45

COMMISSIONER: Yes, Ms McDonald.

MS McDONALD: Please state your full name?

MS TINSON: Emily Sarah Tinson.

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

MS TINSON: Program manager at Liverpool City Council.

10 **MS McDONALD:** How long have you worked for Liverpool City Council?

MS TINSON: 11 years.

15 **MS McDONALD:** When you commenced at Liverpool City Council, what was your role?

MS TINSON: Communications officer.

20 **MS McDONALD:** And over time, have you - you've moved from the communications section. When did you first move from communications?

MS TINSON: Probably about three years later, since I joined in 2014.

25 **MS McDONALD:** And when you moved from communications, where did you move to?

MS TINSON: I acted in a corporate strategy role for about 18 months when the incumbent was on maternity leave.

30 **MS McDONALD:** Now, your current role you said was manager of program?

MS TINSON: Program manager.

35 **MS McDONALD:** Manager. Is there a particular area of the operation of the Council that you look after?

MS TINSON: Yes. Just the Western Sydney Infrastructure Grants program.

MS McDONALD: When did you commence in that role?

40 **MS TINSON:** October 2023.

45 **MS McDONALD:** Would you please bring up document INQ.009.001.0033, and it can be live streamed, and if you would go to page 524, please. As it is labelled, that is a functional organisation structure for the Council as at 11 June 2025. You can see that the CEO, and then reporting directly to the CEO are the four directors. Your particular area, does it come under operations?

MS TINSON: Yes.

MS McDONALD: And looking at that structure, if we look at the operations
5 directorate, go to the bottom of the box underneath and then count up three dot
points. Your area is WSIG?

MS TINSON: Correct.

MS McDONALD: Now, the grants that you are looking after are known as the
10 WestInvest grants?

MS TINSON: They were originally called that.

MS McDONALD: And was that a program that was introduced by the government
15 around 2022 inviting applications for grants from a number of bodies, including local
councils, but local councils from particular locations within Sydney?

MS TINSON: Correct.

MS McDONALD: Would you bring up document INQ.026.001.0017.

ASSOCIATE: Would you like that document on the live stream?

MS McDONALD: Yes, please. Now, this a NSW Government document,
25 WestInvest Program Guidelines. You can see from the first page originally dated
March 2022 but then updated 20 June 2022. At that time, you hadn't been appointed
to your current role?

MS TINSON: No.
30

MS McDONALD: But have you seen this document before?

MS TINSON: I would have seen the Guidelines, yes.

MS McDONALD: Right. And if I can just take you to some parts of the Guidelines.
35 If we could first go to page 4 and the overview. It's:

"A 5 billion WestInvest program to fund transformational infrastructure projects
40 across Western Sydney."

And then:

"These projects will improve liveability of communities and support economic
45 recovery, making a real difference to the quality of life in 15 eligible Local
Government Areas."

If we jump to page 7 at the top, the eligible council areas are listed, and you can see on the second line, second from the right, Liverpool City Council. We jump back to page 5. This is a continuation of the overview. You can see at the top of the document, the second paragraph:

5

"WestInvest projects will be drawn from proposals put forward by agencies, community organisations and Local Government."

And then:

10

"They will need to measurably improve liveability and will be selected based on their potential to drive transformational change and make Western Sydney a better place to live, work and play."

15

And then underneath - again, this is an overview - relevantly for the Council, you've got things like quality green and open spaces, community infrastructure, high street activation, and also local traffic programs. So that's - put very generally and broadly, they were the type of projects that the government was interested in investing in.

20

And if we just go down the bottom of that page, the 5 million - billion, I'm sorry, funding will be administered as the first one is the community project grants, and then the last one, 3 billion available to NSW Government agencies to deliver again transformational projects of benefit to local communities. And your - as it states, the funding that councils would be eligible for was that first dot point under the \$2 million, Local Government allocation?

25

MS TINSON: And the competitive round.

MS McDONALD: Right. Okay. Would you go to page 8, please? Can I take you to key dates. You can see there at the time of the launch it was anticipated that applications would open in May, they would close in July 2022. There would be an assessment process. Successful applicants advised progressively as projects are approved, then funding deeds executed and works commence from July 2022 and then program and expenditure ends December 2026, though projects that require a longer delivery timeframe will be considered.

35

COMMISSIONER: Ms Tinson, when answering, could I just ask you to speak a little closer to the microphone. There are some people watching online taking down everything we say, and we want to make sure we don't miss anything. Thank you.

40

MS McDONALD: I took you to, in the overview section, the type of projects that the scheme was going to focus on. There's some more detail about eligible projects commencing on page 12. You can see there:

45

"Eligible projects. Infrastructure projects must address one or more of six focus areas and again drive transformational change at a local or Local Government Area and demonstrate community support."

And then:

"The table below describes potential outcomes for projects that may be eligible against program focus areas."

5

And then, yes, on page 13, you can see there's things like green open spaces, so:

"Improves amenities and a variety of existing and new public spaces. Community infrastructure: Improving the amount and quality of public and community spaces; for example, improve public access to quality sport, recreation and community facilities."

10

And also on that page:

"High street activation. Improving amenities and safety across vibrant town centres."

15

And again at a very general level, the focus areas contained in this government document, the ones that I've just pointed out, they would be ones that a Local Government like Liverpool City Council would be interested in?

20

MS TINSON: Yes.

MS McDONALD: Would you then go to page 16, please, and then this is setting out the two steps to the assessment of projects. The first one, which is relevantly straight forward, Eligibility Review, so that's to make sure that if it's a council, it's a council which is one of the 15 eligible councils, et cetera, and then step 2 is the project assessment where more detailed information is provided to the council, which is then reviewed according to the assessment criteria?

25

MS TINSON: Yes.

30

MS McDONALD: Could you jump back to page 12, please. I took you to the section on eligible projects. There's also a section of co-contributions. Do you see that?

35

MS TINSON: Yes.

MS McDONALD: What was your understanding of that?

MS TINSON: If a council could support the project with other funds, they would put them in the application.

40

MS McDONALD: And if that was the case and the grant was made, there would be a requirement for that co-contribution actually to be made by the council.

45

MS TINSON: Yes.

COMMISSIONER: What's transformational change?

MS McDONALD: What's transformational change?

5 **MS TINSON:** Ask the government.

COMMISSIONER: Probably an unfair question.

10 **MS McDONALD:** Yeah. Now, in applying, the government provided business case templates, and depending on the amount of the grant that you were seeking, there was a particular template. So, for example, an application for a grant over a million dollars required completion of a particular business case template?

15 **MS TINSON:** Yes.

MS McDONALD: Would document INQ.026.001.0016 be brought up, and it can be live streamed. This is the first page of the template for Category B applications, and they were the applications that were for more than a million dollars. And if you would go through to page 3, it sets out the various contents and also guidance for
20 completing this particular template for the application?

MS TINSON: Yes.

25 **MS McDONALD:** Now - excuse me for a minute. Was it your understanding that under this scheme, Liverpool City Council made an application for a number of grants?

MS TINSON: Yes.

30 **MS McDONALD:** Would you bring up, please, document LCC.002.009.0029. It can be live streamed. Now, I understand this is not your document, but it's a memorandum prepared by Julie Scott to the Mayor and the councillors dated 11 October 2022. Subject matter:

35 "Update on WestInvest grant application processes."

If we can move a little bit forward, you can see there:

40 "Following an email request from Councillor Rhodes for the WestInvest applications, the memo provides an executive summary for each application."

And in the next paragraph you can see:

45 "Liverpool City Council submitted 22 applications seeking funds to the value of over \$442 million."

And, at that point, they had not been advised on whether those applications were successful.

MS TINSON: Yes.

5

MS McDONALD: And also, I think as you raised a little while ago:

"Council's Local Government non-competitive allocation of just over 27 million is expected to be notified shortly and in this document there are a number" -

10

It lists in summary form, for example, if we go to the bottom of the page, the first application was for Light Horse Park embellishment and upgrades, and there's just a brief summary of what the funding was for. And if you go to the next page, at the bottom of that page you'll see the request was for about just over \$27 million?

15

MS TINSON: Yes.

MS McDONALD: If you would go through to page 15. Just as an example, you can see there was an application for a grant for the Liverpool animal shelter, and at the bottom of that page, it was a request for about \$12 million. That was unsuccessful?

20

MS TINSON: Correct.

MS McDONALD: And if we go to page 16, there was an application for Liverpool Stadium at Woodward Park. Again, if you move to the bottom of the page, the request was for 9.8 million, total cost over 10 million, but, again, that was an example of one the unsuccessful applications?

25

MS TINSON: Yes.

30

MS McDONALD: And we're going to turn to them in a little bit more detail shortly, but there were six applications which were successful.

MS TINSON: Yes.

35

COMMISSIONER: Is the difference between the WestInvest request and the total project cost an example of one of those co-contribution type arrangements?

MS TINSON: That would be, yep.

40

COMMISSIONER: Yes. Thank you.

MS McDONALD: Would you please bring up document INQ.026.001.0012, and this can be live streamed. This is a NSW State Government document. You can see from its heading is Western Sydney Infrastructure Grants Program Executed Funding Deeds?

45

MS TINSON: Yep.

MS McDONALD: If we could move down that page. Can you read that?

5 **MS TINSON:** Yes. Yes.

COMMISSIONER: We can make it bigger?

10 **MS TINSON:** Thanks.

MS McDONALD: You can see in the first couple of - yes, that's fine. You've got \$2 billion in funding will be administered as follows, and it sets that out, and then under Program Term, it's got:

15 "The applications opened on 2 million, closed on 25 May 2022, successful projects announced in January and February 2023. Projects are expected to commence from September 2023, with the majority of projects to be completed by December 2027."

20 **MS TINSON:** Mm-hmm.

MS McDONALD: So from the dates that were in that original State Government announcement seem to have been expanded?

25 **MS TINSON:** Expanded, yep.

MS McDONALD: Yes. All right. And then you can see under Applicants:

"A total of 754 grant applications were submitted. 119 were successful."

30 **MS TINSON:** 191.

35 **MS McDONALD:** 191, sorry, were successful. And right at the bottom of the page, they start listing every - with the - I think it's primarily with the Local Governments or local councils - no, I'm sorry, I withdraw that. There are some other ones included as well. They're listing all the successful applications. And just to use as an example, if you would go to page 9 at the top, you can see Liverpool City Council, Light Horse Park embellishment and upgrades, a brief summary of what's involved, and that the grant involves over \$27 million?

40 **MS TINSON:** Yep.

45 **MS McDONALD:** And I won't take you to every one, but the six successful applications are listed in this document. Now, as part of the Council infrastructure that was developed to deal with the successful grants, was there a special program project control groups established?

MS TINSON: Yes, there was. A Project Control Group and a project delivery team.

MS McDONALD: Now, the Project Control Group, what's your understanding of their role?

5 **MS TINSON:** Their role is to support the project managers in the delivery of the projects.

MS McDONALD: And then the project delivery teams?

10 **MS TINSON:** Project - senior project managers and assistant project managers in three cases for our major projects, and then for our streets projects, we've got a slightly different structure where we have a senior project manager, and we have a civil design lead, and an urban design lead.

15 **MS McDONALD:** And the project delivery teams, are they the people who were actually doing - when I say doing the work, in a sense, at the coal face delivering the particular projects that are subject to the grant while the program project control groups are more a supervisory or oversight group?

20 **MS TINSON:** They - we've got a management accountant in that group, so manages the accounts for the group. We've got community engagement officer in that group, so manages community engagement for the project. So, yeah, it's a support - they're supporting roles to enable project managers to deliver.

25 **MS McDONALD:** To do the -

MS TINSON: Yes.

MS McDONALD: - coal face work?

30

MS TINSON: Yes.

MS McDONALD: Now, before turning to some of the successful grants, you gave evidence that your role as the program manager commenced in October 2023?

35

MS TINSON: Yes.

MS McDONALD: And did you have a role in any of the applications?

40 **MS TINSON:** Yes. I was working in the economic development team at the time, and I was helping coordinate the applications.

MS McDONALD: And in your current role as the program manager of these grants, you report directly to - is it the director of operations?

45

MS TINSON: Yes. Currently acting.

MS McDONALD: Acting director. Who's that?

MS TINSON: Peter Scicluna.

5 **MS McDONALD:** And do you have a team that works with you?

MS TINSON: So the project managers report to me.

10 **MS McDONALD:** And for each - no, I won't describe it in that way. You describe three major grants?

MS TINSON: Yes.

15 **MS McDONALD:** Were they the Brickmakers Creek?

MS TINSON: Yes.

MS McDONALD: The Carnes Hill Aquatic and Leisure Centre project.

20 **MS TINSON:** Yes.

MS McDONALD: And then the Light Horse Park embellishment and upgrades?

25 **MS TINSON:** Yes.

MS McDONALD: And with those three projects, they have their own project team -

MS TINSON: Yes.

30 **MS McDONALD:** - for each project.

MS TINSON: Yes.

35 **MS McDONALD:** You referred to a street scope project?

MS TINSON: Streetscape.

40 **MS McDONALD:** Sorry, Streetscape. Does that encompass the three other grants, which was the Macquarie Street upgrade project, the Railway Street upgrade project and the Scott Street upgrade project?

MS TINSON: Yes.

45 **MS McDONALD:** And those various project teams report to you?

MS TINSON: Yes.

MS McDONALD: Now, the Western Sydney program Project Control Group, there was a committee - internal committee charter developed for it?

5 **MS TINSON:** There's project control groups for each of the projects. Is that what you mean?

MS MCDONALD: I might bring up the document. You might be able to assist me. LCC.010.004.8033.

10 **ASSOCIATE:** Do you want this on the live stream?

MS MCDONALD: Yes, please. Can you see there the document is entitled Internal Committee Charter?

15 **MS TINSON:** Yes. So that's the program control group charter.

MS McDONALD: Is there - the Project Control Group, is there one Project Control Group for, for example, Woodward Place and another one for Carnes Hill Aquatic and another one for Macquarie - for Light Horse Park?

20 **MS TINSON:** So a total of four.

MS McDONALD: Four, right. And that reflects your description of three major projects and then the three Streetscape -

25 **MS TINSON:** Yes.

MS McDONALD: - projects. Right. And would you go to page 2, please. And under Purpose and Objectives, as you've just said:

30 "One will be established for each Western Sydney Infrastructure Grant Program project or combination of projects to provide oversight and decision- making for effective and transparent project delivery."

35 It also notes that:

"It's a requirement of the deed of agreement for each project."

40 And then if we go to page 3:

"It's an advisory group to provide recommendations and oversight on project delivery. It includes oversight of governance, transparency and accountability for the WSIG program portfolio."

45 And then identifies the three major projects and then the Streetscape Project?

MS TINSON: Yes.

5 **MS McDONALD:** If we could go to page 4. You can see there it's headed Membership, and I take it that if next to your name - your name appears on the second row. Under each of the projects and the group project, a colour appears. Does that mean you're a member?

MS TINSON: Correct.

10 **MS McDONALD:** And as you identified, if we move down to, I think, the first person's name is Damian Kiley.

MS TINSON: Kiley.

15 **MS GALLAGHER:** Kiley, sorry. He's the project manager, but for Light Horse Park, and hence is only a member of that particular Project Control Group?

MS TINSON: Yes.

20 **MS McDONALD:** And if we move to page 5, under section 7, you were to have monthly meetings?

MS TINSON: Yes.

25 **MS McDONALD:** You have an extraordinary meeting. Then can I take you to the last dot point:

30 "No member who sits on the Project Control Group will sit on the steering committee other than the director and project manager responsible for the WSIG program."

So that excludes you and the director, being the acting director?

MS TINSON: Yes. So that means that those two roles can sit on both those groups.

35 **MS McDONALD:** So you sit on the steering committee as well?

MS TINSON: Yes.

40 **MS McDONALD:** What is the steering committee?

MS TINSON: The steering committee is the next layer up in the governance structure, and that is comprised directors, general counsel and me.

45 **MS McDONALD:** And you described it as the next level up in governance structure, so is it like a supervisory oversight committee?

MS TINSON: Yes.

MS McDONALD: And it looks after or has oversight over the four projects?

MS TINSON: Yes.

5

MS McDONALD: Now, the first matter I want to - or project I want to take you to is Woodward Place and Brickmakers Creek project. To give an overview of the project, would you bring up INQ.026.001.0002.

10 **ASSOCIATE:** Do you want that on the live stream?

MS McDONALD: Yes, please. This is from the NSW Government website. Can I just ask you to begin with, Woodward Park, is that a large park which is located either in or near Liverpool CBD?

15

MS TINSON: Yes.

MS McDONALD: And Brickmakers Creek, is it a creek that runs through the park?

20 **MS TINSON:** Yes.

MS McDONALD: And the state of the creek in the past, has it deteriorated?

MS TINSON: It's a concrete stormwater drain.

25

MS McDONALD: Stormwater channel. Okay. Now, if we can just move down this page, just about About the Project, you can see it:

30 "Transforms current site from a largely inaccessible space into a naturalised water oasis surrounded by new trees and vegetation and a regional playground for the Liverpool community."

So just reading that description, the concrete stormwater channel is going to be turned - or hopefully transformed into a natural - what is a naturalised creek.

35

MS TINSON: Yes.

MS McDONALD: There is going to be more trees or new trees, vegetation, and there is going to be a regional playground?

40

MS TINSON: Yes.

MS McDONALD: And the scope is there on the left, which reflects the work that's got to be done to broadly achieve what I just put to you?

45

MS TINSON: Yes.

MS McDONALD: And then if we move - sorry, yes. That's perfect. Under Funding, the NSW Government funding was just over \$43 million?

MS TINSON: Yes.

5

MS McDONALD: And the co-contribution, which is coming from the Council, is about \$400,000?

MS TINSON: Yes.

10

MS McDONALD: And so the total project value is just over \$44 million. Okay. Would you bring up, please, INQ.023.001.0025, and it can be live streamed. On Liverpool City Council website, you - the Council also has a section which is dealing with development, current major works, and it picks up these projects that have - were the successful applicants for the grant?

15

MS TINSON: Yes.

MS McDONALD: And this one, which was accessed on 11 July of this year, is for Brickmakers Creek, Woodward Park, and, again, it - you can see it includes broadly two - a general description:

20

"Project activities will be the creation of open space, recreation and water-sensitive urban design."

25

And then the second aspect of it, if we go to page 2, includes:

"Passive and active recreation play infrastructure, picnic areas, and signage and safety features."

30

MS TINSON: Yes.

MS McDONALD: Excuse me for a minute. Now, there is a map that follows - I'll just jump over that for the minute because we've got a better map that I can take you to, but would you go to the bottom of page 2, please. You can see there:

35

"The project is in early stages of determining the design, and is scheduled for development over the next three years."

40

And then you have - or the Council has included some milestones, and milestones to be achieved.

MS TINSON: Yes.

45

MS McDONALD: So currently, there is:

"Development of detailed design early 2025, anticipated DA lodgement and public exhibition."

MS TINSON: Yep.

5

MS McDONALD: Okay. Would you bring up INQ.026.001.0001, and that can be live streamed. I'm hoping, Ms Tinson, that's going to be a better quality map, but the area in the - bounded by - the greater area bounded by the red, is that Woodward Park as a whole?

10

MS TINSON: Yes.

MS McDONALD: And just looking at it, you can see on the right-hand side there's a reference to a particular oval?

15

MS TINSON: Yes.

MS McDONALD: Hillier Oval?

20

MS TINSON: Yes.

MS McDONALD: The - Brickmakers Creek, it appears on the left-hand side of the map, and you can see that there's another area which has a thicker red line surrounding it?

25

MS TINSON: Yes.

MS McDONALD: Is that the area which broadly is Brickmakers Creek and the area which was - is going to be changed through this grant?

30

MS TINSON: Yes.

COMMISSIONER: Just the area that's not been faded out?

35

MS TINSON: The area enclosed by the thick red line.

COMMISSIONER: On the left-hand side?

MS TINSON: Yes, the west.

40

COMMISSIONER: The part that's been shaded over from that point over to Hillier oval is not part of the project?

MS TINSON: Correct.

45

MS McDONALD: And you can see that there's a blue double line. I take it that's the creek, is it?

MS TINSON: Yes.

5 **MS McDONALD:** So that was going to revert to a natural waterway, and then the regional playground I would assume may be placed in that kind of extended area to the right of the creek.

MS TINSON: Yes.

10 **MS McDONALD:** Now, before continuing with this particular project, is it your understanding that the Council had been looking at changes to the whole of the precinct of Woodward Park, which in 2018 led to the Council resolving to develop a Woodward Place Masterplan?

15 **MS TINSON:** Yes, but I wouldn't be fully across that.

MS McDONALD: Excuse me. Would document INQ.001.001.0436 be brought up. Now, this is the Council agenda for the ordinary Council meeting 30 May 2018 and if you would go through to page 130, and it can be live streamed if I haven't said
20 that. Now, Woodward Park may not have been under your area of responsibility or involvement at the time?

MS TINSON: No, not at that time.

25 **MS McDONALD:** I'll just show you this for some background, but you can see here this is a city corporate report dealing with the Woodward Park Masterplan?

MS TINSON: Yes.

30 **MS McDONALD:** And under Executive Summary:

"Council is developing a Masterplan to guide the delivery of Woodward Park."

And then in the third paragraph:

35 "To deliver the master plan, an important step will be the preparation of the brief concerning what could or be accommodated in Woodward Park in the future."

40 So this is kind of stage 1, they're getting a brief together which will eventually lead to the Masterplan. I won't take you to the minutes, but that report and its recommendation to develop a Masterplan was accepted by the Council. And then ultimately in October 2021, a Woodward Place Masterplan was presented to the Council and that's - if you would bring up document INQ.008.001.0041.

45 **ASSOCIATE:** Do you want that on the live stream?

MS McDONALD: Yes, please. And just looking at the first page, is that a photograph of at least part of Woodward Park, which I think demonstrates it's quite a large area?

5 **MS TINSON:** Yes.

MS McDONALD: No, no. We're not talking about like a relatively small area just looking at that?

10 **MS TINSON:** Okay. The whole thing? Yep.

MS McDONALD: And if you would go through to page 11, that sets out the current facilities, which include field sports, netball courts, a leisure centre, which is the Whitlam Leisure Centre, which I think has got a - has a pool in it?

15 **MS TINSON:** Yes.

MS McDONALD: And then across on the other side you've got some community facilities including community halls, ambulance services et cetera excuse me for a minute. And if you would go through to page 18, this is part of the Masterplan, was to create a state-of-the-art leisure centre, including pool and gymnasium. And then if you would go through to page 19, under Green Spaces:

25 "To provide passive open space for community health and wellbeing and important green grid connectivity."

And then under Location:

30 "Proposed open space is positioned along the creek corridor to protect water filtration function and biodiversity on site."

So the creek corridor is Brickmakers Creek?

35 **MS TINSON:** Yes.

MS McDONALD: Now, an application for the WSIG grant was made in respect of Brickmakers Creek. Would you bring up LCC.014.002.1081, and that can be live streamed. You can see at the top of the document it's got:

40 "Forms submitted 25 July 2022."

That was before you were appointed to your program manager role?

45 **MS TINSON:** Yes.

MS McDONALD: But did you have any input into this application?

MS TINSON: I was coordinating the applications for WestInvest.

5 **MS McDONALD:** And we'll probably see a couple of these applications, but just by the way they are set out, it's a pro forma, and you are filling in or completing different parts of the pro forma where certain questions or certain material is sought, or information is sought?

MS TINSON: Yes.

10 **MS McDONALD:** And could we go to page 2, please. Under Project Details, you can see the project title is Brickmakers Creek, Woodward Park. Under 1.2 is a brief summary:

15 "Improvements to Brickmakers Creek will deliver a regional playground."

Can I just ask, a regional playground, what's the significance of the description of it being regional?

20 **MS TINSON:** The idea is that it will service more than just the local people living in the neighbourhood. It would have appeal beyond that.

MS McDONALD: So it might have some kind of whiz-bang swings -

25 **MS TINSON:** Yes.

MS McDONALD: - or some other facilities?

MS TINSON: Yes.

30 **MS McDONALD:** All right. And then we get more detail under 1.3 Project Description, and a lot of this we've seen in some of those summary pages on websites, but it's:

35 "To naturalise the park."
Sorry:

40 "Naturalise the Woodward Park section of Brickmakers Creek in the heart of Liverpool. Naturalisation will provide revitalised green open spaces."
There's a reference to a First Nation Maria Lock Historic Walk and then:

45 "Key activities will be the creation of open space, recreation, water-sensitive urban design."

Et cetera. So from the project description, it's - and if we can go to the next page, this is made quite explicit under section 1.4, program focus areas, and I took you to those focus areas in the material issued by the government, it's clear that it's primarily:

5 "Quality green and open spaces and community infrastructure."

MS TINSON: Yes.

10 **MS McDONALD:** Now, the application has further details about what actually is entailed. It includes the Category B standard business case. Would you go to page 12, please, and under the Executive Summary, right down the bottom, we've got:

"Liverpool City Council is applying for a WestInvest funding to deliver a new regional play space."

15

There's a reference to the:

"1950s concrete drain, barren dirt, and one of Liverpool's busiest neighbourhoods will be transformed into the naturalised water oasis."

20

And then the application then goes into more detail about what the various work which will have to be undertaken and when it's anticipated that it will be done. And I'm not going to take you to all the details, but it goes for many pages so you clearly to have justify it. And then if you would go to page 36, under Project Implementation Budget, it is set out the various expense categories, including planning and development approval, construction, contingency, et cetera, and it would appear that the big-ticket item there is the 23 - over \$23 million for construction. Then if we go to page 37, the co-contributor, being Liverpool City Council, can contribute cash in the amount of \$400,000?

25
30

MS TINSON: Yes.

MS McDONALD: Then on page 41, under the section Key Milestones and Timeframes, it's anticipated design and contract will start in November 2022, finish in July '23, and then construction commencing in January '24, and finishing in May '26?

35

MS TINSON: Yep.

40 **MS McDONALD:** All right. Now, excuse me for a minute. The application was made, and in respect of that application, the Council was successful?

MS TINSON: Yes.

45 **MS McDONALD:** And - excuse me. To start the project moving, the next step is that a deed has to be entered into between the Council and the State Government?

MS TINSON: Yes.

5 **MS McDONALD:** Would you bring up document LCC.019.001.0002, and that can be live streamed. You can see on the first page, this is the Funding Deed. To get details of what it's - the funding deed concerns, if we can go to page 3, and under Project, Brickmakers Creek-Woodward Park. Correct?

MS TINSON: Yes.

10 **MS McDONALD:** If we could go to page 4. You've got the - if we can go further down the page, you've got the grant in the amount of just over \$43 million. The contingency amount - the WestInvest contingency amount - do you know what that represents?

15 **MS TINSON:** Yeah. That's an amount of money that you can't spend unless you get approval for. So you have to - for contingencies if something arises that was unforeseen.

20 **MS McDONALD:** Just as a hypothetical example, if there was suddenly a world shortage for a particular raw material or construction item that you needed, and you were going to have to pay more for that, you could go back under that contingency figure?

25 **MS TINSON:** Yes, potentially.

COMMISSIONER: Is that contingency figure part of the 43?

MS TINSON: Yes.

30 **MS McDONALD:** Right. Okay.

COMMISSIONER: Notionally, there was 33 million available, and, if approved by State Government, there was a contingency of just under 10.5 available?

35 **MS TINSON:** Yes.

MS McDONALD: And then the co-contribution of just over 400,000?

40 **MS TINSON:** Yes.

MS McDONALD: Would you go through to page 7, please. Now, under Term:

45 "Deed will commence on the commencement date. Unless terminated earlier, it will expire - end on the expiry of the maintenance period."
And then the general obligations:

"You must comply with special conditions."

And then:

- 5 "Ensure that the grant is only used for the approved project and ensure each activity is completed within the activity period in accordance with this deed, including the project budget."

- 10 And then if - excuse me - if we can move through, page 21, towards the bottom of the page, we've got the project budget, and we've got budget lines for Funding Deed. For example, we've got a description of itemised works, preliminaries, and the grant funding is about 2.6 million?

- 15 **MS TINSON:** Yes.

MS McDONALD: You see that?

MS TINSON: Yes.

- 20 **MS McDONALD:** And demolition and site preparation, just over 840,000?

MS TINSON: Yes.

- 25 **MS McDONALD:** The hard landscaping again is just over a million. So is this section setting out these are the type of tasks that you've said that you're going to do, and this is what we're allocating -

MS TINSON: Yes.

- 30 **MS McDONALD:** - under the grant for those activities?

MS TINSON: Yes. Those are estimates, yes.

- 35 **MS McDONALD:** And would you then please go to page 23. Towards the bottom of the page, there's a heading Number of Instalments?

MS TINSON: Yes.

- 40 **MS McDONALD:** And four instalments is ticked. And then you've got a heading Activity 1, and you've got:

" Instalment 1 amount - released upon funding deed execution, just over 4.6 million."

- 45 **MS TINSON:** Yes.

MS McDONALD: And then if we go to the next page, there are many dot points setting out work to be done, things to be done?

MS TINSON: Yes.

5 **MS McDONALD:** Would you then go to page 25. At the end of that list, there's a heading Additional Requirements and Evidence To Be Provided and some additional requirements, and then we've got Activity 1 Commencement Date 1 November '23, Completion Date 30 October 2024 and then a Reporting Date of November 2024. Would you just describe in respect of Activity 1 how all those different aspects set out there operate?

10 **MS TINSON:** So all of the listed activities are meant to be completed by 30 October 2024.

15 **MS McDONALD:** And once - if we go back to the bottom of page 23, the grant is being given in instalments?

MS TINSON: Yes.

20 **MS McDONALD:** So you get a first instalment of about 4.6 million once the deed's been signed?

MS TINSON: Yes.

25 **MS McDONALD:** That's provided to Council?

MS TINSON: Yes.

MS McDONALD: And then Council undertakes all the activities -

30 **MS TINSON:** Yes.

MS McDONALD: - on the next two pages, and I'm not going to take you to in detail, and those activities are to be completed by 30 October 2024?

35 **MS TINSON:** Yes.

MS McDONALD: And then the idea of the reporting date is, within that month, you provide a report back to the State Government saying, "This is what we said we would do under the deed, and, basically, we've done it all."

40 **MS TINSON:** Basically ticking off those activities, yes.

MS McDONALD: What happens if you're undertaking the work, and you determine that you're not going to be able to finish all this work by the nominated date 30 October?

45

MS TINSON: There is a variation form to fill in, and that's in the same SmartyGrants system that the government is using.

5 **MS McDONALD:** So you can seek an extension of time to complete an activity?

MS TINSON: Yes.

10 **MS McDONALD:** And is it also responsible to seek variation of the scope of the project?

MS TINSON: Yes.

15 **MS McDONALD:** All right. If we go back to page 25, right down the bottom we've got Activity 2, and it just takes the same format. You've got the instalment amount for Activity 2, which is just over 5.6 million?

MS TINSON: Yep.

20 **MS McDONALD:** And we go to the next page. We then - you have, sorry, set out in the deed are the various activities that have got to be undertaken?

MS TINSON: Yes.

25 **MS McDONALD:** Page 27, please. We've got additional requirements and evidence to be provided, and then we've got those key dates set out?

MS TINSON: Yes.

30 **MS McDONALD:** And I won't take you to it in detail, but if we go down towards the bottom of the page, we've got Activity 3, and it's the same format?

MS TINSON: Yes.

35 **MS McDONALD:** And was - is it the expectation, for example, the 5.6 million instalment for activity for Activity 2, once you've finished Activity 1 within the time period, the next instalment amount will then be paid to the Council for Activity 2?

40 **MS TINSON:** Only if you fully expended the first instalment. So you can complete the activity, but not have spent everything. So when you report on the activity you have to acquit - provide all your invoices, so they will be able to see how much you've spent.

45 **MS McDONALD:** So if there is still some money remaining from Activity 1, that has to be expended, and then you can get your next instalment for Activity 2.

MS TINSON: Yes.

COMMISSIONER: I don't know whether this a realistic example or not, but if you came in under on Activity 1, would the remaining portion be taken into account on your instalment that you might get for Activity 2? Is that how it would work?

5 **MS TINSON:** You keep spending Activity 1's instalment until it is fully expended, and then they'll give you Activity 2's instalment.

COMMISSIONER: Would you - but if you'd completed Activity 1, and let's say there's \$100,000 left in the Activity 1 instalment -

10

MS TINSON: Yes.

COMMISSIONER: - that 100,000 would be applied to Activity 2?

15 **MS TINSON:** Activity 2, yes. That has to be spent before you can claim the next instalment.

COMMISSIONER: Thank you.

20 **MS McDONALD:** Excuse me. For - and could we jump back to page 19. I didn't take you to this page. This is the page for the execution of the deed, and you can see down the bottom of the page there are signatures of relevant Council authorised officers?

25 **MS TINSON:** Yes.

MS McDONALD: And then, across the page, counterpart signatures for people from the State Government?

30 **MS TINSON:** Yes.

MS McDONALD: Keep on going?

MS TINSON: Yes.

35

MS McDONALD: Now, the progression of the Brickmakers Creek project, putting to one side - no, no. Sorry. I withdraw that. The progression of the Brickmakers Creek project, was there a need to make an application for a variation dealing with the time of completion of the first lot of activities?

40

MS TINSON: Yes, because it took - I think it took a bit longer than we anticipated for the deed to be signed, so we couldn't really recruit the project managers until we knew that it was secure, so that set us back a bit.

45 **MS McDONALD:** Would document LCC.016.003.0314 be brought up.

COMMISSIONER: Yes. Madam associate, can we get Ms Tinson some more water once that document's up.

MS McDONALD: Excuse me for a minute.

ASSOCIATE: Do you want that document live streamed?

MS McDONALD: Yes. Thank you. This is a variation request being made to the State Government?

MS TINSON: Mm-hmm.

MS McDONALD: You can see if we move a little bit down that page, project title Brickmakers Creek-Woodward Park. Further down on that page, it reminds us of the project funding and the contingency amount. And then if you go across the page, there's some further information. You're giving - project's commenced. You give a very - a summary of work that's been undertaken. And then towards the bottom of that page, we've got:

"What type of what type of variation are you requesting?"

And it's:

"Change of time - to time."

And then:

"Please provide a short description of the type of variation required: 'Extension of time for activity 1'."

And then would you go to page 3, please. You can go to the bottom of that page. No, stop there. That's fine. Sorry. Activity 1, the approved completion date was 30 October 2024. You sought a variation so it could be completed by 30 April 2025.

MS TINSON: Yes.

MS McDONALD: All right. And it's your understanding that that application for the variation, extending the time for Activity 1 to be completed, was granted?

MS TINSON: Yes.

MS McDONALD: Would you bring up document LCC.014.002.1188, please. This a letter addressed to Mr Breton. If we move down the page, you can see it refers to the application to vary the deed of - for Brickmakers Creek, and it's been - it states that:

"The Grants Management Office wishes to advise that your variation request to amend the scope and activity dates of your project have been approved."

And then there's reference to an attached Schedule A. Do you see that?

5

MS TINSON: Yes.

MS McDONALD: This document, which is dated 1 October 2024, have you seen it before today?

10

MS TINSON: I probably would have.

MS McDONALD: All right. The variation that was sought was purely about Activity 1 -

15

MS TINSON: Yes.

MS McDONALD: - and the date of compliance of it?

20

MS TINSON: Yes.

MS McDONALD: The topic that we're going to move to shortly is an application for a larger variation dealing with the scope of work to be conducted.

25

MS TINSON: Yep.

MS McDONALD: Is it your understanding that what was sought and approved last year in October was only that hearing date?

30

COMMISSIONER: Hearing date.

MS McDONALD: Sorry. The date of -

COMMISSIONER: No changes to hearing dates.

35

MS TINSON: Yes. If - what was the date we put that variation in? The one you were referring to before?

MS MCDONALD: The variation form was submitted 16 August 2024?

40

MS TINSON: Yes. So that would relate to that, yes.

MS McDONALD: All right. You might not be able to assist me with this. Documents are sought via notices issued by the Commissioner to a number of parties, obviously including the Council, and we get documents back. The document that we've got back which seems to flow from this letter from the Grants

45

Management Office, if we would go to page 2 of that document, can you see there's script in - excuse me for a minute.

COMMISSIONER: Is that a convenient time, in any event?

MS McDONALD: Yes. That's very convenient.

COMMISSIONER: Ms Tinson, we're just going to take the mid-morning break, so we'll start again at 5 to 12?

MS TINSON: All right.

COMMISSIONER: If you wouldn't mind being back a couple of minutes before then, I'd be grateful, and we'll adjourn until 5 to 12.

<THE HEARING ADJOURNED AT 11.33 AM

<THE HEARING RESUMED AT 12.02 PM

MS McDONALD: Ms Tinson, I was asking you some questions about a document LCC.014.002.1188. Would you please bring that up, and it can be live streamed. Would you go back to the first page? I showed you this page of a document that was produced to the Commissioner and it appears to be the approval by the Minister of the variation seeking an extension of time to complete activity 1?

MS TINSON: Yes.

MS McDONALD: The way the document has been presented, or produced, I'm sorry, to the Inquiry, we then move to page 2. You can see that's headed Schedule 2 Project Details and Instalment Form and there is text in yellow, which is - which then has a strikeout line through it, text highlighted in green and then towards the bottom of that page, text highlighted in blue. If we would go to page 5, please. Right down the bottom of that page, there's a key, and you've got yellow strike-through text to be removed, blue tasks moved, green, new tasks?

MS TINSON: Yep.

MS McDONALD: Would we go back to page 2. Using that key, the first paragraph - and I've taken you to this before - project is to naturalise Woodward Park, a section of Brickmakers Creek et cetera. That's been deleted, and then you've got in green "new tasks", and you can see with the second dot point a reference to an amphitheatre and a Wave structure.

MS TINSON: Yes.

MS McDONALD: Now, as at October 2024, this idea or concept of an amphitheatre and a Wave structure, had that been raised with you within Council?

MS TINSON: No.

MS McDONALD: Is that something that has arisen this year?

5

MS TINSON: Yes.

MS McDONALD: And I'm about to take you to some documents which look at an application to seek a further variation of the agreement?

10

MS TINSON: Yep.

MS McDONALD: So in respect of the variation sought and approved in about October last year, page 2 and what follows - and I won't take you to everything that follows - seems to have mistakenly been attached in some way to the Minister's letter of 1 October?

15

MS TINSON: Yes, I agree.

COMMISSIONER: So that gets back to the extension in October was solely the six months from October 2024 to April 2025 for phase 1?

20

MS TINSON: Yes.

COMMISSIONER: And this document relates - although attached as produced to us to the 1 October letter, relates to something that happened later?

25

MS TINSON: Yes.

MS McDONALD: Yes, during this year.

30

COMMISSIONER: Thank you.

MS McDONALD: And my learned friend and I have had a discussion about it, and we're making some inquiries about how what appears to be a mishap has occurred.

35

COMMISSIONER: Yes. Thank you.

MS McDONALD: Excuse me for a minute. That's probably a segue into what has been happening this year in respect of this grant. I took you to that new task which refers to an amphitheatre and a Wave theatre, is it? Is that a matter that's arisen during 2025?

40

MS TINSON: Yes.

45

MS McDONALD: And I'll start at a very general level. Is that a proposal that the Council is currently considering?

MS TINSON: Yes.

MS McDONALD: When were you first alerted to this possible new project?

5

MS TINSON: March 2025.

MS McDONALD: Who raised it with you?

10 **MS TINSON:** I was invited to go to a meeting that was organised by the CEO.

MS McDONALD: Where was the meeting held?

MS TINSON: Probably the CEO's office.

15

MS McDONALD: What I was getting at, you didn't go offsite to view anything at that stage?

MS TINSON: No.

20

MS McDONALD: When you went to the meeting in about March with the CEO, what did he raise with you?

MS TINSON: That Council had received an unsolicited proposal for an amphitheatre.

25

MS McDONALD: And was the CEO interested in it, or was it to progress in any way?

30 **MS TINSON:** Yes. To progress through our unsolicited proposal process.

MS McDONALD: Right. Now, would you excuse me. Would you just excuse me for a minute. I'm sorry. This has been raised with me beforehand.

35 **COMMISSIONER:** Yes.

MS McDONALD: We may be moving into an area of confidential information, and I understand my learned friend will have an application and I think I am about to -

40 **COMMISSIONER:** Get into that area.

MS McDONALD: Yes.

45 **COMMISSIONER:** What's the - in a general sense without giving anything away, Mr Emmett, what is the nature?

MR EMMETT: In a general sense, the nature of the unsolicited proposal is not in the public domain, it will lead to a tender process that is forthcoming, and so there is - information about it is commercially sensitive.

5 **COMMISSIONER:** I understand. Is what I'm now going to describe as the usual form of order with the adjustment I made to it this morning appropriate?

MR EMMETT: It is, Commissioner.

10 **COMMISSIONER:** All right. Is there any difficulty with anybody who is in the room remaining in the room?

MR EMMETT: No.

15 **COMMISSIONER:** And is it appropriate to do this next session in private session?

MR EMMETT: Yes.

MS McDONALD: Yes.

20 **COMMISSIONER:** All right. Pursuant to section 12B subsection 2, I direct that this next passage of this hearing take place in private and that those who are in the hearing room can remain. I also direct pursuant to section 12B (1) of the Royal
25 Commissions Act that the transcript of any private session of this hearing not be published other than to the legal representatives of the authorised parties, subject to the qualification to that direction that I read onto the transcript this morning and from here on I shall describe it as the usual form of order. And we'll go into private, and I'll just wait for the nod.

30 <THE HEARING ADJOURNED TO PRIVATE SESSION AT 12.12 PM

<THE HEARING RESUMED AT 2.42 PM

COMMISSIONER: All right. We're back in public session.

5 **MS McDONALD:** Ms Tinson, I'm now moving to the second large project that was successful in its application for a grant. That is the Carnes Hill Aquatic and Leisure Centre project.

Would you please bring up document INQ.026.001.0004.

10

This is the page from the State Government's website dealing with these grants. The summary of this project is that it's going to deliver:

15 "A new aquatic and leisure centre to enhance the Carnes Hill recreational and community precinct. New facilities will complement the adjacent new multipurpose sports courts and sporting fields, et cetera."

And if we can have a quick look under the project scope, it includes:

20 "A 50 metre indoor pool, a learn to swim pool, a leisure pool, and competition change areas.

Amongst some other aspects. And have a look at the right-hand side of that page. The total funding was just over \$53 million?

25

MS TINSON: Yep.

MS McDONALD: And there doesn't appear, on this page, to be any contribution from the Council?

30

MS TINSON: Correct.

COMMISSIONER: This is - is this an entirely new facility, or replacing something that's already in existence? Do you know?

35

MS TINSON: Entirely new.

40 **MS McDONALD:** And if we go to document INQ.023.001.0024, this is the corresponding page, in a sense, the Liverpool City Council. Now, I think we might actually have two versions of this, sorry. So that one, I think, is - has been recently updated, but I take it the photograph is a photograph of what is anticipated with the new aquatic centre?

MS TINSON: That's a concept drawing.

45

MS McDONALD: Yes. Reported in this version is the project's in its early phase of determining the design within the allocated budget. Scheduled for development over

the next four years. And then across the page, there are the various dates, and it's got also comments that:

5 "The project is an outcome of the Carnes Hill Recreational Precinct Revised Stage 2 Masterplan which was adopted by the Council in November 2024."

MS TINSON: Yep.

10 **MS McDONALD:** Excuse me for a minute. And I think recently it's been updated that page, and if we can go to INQ.023.001.0019. That's the same page but accessed at a later - sorry. The first page I showed you was accessed on 11 July at 11.43 am. This has been accessed on the same day, but later in the afternoon, and the major change appears to be on page 2 with the milestones. So there seems to be some addition of milestones, including late 2026 remediation and early works, which I
15 think has been - and an addition to things like development of concept design, development of detailed design before the DA's lodged?

MS TINSON: Yeah.

20 **MS McDONALD:** Now, without going into great detail, you saw on that web page there was a reference to it's an outcome of the Carnes Hill Recreational Precinct Revised Stage 2 Masterplan.

25 **MS TINSON:** Yes.

MS McDONALD: Is it your understanding that from about July 2019, the Council adopted different aquatic and leisure centre strategies, which also involved use of consultants and then provision of reports to the Council, which eventually led to the Carnes Hill Revised Stage 2 Masterplan? So they were looking at different pools
30 within the Local Government Area or area where they thought that a pool is necessary?

MS TINSON: It was an aquatic strategy.

35 **MS McDONALD:** Yes.

MS TINSON: If that's what you're referring to.

40 **MS McDONALD:** And the aquatic strategy then led to various master plans being put up to Council and ultimately adopted?

MS TINSON: There was, I think - there was an amended Masterplan as a result of that aquatic strategy.

45 **MS McDONALD:** Not intending to take you through each kind of iteration of the various master plans, but if we can turn to the plan that was subject to a resolution of Council in December 2022, INQ.001.001.0997.

ASSOCIATE: Do you want that on the live stream?

5 **MS McDONALD:** Yes, please. Excuse me for a minute. And would you go to page one - sorry, to start with, you can see that's Council agenda for the Council meeting of 14 December?

MS TINSON: Yes.

10 **MS McDONALD:** Would you go through to page 195. This is the Carnes Hill Recreation and Community Precinct Stage 2 Revised Masterplan 2022. If you have a look at the Executive Summary, it refers first to November 2018:

15 "The Council resolved to investigate a suitable use for the site known as Carnes Hill Recreation Precinct Stage 2."

It then goes through the various master plans, et cetera, and if we could then go to page 196, there is a reference to:

20 "Key features of the revised CHRPS2 recommended in the report referred to above include an indoor aquatic centre but only a 25-metre pool."

MS TINSON: Yes.

25 **MS McDONALD:** And then you can see if we go to the bottom of the page, the recommendation included receiving and noting this report, and then adopting the Revised Masterplan, which had the 25-metre indoor pool. Would you bring up INQ.001.001.0999, page 15. Page - sorry, that's the minutes of 14 December, and you - if we can go to page 15, you can see there the Carnes Hill - the subject is
30 Carnes Hill Revised Masterplan and the resolution that the Council adopt the Revised Masterplan was carried.

MS TINSON: Yep.

35 **MS McDONALD:** So from a Council perspective, that in December 2022 was the position with the Masterplan of the Council. The - excuse me. I'm sorry, can you just excuse me for a minute. Sorry about that. Could we bring up document LCC.002.009.0029. I showed you this document before. This was a summary document prepared by Julie Scott with all the applications, and could we go to page
40 5, please. This is for the Carnes Hill Aquatic and Leisure Centre. It is a description of, or a summary of, what the application involved, and if you move down the page, can you see it's about the fourth paragraph, which commences:

45 "The new indoor aquatic and leisure centre includes a 50-metre competition pool, indoor learn to swim pool, indoor leisure pool, steam and sauna areas, et cetera."

I don't - we don't appear to have the actual application for Carnes Hill Aquatic and Leisure Centre, but from this summary it would appear that the application was for a 50-metre pool?

5 **MS TINSON:** Correct.

MS McDONALD: Now, as we've obviously seen, that application for the grant was successful?

10 **MS TINSON:** Yes.

MS McDONALD: Would you bring up document LCC.019.001.0001.

ASSOCIATE: Live streamed?

15

MS McDONALD: Yes, thank you. That's fine. This is - we've seen this type of document before. It's the deed - funding deed. Would you move to page 3, please. Under Project, it's listed that this is the Carnes Hill Aquatic and Leisure Centre. If you turn to page 4, we've got the grant in the amount of about - just over 53 million with no co-contribution?

20

MS TINSON: Yep.

25 **MS McDONALD:** And if you would move to page 20, right down the bottom, Schedule A. Project Details and Instalment Form. After the preliminary comments, if you go across the page to page 21, under Stage 2:

"In the northern parcel of the precinct is envisaged to include a major new indoor aquatic and leisure centre, including the 50-metre competition pool."

30

MS TINSON: Yes.

MS McDONALD: And so that was within the scope of work that was covered by this grant.

35

MS TINSON: Yes.

MS McDONALD: Excuse me for a minute. Now, that deed was dated - can we just double-check that. If you just go up.

40

COMMISSIONER: 16 November, I think.

45 **MS McDONALD:** Yes. 16 November 2023. Now, after the deed was entered into, in 2024 was there a discovery about the costing of the project and the grant that had been given?

MS TINSON: Yes.

MS McDONALD: What was the problem?

5 **MS TINSON:** That the \$53 million was not going to cover everything in the scope of the deed.

MS McDONALD: When was that discovered?

10 **MS TINSON:** That was when we had the project team on board in April 2024, and they started to get cost plans. They also had an architect on board, so they were doing cost plan and designing.

MS McDONALD: And that was about April 2024?

15 **MS TINSON:** Yes.

MS McDONALD: So roughly about five months after the signing of the deed.

20 **MS TINSON:** Yes.

MS McDONALD: Now, could document LCC.016.003.0331 be brought up.

ASSOCIATE: (Indistinct).

25 **MS McDONALD:** LCC.016.003.0331.

ASSOCIATE: Will that be live streamed?

30 **MS McDONALD:** Yes, please. Now, this is a document that's been produced to the Inquiry. You can see it's headed Carnes Hill Aquatic Centre Variation Application?

MS TINSON: Yep.

35 **MS McDONALD:** And then it commences with an outline of what has occurred, and maybe we can just progress through the document, and I'll just draw your attention to the table underneath Program. The last entry is April 2025, where it speaks about the project team formally submitting a variation for approval.

40 **MS TINSON:** Yep.

MS McDONALD: And then if we can just keep on moving through the document - I think that's the end of it. Did you draft that document?

45 **MS TINSON:** No, that was a senior project manager.

MS McDONALD: And that is the senior project manager for the Carnes Hill Aquatic Centre?

MS TINSON: Yes.

MS McDONALD: And what's that person's name?

5 **MS TINSON:** Luke Morley.

MS McDONALD: Luke?

10 **MS TINSON:** Morley.

MS McDONALD: There was a date that I draw your attention to April 2025?

MS TINSON: Yes.

15 **MS McDONALD:** Do you know when this was prepared? If there was an entry of April 2025, it would suggest it was -

MS TINSON: Yes, I think this was before the variation, and I think it said - did the

20 variation go in in April -

MS MCDONALD: It was around that time?

MS TINSON: It would have been prepared over, yeah, preceding -

25 **MS McDONALD:** Can I - as the project manager for the grants and the work being undertaken from the grants, you became alerted to the difficulty or the problem between \$53 million grant and it's going to cost a lot more?

30 **MS TINSON:** Mm-hmm.

MS McDONALD: Could we go back to page 1. Just the first couple of paragraphs. It refers to the initial grant of about 53 million and then:

35 "Subsequent cost assessments have indicated a significant funding shortfall, necessitating additional funding efforts and scope modifications."

Then the next paragraph:

40 "Following the execution of the deed, the Council received an updated cost plan information in April."

Is that referring to your evidence that you got the project team on board? They started looking at costings and engaging, I take it, contractors and people like that?

45 **MS TINSON:** Yes.

MS McDONALD: And that's when the discrepancy became evident?

5 **MS TINSON:** There had been a cost plan back in 2023 that was looking - that, I think, looked like it was about 60, but we didn't have the resources to look into it at the time. So it wasn't until we got this team on board that we were really able to look at it.

10 **MS McDONALD:** When you said we - about the cost plan where it was anticipated to be about 60 million, and you didn't have the resources to look into that, so you didn't have the people -

MS TINSON: That's right.

15 **MS McDONALD:** So in respect of these grants, when the work is commenced, you bring in specialist people to work on the kind of project team?

MS TINSON: Yes. So we were able to employ people.

20 **MS McDONALD:** And from that second paragraph, it says:

"The cost estimate for the project delivery was initially assessed at 93 million, and then, due to the substantial variance, an independent cost plan was commissioned, confirming the revised cost project plan" -

25 Sorry:

"...revised project cost to be 99.7 million?

30 **MS TINSON:** Mm-hmm.

MS McDONALD: And then there's a reference to Turner and Townsend providing an updated cost estimate that placed the project budget's shortfall at 39.6, then there was a second independent cost analysis that's confirmed a total project cost of about \$100 million?

35 **MS TINSON:** Mm-hmm.

40 **MS McDONALD:** So relying on kind of the worst-case scenario that's been provided to you - sorry - provided to the Council, you got a grant of 53 million, but the work that's covered in the scope of that grant could cost up to 100 million?

MS TINSON: Yes.

45 **MS McDONALD:** And that was discovered through April 2024?

MS TINSON: Yes.

5 **MS McDONALD:** Have you - I know you've - and I'll ask some questions in a minute what you have done in respect of that downfall - sorry - that difference between the grant and the actual cost, but has the Council actually looked at why that discrepancy occurred? Because it appears, just looking at those facts, to be a substantial difference, and a difference that became evident in a relatively short period of time between the application and the grant being given, and then the discovery of the deficiency.

10 **MS TINSON:** I don't think we've really been able to pinpoint every single detail, but what we think the original costs were based on was a 2020 very high-level Masterplan, and it wasn't - it was very high level, and it wasn't perfect by any means, and there was a cost plan associated with that, but that was for the whole site, including sports fields in the north, as well as an aquatic centre. And that cost plan did not include what's known as escalation, which is when you have a date you know
15 you're going to deliver your project by, you would add escalation costs that would conform with that date. So that plan didn't have escalation. But there was also increases in price due to COVID over the ensuing - where are we now - five years. Yeah. So that's sort of where we think discrepancies were.

20 **MS McDONALD:** Not being critical, but you said, "We think this is it."

MS TINSON: Yes.

25 **MS McDONALD:** Has some kind of examination or investigation been undertaken by the Council as to the reasons for the discrepancy?

MS TINSON: Well, we have looked into it, and that's where we have concluded.

30 **MS McDONALD:** Have you bought in somebody independent from outside -

MS TINSON: No.

MS McDONALD: - to review it?

35 **MS TINSON:** No.

MS McDONALD: Is there any plans to do that?

40 **MS TINSON:** No.

MS McDONALD: The original costing, which you described as being at a high level, when you say "high level", what do you mean by that?

45 **MS TINSON:** Well, it's based on a master plan that doesn't have detail, doesn't have a timeframe. It didn't - I don't think it had measurements and things like that, how big the centre would be. It was not - it wasn't a high level of detail. It's - that master plan

assumed that high-tension wires could be underground - undergrounded - when they couldn't, so that would have added to the cost.

5 **MS McDONALD:** So there were some assumptions also in the master plan that didn't eventuate?

MS TINSON: Yeah. But that master plan would have needed to evolve, I think. The closer you get to a project, the cost plans get more accurate at that point.

10 **MS McDONALD:** But this seems -

MS TINSON: It was 2020.

15 **MS McDONALD:** What was 2020?

MS TINSON: The master plan.

MS McDONALD: The master plan. So even though the application was made in 2022 -

20 **MS TINSON:** Yes.

MS McDONALD: - it relied on figures in a 2020 -

25 **MS TINSON:** We're not sure. We think so. The figures were provided by the community planning team who had responsibility for the master plan. I don't know exactly where they got it figures from. The people - the people who provided it aren't with Council.

30 **MS McDONALD:** No longer with Council?

MS TINSON: Correct.

35 **MS McDONALD:** Would you excuse me for a minute. Still on this page, if you - excuse me. If you move towards the bottom of this page, the paragraph:

"To address this financial shortfall, the WSIG project team first explored the possibility of securing additional funding. This matter was discussed at the SteerCo meeting held on 2 July 2024."

40 What's the SteerCo meeting?

MS TINSON: We had, I think, an extraordinary meeting of the SteerCo. The SteerCo is the -

45 **MS MCDONALD:** What's that?

MS TINSON: When I spoke about the governance before, we've got the PCGs and each - and then the SteerCo above that, and the SteerCo is directors, operation, community and lifestyle, corporate services and general counsel and, yep. The SteerCo.

5

MS McDONALD: Is there a particular - the steering committees, they've got jurisdiction over all the various projects that receive the grant?

MS TINSON: That SteerCo is - yes, specific for the WSIG projects.

10

MS McDONALD: Excuse me. Would document LCC.020.001.0003 be brought up.

ASSOCIATE: Do you want that live streamed?

15 **MS McDONALD:** Yes, please. Now, this is SteerCo meeting number 5 held on 2 July 2024?

MS TINSON: Yes.

20 **MS McDONALD:** You can see that you're included as an invitee. If we continue down the page under section 4, under Carnes Hill Project Delivery, it reiterates the problem that:

25 "The current cost estimate show that to deliver all scope would be 93 to 100 million, which exceeds available funds. Initial costings shows that a substantial start can be made on the Masterplan to deliver an aquatic centre, but the Council will not be able to deliver all components outlined in the deed of agreement in the Masterplan."

The deed of agreement is the deed with the State Government?

30

MS TINSON: Yes.

MS McDONALD: Then:

35 "The Council needs to decide on an approach to deliver the project within budget, and then it will need to notify the Grant Management Office to update them and to seek a variation."

And then if we move to page 2, under Financial Feasibility:

40

"Current project exceeds available funds. Little appetite for the Council to get a loan for the project. Council has factored the operation of the aquatic centre into its long-term financial plan."

45 Your understanding of that statement, that it's been factored into the long-term financial plan, it that in respect of revenue that's - would be generated by -

MS TINSON: I'm not really good at that side of things, but I think it's maintenance and revenue.

MS McDONALD: And also those costs of maintenance, et cetera?

5

MS TINSON: I believe so.

MS McDONALD: All right. And then if you look under Decision:

10 "Actions Agreed: Change in scope is required, then obtain independent QS review of four costed options.

And we've got the first two with a 25-metre pool, the second one includes a 25-metre pool with gymnasium, then a 50-metre outdoor pool with gymnasium, and then a
15 50-metre outdoor pool without gymnasium:

"Obtain independent operational costings. Compare the costings, and then report the budget findings to the steering committee."

20 Then you've got a heading Reputational Risk:

"The Council's committed to a 50-metre pool and associated amenities publicly, and deviating from this commitment could lead to community dissatisfaction."

25 And then under Program Delays:

"The program is currently 4.5 months behind schedule. Further delays are anticipated if scope changes require Council approval, essentially pushing decision post-caretaker" -

30

Okay. That's the care-taker period leading up to this -

MS TINSON: The election.

35 **MS McDONALD:** Elections. All right. Now - excuse me. And is it your understanding that at the 12 November 2024 extraordinary meeting of Council, the issue with the Carnes Hill Aquatic Centre was raised?

40 **MS TINSON:** It was raised with the Council at a briefing session - oh, they had their induction day in mid-October, and we went along to that, and started to explain the situation, but, obviously, it wasn't the greatest day because it was induction. They had lot of other stuff on. And then I think we went back to a briefing session because we were trying to get to the October Council meeting.

45 **MS McDONALD:** All right. Excuse me for a minute. Would document INQ.001.001.1113 be brought up, please.

ASSOCIATE: On the live stream?

MS McDONALD: Yes, thank you. Now, you can see there's - on the first page of the agenda for the extraordinary Council meeting?

5

MS TINSON: Yes.

MS McDONALD: And would you move through to page 5.

10 **MS TINSON:** This is a report - the amended Masterplan design, and if we can have a look at the Executive Summary. Here it refers to the grant.

"The current Carnes Hill Aquatic and Recreational Masterplan requires a revision so a viable centre can be delivered to the community with the available funds."

15

Then the report recommends:

20 "The revision of the Masterplan to 25-metre indoor pool that can be delivered within the grant funding, a staged approach to future components of the plan if funds become available, and the redirection of 4.265 million internal reserve that will be - supplement the budget."

25 So that's the recommendation. If we can go to the minutes, which is INQ.001.001.1114. Yes, please. They're the minutes of the extraordinary meeting, and can you go through to page 3. The motion in the first paragraph seeks the revision so that it's an indoor 25-metre pool. You see that?

MS TINSON: Yes.

30 **MS McDONALD:** Then there's the redirection of 4.265 million. What's the Liverpool Council's Biochar Enterprise?

MS TINSON: I'm not sure what that was, but that was where the money was -

35 **MS MCDONALD:** All right.

MS TINSON: - at the time.

40 **MS McDONALD:** Then point 3 are some further amendments to the Masterplan, and then point 4:

45 "Direct the acting CEO for Council staff to investigate taking legal action against any consultant that provided fundamentally fluid reports, studies or surveys to the Council with respect of Carnes Hill Stage 2. Report back to the Council about any legal action, and provide Council with all previous reports with regards to Carnes Hill."

Now, just to finish this off, you can see the resolution was put to the meeting and carried?

MS TINSON: Mm-hmm.

5

MS McDONALD: The fourth point of an investigation against any consultant, to your knowledge, has that been undertaken?

MS TINSON: That was undertaken by the general council.

10

MS McDONALD: Was there a report back to Council about that?

MS TINSON: I think there was a confidential report to Council, but I didn't see it.

15

MS McDONALD: And do you know if anything has come of that?

MS TINSON: I do not.

MS McDONALD: As to whether legal action has been -

20

MS TINSON: I don't think.

COMMISSIONER: Is the revision to the Masterplan the Masterplan that you took the witness to from 2022? Is that the one that was to be revised by this resolution?

25

MS McDONALD: That's my understanding, yes, but it had a 25 -

COMMISSIONER: Didn't that have a 25-metre pool in it?

30

MS MCDONALD: Yes.

COMMISSIONER: Do you understand what the revision was to be?

MS TINSON: There was another intervening report in February 2023 that put a 50-metre pool back in.

35

COMMISSIONER: I see.

MS TINSON: So it had to be changed again.

40

MS McDONALD: All right. So the Revised Masterplan I took you to wasn't - before this arose wasn't the final one?

MS TINSON: I can't remember.

45

MS McDONALD: There have been many?

MS TINSON: There were quite a lot. Yeah. I can't remember what - possibly the February '23 was the most recent before that one.

5 **COMMISSIONER:** Something happened around that time to get the 50-metre pool back in.

MS TINSON: Yes.

10 **COMMISSIONER:** Whether it was a revision to a Masterplan or something else?

MS TINSON: Yes. But the - yes.

15 **MS McDONALD:** I'm just looking at my notes. Would you just excuse me for a minute. Could document INQ.026.001.0005 be brought up.

ASSOCIATE: Would you like that document shown on the live stream?

20 **MS McDONALD:** Yes. Can you see this is entitled Carnes Hill Aquatic and Recreational Precinct Masterplan Design 2024? And if you go across to page 2, it's got Issue 1 Masterplan Design Issue 15 November 2024?

MS TINSON: Mm-hmm.

25 **MS McDONALD:** I think the question of the 25-metre or the 50-metre pool we'll just put to one side for the moment.

COMMISSIONER: Yes, sorry. I probably complicated something that could be dealt with in a different way.

30 **MS McDONALD:** No, no. I think, as both I said and the witness said, there just seems to be a number of master plans and revised master plans.

COMMISSIONER: Dynamic.

35 **MS McDONALD:** But your understanding is because of the cost problem and the discrepancy with the grant, the Masterplan had to be revised?

MS TINSON: Yes. The Masterplan had to be adjusted so that we could build -

40 **MS MCDONALD:** A 25-metre pool?

MS TINSON: Yeah. Yeah.

45 **MS McDONALD:** So part of the procedure leading up to the application for the variation was that the Council had to revise the Masterplan?

MS TINSON: Correct.

MS McDONALD: And that involved things like putting it on public exhibition -

MS TINSON: Yes.

5

MS McDONALD: - et cetera, and the sequence of events is that the Revised Masterplan went on public exhibition - I think up until January -

MS TINSON: Yes.

10

MS McDONALD: - 2025 - this year?

MS TINSON: Mm-hmm.

15

MS McDONALD: There was a resolution in February 2025 that the Revised Masterplan would be adopted.

MS TINSON: Yes.

20

MS McDONALD: And the Revised Masterplan included the 25-metre pool, and that led to a variation being sought with the grants office.

MS TINSON: Correct.

25

MS McDONALD: And if - could document LCC.016.003.0335 be brought up.

ASSOCIATE: 335.

30

MS McDONALD: Yes. This is the variation, you can see on - if we move down that page. Project title Carnes Hill Aquatic and Leisure Centre. If you would go to the second page. Under the type of variation you were requesting, we've got:

"Change to time, to budget line items, to deliverables/scope of works, and to change in instalment amounts."

35

MS TINSON: Yes.

MS McDONALD: Would you turn to page 3, please. That first substantial paragraph:

40

"Please explain the impact of the variation request on each specific element of the outcome logic map."

And it's:

45

"The 50-metre indoor pool has been excluded from the scope. Remains in the Masterplan as an outdoor 50-metre pool to be delivered at a future stage. A 25-metre indoor pool will be delivered in lieu of the 50-metre pool."

5 **MS TINSON:** Yes.

MS McDONALD: And then towards the bottom of the page, the activity dates all need to be varied?

10 **MS TINSON:** Yes.

MS McDONALD: It's anticipated that there is going to be an impact, which is the increase in project delivery timeframes, and then we've got the various activities that the date's changing. And if you turn to page 13, this sets out the variations for when
15 the various instalment amounts would be made available?

MS TINSON: Yep.

MS McDONALD: And you can see a total approved instalment amount of just over
20 42, million, and then a total revised instalment amount of just over 52 million?

MS TINSON: Mm-hmm.

MS McDONALD: The difference, does that pick up some of the contingency
25 amount?

MS TINSON: Yes.

MS McDONALD: And then if we could go to document LCC.016.003.0337. This is
30 the letter from the Grant Management Office dated 19 June 2025, giving approval to the variation sought?

MS TINSON: Can't see it yet, but -

35 **MS MCDONALD:** Sorry?

MS TINSON: - I know we received it.

ASSOCIATE: Did you want this document on the live stream?
40

MS McDONALD: Yes, please. You can see the date, 19 June:

"Approval to vary scope and activity dates of the Carnes Hill Aquatic and Leisure
45 Centre,".

You can see the first paragraph:

"Your variation request has been approved."

So as a result of that, is - instead of the proposed 50-metre pool, it's now a 25-metre pool?

5

MS TINSON: Yes.

MS McDONALD: And there's been a delay in -

10 **MS TINSON:** Yes.

MS McDONALD: - the progression of the project?

MS TINSON: Correct.

15

MS McDONALD: All right. Can I turn to the next project, which was Light Horse Park Embellishment and Upgrades. Would document INQ.026.001.0006 be brought up. This is on the government website. Light Horse Park Embellishment Project. Details or a summary about the project is on the left-hand side of this page. And again, it is a transformational - will result in:

20

"A transformational role in reactivating the river frontage."

And then under Project Scope, you can see:

25

"New path system. Raised walkway. Upgraded platform for kayak launch" -

Et cetera.

30 **MS TINSON:** Mm-hmm.

MS McDONALD: Then on the right-hand side, the funding granted was just over 27.7 million, and there was a co-contribution of 8.9 million?

35 **MS TINSON:** Mm-hmm.

MS McDONALD: And if we go to the second page, again, there are some more details about what is involved in the project.

40 **MS TINSON:** Yep.

MS McDONALD: Then if we could very quickly have a look at INQ.023.001.0030. That's from the Council web page.

45 **MS TINSON:** Yep.

MS McDONALD: Records that:

"Stage 1 is due for completion very soon."

5 And you'll see the opening of the new accessible kayak launch facility. And then across the second page, just confirms about the funding from the NSW Government in association with the Council, and:

10 "It's not just about upgrading a park. It's about enhancing quality of life, sustainability" -

Et cetera. Right. Excuse me. And as we've seen with a number of these projects, underpinning the projects the Council had previously considered a landscape master plan for this area?

15 **MS TINSON:** Yes.

MS McDONALD: And that had been adopted in about 2019? Is that to your understanding?

20 **MS TINSON:** Yes.

MS McDONALD: All right. And if we turn to page - sorry - document LCC.017.001.0015. This is the application form.

25 **ASSOCIATE:** Do you want this document live streamed?

MS MCDONALD: Yes, please.

30 And I'm not going to take you to this in detail, but it follows the same template. The same information has been included in it. The co-contribution - sorry, I withdraw that. That was granted and a deed signed on about 6 November 2023. Would you bring up document LCC.019.001.0006.

35 **ASSOCIATE:** Do you want that on the live stream?

MS McDONALD: Yes, please. You can see that's a funding deed, and if we then go to page 3, the project is identified:

40 "Light Horse Park Embellishment and Upgrades."

And if we go through to page 4, we've got the details of the grant, being in the amount of 27.7 million.

45 **MS TINSON:** Mm-hmm.

MS McDONALD: I wanted to ask you about the co-contribution of 8.9.

MS TINSON: Yes.

5 **MS McDONALD:** Underneath it's got the breakdown, and it seems to be a combination of cash and in-kind services. From the two projects that we've previously looked at, if they had a co-contribution amount, it wasn't as substantial as 8.9. Do you understand - or can you explain why such a high amount was included?

10 **MS TINSON:** This was the most advanced project at the time in terms of progress. It had already received some grant funding from other sources. So there was 163,000 from Transport for NSW for the kayak launch, and there was 2.04 million from the Liveability Fund, which was the City Deal.

15 **COMMISSIONER:** So this was already - this particular project was already underway -

MS TINSON: It was a bit further underway than the others, yes.

COMMISSIONER: - at the time of the initial application?

20 **MS TINSON:** Yes.

MS McDONALD: And that work that had already been undertaken, was that pursuant to the landscape master plan -

25 **MS TINSON:** Yes.

MS McDONALD: - that had been adopted previously by the government - not the government - the Council?

30 **MS TINSON:** Yes - I'm getting tired - the design had progressed.

MS McDONALD: Now, with this particular project, there's been at least two variations.

35 **MS TINSON:** Yes.

MS McDONALD: If - sorry, could document LCC.017.001.0013 be brought up.

40 **ASSOCIATE:** Do you want that on the live stream?

45 **MS McDONALD:** Yes, please. That's the letter from the Grant Management Office informing the Council that the variation request had been approved, and then attached to it, commencing at page 2, are some of the amendments, which I understand are highlighted in yellow. So if you go through to page 4, there appears to be some changes to the Activity 1 completion date already - that's already passed. No, sorry, it hasn't. Sorry. I misread it. The letter's 26 April, so that's coming up. And

then if you look over under Activity 2 on page 5, there seems to be, in yellow, some changes in the activity required under that period?

MS TINSON: Mm-hmm.

MS McDONALD: And again which is reflected on page 6 under Activity 3.

COMMISSIONER: Was something added or removed from the project at this time? This is April '24.

MS TINSON: I - I can't recall, but I'm assuming maybe something in one activity was put into another activity because the timing - the sequencing wasn't working out.

COMMISSIONER: A sequencing issue rather than a substantive change to the project?

MS TINSON: I think so, yeah, because you can't acquit an activity until you've completed all of them, so maybe it would have held back us finishing off the activity, so we may have put it into a different one.

MS McDONALD: And then there's been a second variation which was sought. Document LCC.016.003.0350, and that can be live streamed. You can see the project title is Light Horse Park Embellishment and Upgrades. And if you move across to page 2, the type of variation requesting is a change to time. If you have a look at page 3, you can see that what is sought are amendments to the completion dates of the various activities; correct?

MS TINSON: Yes.

MS McDONALD: Would you bring up document LCC.016.003.0348.

ASSOCIATE: On the live stream?

MS MCDONALD: Yes, please. 13 December 2024, a letter from the Grant Management Office referring to the variation request and stating that it's been approved. Then attached are the amendments to schedule A to the deed, and if you have a look first at page 4, you can see highlighted in yellow the amendments to Activity 1 completion date and reporting date. The same with Activity 2 on page 5, down the bottom. Page 7, in respect of Activity 3, the changed completion date, and then again on page 9 with Activity 4. And then on page 11 - this is under Activity 5 - there seems to be an addition of evidence of completion of following assets at the completion of the project. And does that follow on from the change in the dates?

MS TINSON: I couldn't say exactly to be honest.

MS McDONALD: Okay. Can I just ask you, the way the grants operate, we've had the identification of activity items and activity periods?

MS TINSON: Yep.

MS McDONALD: And dates where it's anticipated activities will be finished.

5

MS TINSON: Yep.

MS McDONALD: And then a reporting date, which is about a month -

10 **MS TINSON:** Yes.

MS McDONALD: - after that. Is it the way that these operate often you get the first instalment of funds when the deed is signed?

15 **MS TINSON:** In the case of these grants, you'd get - that's correct. You'd get the first instalment when a deed is signed.

MS McDONALD: And then that finances -

20 **MS TINSON:** Yes.

MS McDONALD: - the first lot of activities?

MS TINSON: Yes.

25

MS McDONALD: - under Activity 1?

MS TINSON: Mm-hmm.

30 **MS McDONALD:** And then is the idea that when you complete Activity 1 by the nominated date, that's then reported roughly within four weeks -

MS TINSON: Yes.

35 **MS McDONALD:** - to the Grants Management Office. They hopefully will be satisfied with that, and then because you're then moving to Activity 2, does that bring in another lot of money, or does it -

MS TINSON: Only if you've already spent Activity 1.

40

MS McDONALD: All right. So you have to satisfy Activity 1 funds?

MS TINSON: Yes.

45 **MS McDONALD:** And when that is done, if you've moved to Activity 2, you get the next tranche of funds?

MS TINSON: Yes. So they're not - the acquittal of funds and completion of the activity don't necessarily happen at the same time.

5 **MS McDONALD:** Okay. I'm jumping back to Carnes Hill. The fact that there was the problem with the costing and the delays that then occurred - so you had to get the revision of the Masterplan, you had to get correct costings, you had to work out, and for Council to determine that, for example, it wouldn't be a 25 metre indoor pool, it would be 25?

10 **MS TINSON:** Yes.

MS McDONALD: Did that put a halt on receiving funds -

15 **MS TINSON:** I'm not sure if - it would need to be looked at, but we may not have reached Activity 2.

MS McDONALD: Because of the problems with the costings?

20 **MS TINSON:** Yeah. Because we wouldn't have been making substantial expenditure. Or we - the expenditure wouldn't have been consistent with what we originally thought.

25 **MS McDONALD:** Now, I just very quickly want to go through some of the Streetscape.

MS TINSON: Sure.

30 **COMMISSIONER:** Just before you do that, do you recall what prompted the variation in the time - each of the timeframes for each of the activities in relation to - this is Light Horse Park, is it, Light Horse Park project. Counsel assisting took you through the variation requests and approval, and for each of the activities the delivery date got pushed out. Do you for a recollection as to what prompted that?

35 **MS TINSON:** I think, once again, it was once we got a project manager on board to look - a new project manager on board, basically, to look at the project, they started to relook at how things would be sequenced.

COMMISSIONER: Yes?

40 **MS TINSON:** And that would change potentially what the - you know, a-few-years-old application had envisaged.

COMMISSIONER: Thank you.

45 **MS McDONALD:** Just as an example of that, if we could bring up again LCC.016.003.0350, which was the variation. I think it's the second variation. It actually might -

COMMISSIONER: This is the - yes, that's the second.

5 **MS McDONALD:** Second one. If you would - if we can go to page 2 - actually it's page 4, please. There, under list the reasons you're requesting a variation to the project line, you can see under the second paragraph:

10 "Activity 2, 3, 4 and 5, significant delays in DA lodgement because of land-owner consent delays from TAHE, site and environmental issues, and changes to project sequencing."

So that seems to have generated the requirement for variation of the timeline.

15 **COMMISSIONER:** Thank you.

MS McDONALD: All right. Very quickly, Macquarie Street Upgrade Project. Would document INQ.026.001.0009 be brought up. This is from the government website. The project you can see, Macquarie Street, is to revitalise the heart of Liverpool CBD. An urban plaza. Re-invigorated Streetscape with urban hedges and public art. And then if you look under project, scope, you've got the trees, the public art, the establishment of the new urban plaza, reconfiguration of Macquarie Street, extension of pedestrian priority zones. And if we go across the page to page 2, path upgrades, new kerb edges, et cetera. If we can go back to page 1, the funding under the grant was just over 3.4 million, and with a co-contribution of 200,000?

25 **MS TINSON:** 13.

MS McDONALD: Sorry?

30 **MS TINSON:** 13.4.

COMMISSIONER: You said 3.4.

35 **MS McDONALD:** Sorry, it's Friday afternoon.

MS TINSON: I know, and this is getting transcribed, so -

MS McDONALD: No, thank you?

40 **MS TINSON:** I'll just correct that.

MS McDONALD: No, thank you. 13.4 million was the funding, and the co-contribution of 200,000. And if we can bring up document INQ.023.001.0031. This is on the Liverpool City Council website, and instead of having an individual page for a particular project, the three projects or the three grants we're now looking at are kind of amalgamated under this Streetscape upgrade?

MS TINSON: Yep.

MS McDONALD: Document LCC.019.001.0003.

5 **ASSOCIATE:** Do you want that on the live stream?

10 **MS McDONALD:** Yes, please. Just excuse me. This is the funding deed, and if we go to page 3, the project is identified as the Macquarie Street Upgrade. On page 4, we've got the grant of the 13.4 million and then the co-contribution. Excuse me for a minute. And then if we go through to page 30, we've got a completion date of, at that point, July 2026 for this project. There have been two variations for this. The first one, if you bring up document LCC.016.003.0354.

15 **ASSOCIATE:** Do you want that live streamed?

MS McDONALD: Yes, please. I think it was made around 28 March 2024. If you would go to page 2, you can see under:

20 "What type of variation are you requesting?"

Change to instalment amounts. And then underneath that the type of variation required, and there's council developed detailed design for Macquarie Street, secured an additional amount from the public spaces legacy grant. That PSLG will pay for the first stage of the work for a particular part of the road. The Western Sydney program will pay for the other half of the street. Hence, it looks as if you want to - because you've got this other money from somewhere else, you want to kind of delay getting part of the grant funding?

30 **MS TINSON:** No, we were bringing it forward.

MS McDONALD: Sorry?

35 **MS TINSON:** We were bringing the funding forward because this one was much more progressed, so we were able to start the construction earlier on this one.

MS McDONALD: Okay.

MS TINSON: So we were seeking more money up-front for the material purchases.

40 **MS McDONALD:** And if you look at page 3, with the change in instalment amounts, is that reflected in instalment number 1. Instead of just getting over a million dollars -

45 **MS TINSON:** Yes.

MS McDONALD: - you're getting just under 4 million?

MS TINSON: Yep.

MS McDONALD: All right. And if we can bring up LCC.016.003.0357.

5 **ASSOCIATE:** Brought up on the live stream?

MS MCDONALD: Yes, please. That's your approval from the Grants Management Office. If you would move that up a little bit.

10 **MS TINSON:** That's correct.

MS McDONALD: And then - excuse me for a minute. The attached Schedule A on page 4 of that document, it appears to still have the first instalment amount only being the \$1 million?

15 **MS TINSON:** Because they would have already released that, so we would have - yeah, actually, no, I can't say. Yeah.

20 **MS McDONALD:** No. And I'm just looking at page 7. They appear to have put in the substantial increases under Activity 2, the 4.27?

MS TINSON: Yeah. Maybe they had to add it to the second instalment rather than - because they'd already released instalment 1.

25 **MS McDONALD:** Yes. Could be something like that.

COMMISSIONER: Sorry, just so I understand. So you think it might have been the variation was approved, but although - it was treated as a variation to Activity 2, because the Activity 1 funds had already been spent and acquitted?

30 **MS TINSON:** That's what it looks like.

COMMISSIONER: Yes.

35 **MS McDONALD:** And then there was a second variation in June 2025.

MS TINSON: Yes. That's - we've got some underway at the moment. Yes.

40 **MS McDONALD:** Could document LCC.016.003.0358. If you go to page - sorry.

ASSOCIATE: Do you want that document shown on the live stream?

MS McDONALD: Yes, please. If you can go to page 2. Can you see under:

45 "Please provide a description of the works the grantee has completed to date."

And it's recorded that:

"Construction of the upgrades to Macquarie middle 90 per cent complete. Concept design for all streets completed. Detailed designs for other parts of the street complete" -

5

50 per cent complete, I'm sorry. Then type of variation:

"Change to time, deliverables, scope of works and change to instalment amounts."

10 **MS TINSON:** That's still there on page 2? Yes.

MS McDONALD: Then if you go to page 3. Time Extension. Activities - dates for activities to and 3 need to be changed. And you can see for Activity 2 instead of being completed at the end of April of this year, it's now the end of August. And for
15 Activity 3, instead of the end of October, it's going to be 30 January next year. And then at the bottom of the page, the reason for requesting a variation:

"To allow detailed design work to be more resolved before going to tender; ensure
20 third party consultant advice can be adequately incorporated into the design; to refine sequence of events, et cetera; and to manage cash flow through the project milestones and activity instalments."

MS TINSON: Yep.

25 **MS McDONALD:** And then if we bring up LCC.016.003.0360.

ASSOCIATE: Do you want that on the live stream?

MS McDONALD: Yes. That's a letter from the Grants Management Office dated 18
30 June 2025 approving the variation request that I just took you to. Could we then turn to the Railway Street Upgrade Project, and would document INQ.026.001.0010 be brought up. That's from the government website about the project.

MS TINSON: Yep.

35

MS McDONALD: It refers to a reconfigured layout, street furniture, new street trees, street furniture. Under project scope, again, referring to new street trees and planting, reconfigured street layout with realigned kerb edges; new organised
40 on-street car parking; new pedestrian priority crossings; an integrated meet and greet area on the footpath. And if we look to the right-hand side of that page, the funding from the government was just over 6.9 million, with a co-contribution of 200,000?

MS TINSON: Yes.

45 **MS McDONALD:** Document LCC.019.001.0004, and that can be live streamed. That's a deed which ultimately was signed on 18 December 2023. If you go to page 3, please. The project is the Railway Street Upgrade. Across the page on page 4, the

grant amount is identified, just over 6.9 million. The co-contribution is 200,000. Where it says that it's in-kind services, what does that mean?

MS TINSON: It says it below:

5

"Staff, senior executives will manage governance, compliance and decision-making."

MS McDONALD: Is that for the implementation of the project?

10 **MS TINSON:** Yes.

MS McDONALD: And is the idea that the cost of Council staff performing those duties roughly amounts to 200,000?

15 **MS TINSON:** Yeah, I think so.

MS McDONALD: So that's the idea of that -

MS TINSON: Yes.

20

MS McDONALD: It's not actually - as it says, cash isn't ticked.

MS TINSON: No.

25 **MS McDONALD:** It's rather -

MS TINSON: In-kind, yeah, on top of their other duties.

30 **COMMISSIONER:** And that will be funded from Council's ordinary operations rather than the application of grant funds. Is that the idea?

MS TINSON: Yes. Yeah. The 200,000.

35 **MS McDONALD:** If we could go to page 29. This is towards the end of going through the various activities, but Activity 4 - the last activity - the completion date was 3 July 2026. And with this grant, there has been one application to vary?

MS TINSON: I believe so

40 **MS McDONALD:** Excuse me.

MR EMMETT: Sorry, could I have a very brief word to my learned friend.

COMMISSIONER: Yes.

45

MS McDONALD: All right. Talking about Railway Street, a variation which has been - at least been made. Document LCC.016.003.0367. That's just been raised by my learned friend that there are parts of this document -

5 **MR EMMETT:** Yes. I can assist this far on the live stream. The reason is that in respect of the works the subject of this project -

COMMISSIONER: Yes.

10 **MR EMMETT:** - it will go to tender. It's not yet gone to tender, and so some of the material in the variation application is sensitive and not for the public domain.

COMMISSIONER: I understand.

15 **MS McDONALD:** I think I can avoid it. Probably - when we come to tender this document, which I anticipate we will, probably a non-publication order over that is appropriate.

20 **MR EMMETT:** And we can prepare a redacted version also that doesn't need an order made.

MS McDONALD: But I think I can ask some questions now which won't infringe on the issue.

25 **COMMISSIONER:** Mr Emmett will let me know if we stray into dangerous territory.

MR EMMETT: Thank you.

30 **MS McDONALD:** All right.

COMMISSIONER: So we won't put this on - we'll just leave this in the room at the moment.

35 **MS McDONALD:** For abundant caution.

COMMISSIONER: I think that's right.

40 **MS McDONALD:** Now, if we turn to page 2. The project's expected to be completed in July '26. Work that has been completed includes a concept design and 50 per cent of a detailed design?

MS TINSON: Yep.

45 **MS McDONALD:** The variation sought are to time, to the deliverables and scope of works, and also change to instalment amounts?

MS TINSON: Mm-hmm.

5 **MS McDONALD:** The variation to time is set out on page 3 in respect of Activity 2, which would have a completion date of September 2025, and for Activity 3, now a completion date of the end of February 2026. And then if you have a look at page 4, the variation includes a revised scope, and activities 1, 2 and 3 are ticked in respect of variation of the deliverables. That's the case?

10 **MS TINSON:** Yes.

MS McDONALD: That's further set out in pages 5 through to 8 of the document, and then at page 9, there the variation seeks changes to instalment amounts?

15 **MS TINSON:** Yes.

MS McDONALD: And, again, the current funding and then the variation under revised funding is set out, and it involves changes to instalments for 2, 3 and 4.

20 **MS TINSON:** Yes.

MS McDONALD: Now, that variation has been lodged but no response yet?

25 **MS TINSON:** I think we've had requests for information. It is a bit of back-and-forth.

COMMISSIONER: Mr Emmett, if I were to ask a general question about what is the change in the scope and what prompted the variation request, would that pose any difficulty?

30 **MR EMMETT:** Can I say I don't know?

COMMISSIONER: All right. I won't do it then.

35 **MR EMMETT:** Can I do this. Can I find out? There may well be things that we can say either in an open session or separately or we could communicate with those assisting you.

40 **COMMISSIONER:** Thank you. And the evidence might be able to be put before me in a different way.

MR EMMETT: Yes.

45 **MS McDONALD:** On that point, on page 3, under:
"Project plan: List the reasons."

There is a reference to a "revised deed markup" which is attached. Do you see that?

MS TINSON: Yes.

5 **MS McDONALD:** Then there's the section on scope variation, but to understand the amendments, do we need that revised deed mark-up?

MS TINSON: Looks like - yes, that would be very clearly laid out where - as to what that is.

10 **MS McDONALD:** Okay. Which I don't think we have at the moment.

COMMISSIONER: Okay. Well, that might be my answer to that.

MS TINSON: Yes.

15 **MS McDONALD:** And then finally, Scott Street Upgrade. Would document - this is the final one under that Streetscape amalgamated projects?

MS TINSON: Yes.

20 **MS McDONALD:** Would document INQ.026.001.0011 be brought up. And, as per usual, on the left-hand side of the page we've got a summary about the project. It's delivering upgrades across the entire street in Liverpool. If we look at Project Scope, we've got:

25 "New pedestrian priority crossings; new street trees and plantings; new organised on-street car parking; increased public domain, including footpath areas; new cycleway; and new high-quality public domain treatments and infrastructure."

30 That is, furniture, fixtures and fitting .

MS TINSON: Yep.

35 **MS McDONALD:** If we look at the right-hand side, the NSW Government grant is just over 8.1 million.

MS TINSON: Yep.

40 **MS McDONALD:** And then there's a co-contribution of 200,000.

MS TINSON: Yes.

MS McDONALD: Would you bring up document LCC.019.001.0005.

45 **ASSOCIATE:** Do you want this document shown on the live stream?

MS McDONALD: Yes. If you go to page 3, you've got the project being the Scott Street Upgrade. Page 4 sets out, as we saw on the government web page, the grant and the co-contribution.

5 **MS TINSON:** Mm-hmm.

MS MCDONALD: If you go through to page 23, you start with instalments, being four in total, and you start with Activity Number 1 through to Activity 4, and, on page 31, the completion date is 3 July 2026. And there has been an application to vary this deed.

MS TINSON: Yes.

15 **MS MCDONALD:** Lodged around 4 July 2025.

MS TINSON: Mm-hmm.

MS MCDONALD: Could document LCC.016.003.0372 be brought up. If that's not put on the live stream, please, but for the room. And the amendments sought here, do they reflect the amendments that you were just giving evidence about in respect of Railway Street?

MS TINSON: Yes.

25 **MS McDONALD:** And on page 2, we can see it's under variation, change to time to the deliverables and scope of works, and change to instalment amounts. And then if you go to page 3, down the bottom:

30 "List the reasons you're requesting variation."

The first matter is:

"Aligning deliverables."

35 And then:

"Refer to the revised deed markups attached and the attached updated PMP."

40 Sorry, what's a PMP?

MS TINSON: Project management plan.

MS McDONALD: All right . That's that document that we saw that you prepared -

45 **MS TINSON:** Yes.

MS McDONALD: Would -

MS TINSON: They all have their own one.

5 **MS McDONALD:** Okay. And, again, we don't seem to have those documents. And with this application for a variation, have you had some requests for some -

MS TINSON: Yes.

10 **MS McDONALD:** - further information. It hasn't been determined yet?

MS TINSON: It's still ongoing.

15 **MS McDONALD:** Just finally in respect of the Streetscape Project, at the moment is it anticipated that they will be completed by the anticipated date -

MS TINSON: Next year.

MS McDONALD: - in the deeds?

20 **MS TINSON:** Yes.

MS McDONALD: And with the big projects, I suppose with Woodward Place and Brickmakers Creek, that's a bit up in the air -

25 **MS TINSON:** It is.

MS McDONALD: - because you've just submitted that variation -

30 **MS TINSON:** Yes.

MS McDONALD: - which will potentially change things substantially?

MS TINSON: Yes.

35 **MS McDONALD:** The Carnes Hill Aquatic and Leisure Centre Project, it has been delayed because of the problems with the costing?

40 **MS TINSON:** Yes. So it was approved - the revised timeline was approved, so now it's due for December 2028.

MS McDONALD: And that will just, fingers crossed, get you into that time -

MS TINSON: Yeah.

45 **MS McDONALD:** - where this overall scheme will be finished?

MS TINSON: Yes.

MS McDONALD: And when I say "scheme" -

MS TINSON: The program.

5

MS McDONALD: - the grants from the NSW Government. And the Light Horse Park Embellishment and Upgrades, where's that at?

MS TINSON: Yeah. That's scheduled at the moment for December 2026.

10

MS McDONALD: 6?

MS TINSON: Yes.

15 **MS McDONALD:** So that seems to be -

MS TINSON: It - we may need an extension of time, but we haven't submitted a variation for that yet.

20 **MS McDONALD:** Excuse me for a minute. No further questions.

MR EMMETT: No questions at this time.

MS PALMER: We have no questions.

25

COMMISSIONER: Ms Tinson, that completes your evidence for the moment. As with all witnesses, I won't release you from further attendance on your summons at the moment. In the unlikely event it would need to get you back, someone will let you know, and as soon as I'm asked to release you from your summons, that will be communicated to you. Thank you for your attendance and assistance over what I

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accept is a very long Friday answering questions. You're free to go for the moment. Thank you?

MS TINSON: Thank you.

35

<THE WITNESS WITHDREW

COMMISSIONER: Is there anything else to do this afternoon?

40 **MS McDONALD:** No. We have a break in the hearing schedule for two weeks.

COMMISSIONER: Yes.

MS McDONALD: I understand, obviously, we're returning here on 18 August. Could you just excuse me.

45

COMMISSIONER: I heard that, and the answer is yes. As has been communicated to me, that we have been granted a stay of execution for that week.

MS McDONALD: Starting 1 September.

COMMISSIONER: Yes.

MS McDONALD: So we've got an additional week. We'll be here for that additional week.

COMMISSIONER: Yes. That's as has been communicated to me. All right. And the documents that you took the witness to, if it's convenient to the parties, perhaps a list that you wish to tender with notional exhibit markings can be circulated. I can then mark that in chambers, so it's ready to go for the second tranche of the hearings, and we can address whatever non-publication issues.

One thing I wanted to mention the other day, consistent with my approach to these matters throughout the hearing, is Ms Fishburn was mentioned in the evidence the other week - the other day. In August 2021, Ms Fishburn contacted me to see if I would be available to act as Commissioner for the Wingecarribee Inquiry. I had a telephone conversation with her, answered that question, yes, I was available, and that was the extent of my communication with her. But consistent with the approach I've taken to other matters like that, I thought it appropriate just to record that. If there is nothing further, I'll adjourn until the 14th.

MS McDONALD: No, no. 18th.

COMMISSIONER: Sorry. That's why I asked. The 18th. And can I thank the parties for the way that the proceedings have been conducted during this first tranche with the limitations in our accommodation and the sensible approach to issues as they have arisen. Most grateful. 18th of August at 10 am. Thank you everybody.

MS MCDONALD: Yes . Thank you

<THE HEARING ADJOURNED AT 4.32 PM