

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 7 - PLANNING AND  
ENVIRONMENT**

**ALLEGATIONS OF IMPROPRIETY AGAINST AGENTS OF THE  
HILLS SHIRE COUNCIL AND PROPERTY DEVELOPERS IN THE  
REGION**

**CORRECTED**

**At Dixon Room, Macquarie Building, State Library of NSW, Sydney  
on Wednesday 15 February 2023**

**The Committee met at 9:30.**

**PRESENT**

Ms Sue Higginson (Chair)

The Hon. John Graham

The Hon. Rose Jackson

The Hon. Aileen MacDonald

The Hon. Penny Sharpe

**PRESENT VIA VIDEOCONFERENCE**

The Hon. Scott Barrett

The Hon. Chris Rath

\* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.





**The CHAIR:** Welcome to the first hearing of the Portfolio Committee No. 7 inquiry into allegations of impropriety against agents of The Hills Shire Council and property developers in the region. The inquiry, which was sparked by serious matters raised in a speech to the Parliament by the member for Castle Hill on 23 June 2022, is examining the integrity of processes, employees and elected officials of The Hills Shire Council and the role and influence of developers and their interactions with councillors and members of the Parliament in the region. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today.

Before we start this morning, I will say a word about why we have a short hearing today. The Committee invited several key individuals to give evidence today who may be able to shed light on some of the matters raised in Parliament by Mr Ray Williams, MP. Despite numerous attempts to communicate with them, these individuals have so far chosen not to cooperate with the inquiry. This apparent lack of willingness to appear before the Committee to date is making it difficult for the Committee to inquire into the very important matters concerning the integrity of The Hills Shire Council. For this reason, the Committee has decided to hold a third hearing next week. I urge the individuals concerned to use the opportunity to address the allegations that have been aired in a public forum. I do thank the witnesses who we will hear from this morning for making the time to give evidence. We will open with a short session with Mr Frits Maré and then hear from Mr Michael Edgar, the general manager of The Hills Shire Council.

Before we commence, I would like to make a couple of brief comments about the procedures for today's hearing. Today's hearing is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, the House has authorised the filming, broadcasting and photography of committee proceedings by representatives of media organisations from any position in the room and by any member of the public from any position in the audience. Any person filming or photographing proceedings must take responsibility for the proper use of that material. This is detailed in the broadcasting resolution, a copy of which is available from the secretariat.

While parliamentary privilege applies to witnesses giving evidence today, it does not apply to what witnesses say outside of their evidence at the hearing. I therefore urge witnesses to be careful about comments you may make to the media or to others after you complete your evidence. Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. In that regard, it is important that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily. All witnesses have a right to procedural fairness, according to the procedural fairness resolution adopted by the House in 2018. If witnesses are unable to answer a question today and want more time to respond, they can take a question on notice. Due to the short time frame of this inquiry, written answers to questions on notice are to be provided within three days of receipt of the transcript.

If witnesses wish to hand up documents, they should do so through the committee staff. In terms of the audibility of the hearing today, I remind both committee members and witnesses to please speak into the microphones. Finally, everyone must turn their mobile phones to silent for the duration of the hearing. I also acknowledge that we have two committee members participating via Webex, one of whom will join us in person shortly.

**Mr FRITS MARÉ**, Individual, sworn and examined

**The CHAIR:** I welcome our first witness.

**The Hon. AILEEN MacDONALD:** Chair, I would like to declare that, having taken advice from the Clerk's office, I may have a conflict of interest in this inquiry. I put that on public record. So far there hasn't been any conflict but I put that on record.

**The CHAIR:** Thank you, Ms MacDonald. That's noted.

**The Hon. CHRIS RATH:** Chair, if I could disclose a similar conflict as Ms MacDonald, please.

**The CHAIR:** Thank you, Mr Rath. That's noted.

**The Hon. JOHN GRAHAM:** Chair, I thank those members for declaring those. I might table a document, which has come to the attention of the Opposition, for the inquiry. It's just a suggestion about the conflicts of interest relating to these and other members.

**The CHAIR:** Is this something I need to deal with now?

**The Hon. JOHN GRAHAM:** I think we should distribute it. I am simply tabling it.

**The Hon. ROSE JACKSON:** Perhaps if things like members' partners' names be redacted before it's published.

**The Hon. PENNY SHARPE:** Yes, it is just being tabled at this point.

**The Hon. SCOTT BARRETT:** I wonder if someone could—if it is one page or something—take a photo of that and send it through to me?

**The CHAIR:** Yes, Mr Barrett, we will do what we can right now to get that to you.

**The Hon. PENNY SHARPE:** I am appreciative that Ms MacDonald and Mr Rath have indicated that they may have a conflict of interest in relation to that. They haven't provided any description or chosen to absent themselves or not be involved in relation to this inquiry. The Opposition has significant concerns about that, particularly given the information that has just been provided to the Committee, and also given the letter that we have received from Mr Amato in relation to his significant concerns about the participation of these members and his exclusion from this Committee. I am seeking advice from the Chair about what the options are for the Committee in relation to the participation of these members.

**The CHAIR:** Looking at the content very briefly, and as the document is tabled, perhaps the best course forward is that the Committee has a deliberative about this matter at the end of the session and we proceed with the witness. Would that be suitable to you?

**The Hon. PENNY SHARPE:** Yes, I think we can do that, but I am raising that the Committee is starting and we have significant concerns about the conflicts of interest of members of the Committee, but we do not seek to hold you up today.

**The Hon. JOHN GRAHAM:** Yes, if you want to reserve on that, Chair, that is understood.

**The Hon. CHRIS RATH:** Chair, can I just say—just to Ms MacDonald's point—so far there has been nothing that has been raised in any of our meetings where that— [audio malfunction].

**The CHAIR:** I think we have lost Mr Rath. Mr Rath, would you mind repeating that? We lost you for a few moments.

**The Hon. CHRIS RATH:** I was just saying that so far nothing has come up that has been a conflict either for Ms MacDonald or for myself. We are disclosing a potential conflict that may arise during the hearing or the evidence that is received but, to date, I want to reiterate there has not been anything that has come up where there has been a need to be conflicted or a need to remove ourselves from the inquiry in any of the evidence or deliberations so far.

**The CHAIR:** Thank you, Mr Rath. I think matters of conflict of interest will go to the detail and the self-assessment, but there is also disclosing the very nature of the perception of conflict that arises. Without disclosing the full details of the document before me, perhaps the members raising this may want to at least describe the potential conflict or what might be perceived, or we can discuss this at a later point, noting that these matters have been raised and are on the table.

**The Hon. JOHN GRAHAM:** Chair, we have a witness here.

**The CHAIR:** I am concerned about that.

**The Hon. JOHN GRAHAM:** We're comfortable to move on, but you have reserved.

**The CHAIR:** I've reserved.

**The Hon. JOHN GRAHAM:** Let's discuss this in the other forum and deal with the witness as it is now.

**The CHAIR:** Thank you, I think that's a sensible way to proceed. We will commence with hearing from Mr Maré, noting that we will determine that a bit later. Let's start again. I now welcome our first witness, Mr Frits Maré. Would you like to make a short opening statement?

**FRITS MARÉ:** No.

**The CHAIR:** Nothing at all?

**FRITS MARÉ:** No, not at all.

**The CHAIR:** The members of the Committee have a few questions, and we will start with questions from members of the Opposition.

**The Hon. JOHN GRAHAM:** Firstly, Mr Maré, thank you for appearing. The Committee greatly appreciates any light you can shed on this matter. You're a successful businessman; you're the managing director of Mainmark Australia. Is that correct?

**FRITS MARÉ:** Correct.

**The Hon. JOHN GRAHAM:** That's essentially an engineering firm. Is that correct?

**FRITS MARÉ:** It is, yes.

**The Hon. JOHN GRAHAM:** You've been clear in your correspondence with the Committee that you're not a property developer.

**FRITS MARÉ:** Not at all.

**The Hon. JOHN GRAHAM:** You've never been a property developer; you've placed that on the record.

**FRITS MARÉ:** I've never developed any property and never had any dealings with property developers.

**The Hon. JOHN GRAHAM:** You were also clear that you have had a meeting with two individuals, and you referred to that meeting. One of those was Christian Ellis; the other was Jean-Claude Perrottet. You detailed in your correspondence that you had a meeting with them. Is that correct?

**FRITS MARÉ:** They came to my office once.

**The Hon. JOHN GRAHAM:** And that's your office in Dee Why?

**FRITS MARÉ:** Correct.

**The Hon. JOHN GRAHAM:** That's the main office of—

**FRITS MARÉ:** No, it's not.

**The Hon. JOHN GRAHAM:** Okay, so it's an office in Dee Why for your company?

**FRITS MARÉ:** It's my personal office, yes.

**The Hon. JOHN GRAHAM:** When did that occur?

**FRITS MARÉ:** I just can't recall. Probably—it was before COVID; time has just gone quick—maybe two or three years ago.

**The Hon. JOHN GRAHAM:** Thinking back, was it 2018 or 2019?

**FRITS MARÉ:** No, it must be about 2019, because COVID started in 2020.

**The Hon. JOHN GRAHAM:** Yes, so likely 2019. The start of 2019 or the end of 2019?

**FRITS MARÉ:** I just can't recall.

**The Hon. JOHN GRAHAM:** And who initiated that meeting?

**FRITS MARÉ:** I had a call from Claude Perrottet wanting to come and talk to me about some matters which he didn't describe.

**The Hon. JOHN GRAHAM:** So he rang you on the telephone?

**FRITS MARÉ:** He did, yes.

**The Hon. JOHN GRAHAM:** He said, "I'd like to come and meet." He didn't describe those matters, though.

**FRITS MARÉ:** No.

**The Hon. JOHN GRAHAM:** At that point you had never met Christian Ellis?

**FRITS MARÉ:** Never, no.

**The Hon. JOHN GRAHAM:** And you've only met Christian Ellis on that one occasion?

**FRITS MARÉ:** I believe it's the only time I've met him. He came along with Claude Perrottet, and I think that's the first time I met him. I can't recall what he looks like either.

**The Hon. JOHN GRAHAM:** Yes, but you had met Claude Perrottet?

**FRITS MARÉ:** I had, once before.

**The Hon. JOHN GRAHAM:** That meeting went for about 10 or 15 minutes?

**FRITS MARÉ:** I'd say 15, yes.

**The Hon. JOHN GRAHAM:** So it was not a long meeting.

**FRITS MARÉ:** No.

**The Hon. JOHN GRAHAM:** To the best of your recollection, tell us what was discussed.

**FRITS MARÉ:** Claude introduced Christian Ellis. They sat down at my conference table. They told me that they wanted to unseat a sitting member of Parliament—a Federal member in the seat of Mitchell—and that they were raising money for that and they thought that I'd be a prime candidate to contribute to that.

**The Hon. JOHN GRAHAM:** That Federal member of Parliament would have been Alex Hawke?

**FRITS MARÉ:** Correct, yes.

**The Hon. JOHN GRAHAM:** Was he named in that discussion?

**FRITS MARÉ:** He was, yes.

**The Hon. JOHN GRAHAM:** He would have been, yes.

**FRITS MARÉ:** He was.

**The Hon. JOHN GRAHAM:** Why did they feel, as you say, that you might be a prime candidate for approaching to ask for something that was really on the other side of Sydney?

**FRITS MARÉ:** The argument that—and I can't recall which of the two said that, but they said because I was friendly with a previous Prime Minister who got unseated, and that Alex Hawke was one of the people who had the numbers to unseat him in Parliament, therefore they thought that I should help revenge that and unseat him in his seat of Mitchell.

**The Hon. JOHN GRAHAM:** Their suggestion was you could contribute to that revenge, as you say, by contributing money?

**FRITS MARÉ:** They didn't use the word "revenge"; these are my words.

**The Hon. JOHN GRAHAM:** That's a useful clarification. But they thought your contribution could be to donate some money?

**FRITS MARÉ:** To get rid of Alex Hawke, yes—to stack his seat.

**The Hon. JOHN GRAHAM:** How much money was proposed?

**FRITS MARÉ:** Fifty thousand.

**The Hon. JOHN GRAHAM:** What was proposed to be done with that money?

**FRITS MARÉ:** They didn't tell me. They were going to stack his seat; that's all I recall.

**The Hon. JOHN GRAHAM:** Yes, so \$50,000 to stack his seat might have been for memberships, or one suggestion is it might have been for a call centre to contact people who might be sympathetic to the idea of joining the party.

**FRITS MARÉ:** I recall they did use the word "call centre", yes.

**The Hon. JOHN GRAHAM:** So a call centre was specifically discussed, but really only in passing, as you say.

**FRITS MARÉ:** Yes.

**The Hon. JOHN GRAHAM:** What was the vehicle to which you might pay this money?

**FRITS MARÉ:** They never told me, because at that point I think I terminated the conversation.

**The Hon. JOHN GRAHAM:** What was your reaction to the suggestion that you might contribute \$50,000 to unseating a Federal member?

**FRITS MARÉ:** The member, whatever I think of him, he was elected by the voters. It's up to them to unseat him, not me. Simple.

**The Hon. JOHN GRAHAM:** Is that a view you expressed to these two individuals?

**FRITS MARÉ:** Absolutely, and I still do today.

**The Hon. JOHN GRAHAM:** Did they give you any other details about what this money was going to be used for?

**FRITS MARÉ:** No, they didn't. No.

**The Hon. JOHN GRAHAM:** So it was really a proposition to pay \$50,000 to—I'm just struggling with to whom was it going to be paid? Was it to those two individuals or to a company?

**FRITS MARÉ:** They never suggested a company or who might—I never got that far.

**The Hon. JOHN GRAHAM:** A call centre was discussed. In your mind—sorry, I've interrupted you.

**FRITS MARÉ:** A call centre was discussed and the details of it I just don't recall, because I wasn't interested.

**The Hon. JOHN GRAHAM:** Understood. In your mind, though, there was no doubt this was about branch recruitment?

**FRITS MARÉ:** Yes.

**The Hon. JOHN GRAHAM:** Branch stacking, in another term. This was about increasing the number of branch members in the Federal electorate you've referred to in order to change who that member was.

**FRITS MARÉ:** Correct.

**The Hon. JOHN GRAHAM:** Can you recall any of the other details that they put to you in that discussion?

**FRITS MARÉ:** No, I don't, because it was a very short discussion.

**The Hon. JOHN GRAHAM:** This was very much about Alex Hawke, the then sitting member.

**FRITS MARÉ:** Yes.

**The Hon. JOHN GRAHAM:** Was it at all about The Hills Shire Council?

**FRITS MARÉ:** Not at all, no.

**The Hon. JOHN GRAHAM:** Did The Hills Shire Council come up at all?

**FRITS MARÉ:** The words "Hills" or "Hills shire" didn't appear in the conversation at all.

**The Hon. JOHN GRAHAM:** And there was no suggestion at any point that this might be paid to a lobbying firm?

**FRITS MARÉ:** No, never.

**The Hon. JOHN GRAHAM:** Was there any mention of the Beckington firm in particular?



**FRITS MARÉ:** Never heard of that, no.

**The Hon. JOHN GRAHAM:** So that didn't come up. In some of the media coverage relating to this meeting, there was discussion about a text message which you received from an associate sometime later.

**FRITS MARÉ:** You've got that off the *Four Corners* program. That's what you're referring to.

**The Hon. JOHN GRAHAM:** Yes, I'm referring in part to the *Four Corners* program referring to a text message you received from an associate sometime later.

**FRITS MARÉ:** No, the *Four Corners* program alleged that I'd received that.

**The Hon. JOHN GRAHAM:** What do you recall about that text message?

**FRITS MARÉ:** It was totally unrelated. I had rung the person who sent me the text message about a totally different matter. In the middle of the text message—because I've now retrieved it—he referred to the \$50,000, and he thought that was going to be more than they needed for recruitment or stacking. That's all.

**The Hon. JOHN GRAHAM:** Was there another suggestion about what the money might—

**FRITS MARÉ:** No, none at all. But I'm happy to share the message with you. I didn't with the journalist, but I'm happy to, afterwards, open the phone and you can have a look at it—no problem.

**The Hon. JOHN GRAHAM:** Great. That would be good. That would be very helpful. The way we would normally deal with that in the Committee is if you would agree to table that text message.

**FRITS MARÉ:** Sure. I am happy to do that.

**The Hon. JOHN GRAHAM:** And that way it's covered by parliamentary privilege and that's the appropriate way.

**FRITS MARÉ:** Yes.

**The Hon. JOHN GRAHAM:** I thank you for that agreement. You then say you've had no further dealings with these two.

**FRITS MARÉ:** No.

**The Hon. JOHN GRAHAM:** How did the meeting end? This was a suggestion—\$50,000 to change a Federal member of Parliament, to recruit people to the party. You clearly were not going along with this. How did the meeting end? Where did you leave things?

**FRITS MARÉ:** They left. I said goodbye to them. I have never seen Christian Ellis or Claude Perrottet again. There were a few phone calls later on to ask me to come for coffee in Martin Place and I avoided that.

**The Hon. JOHN GRAHAM:** Who were those phone calls from?

**FRITS MARÉ:** Claude Perrottet.

**The Hon. JOHN GRAHAM:** When you say "coffee in Martin Place", is that at the government offices?

**FRITS MARÉ:** I wouldn't know because I didn't entertain that.

**The Hon. JOHN GRAHAM:** Understood. How many of those phone calls would you have received following up this proposition?

**FRITS MARÉ:** By memory, probably two.

**The Hon. JOHN GRAHAM:** And were they soon after or a long time after?

**FRITS MARÉ:** It depends on what "long" is in your terminology. Is it a day, two days? Is it a month? Is it a year?

**The Hon. JOHN GRAHAM:** Any recollection of the time period.

**FRITS MARÉ:** Recollection would be probably a couple of weeks after. It's pretty vague.

**The Hon. JOHN GRAHAM:** Yes, but it's sometime back—

**FRITS MARÉ:** It's not an important part of my life. They sort of came in and out and I've been thrown in the middle of this because somebody said, "Here's a text message", which I'm going to give to you.

**The Hon. JOHN GRAHAM:** Yes. Good. Were you surprised to have this proposition put to you, though?

**FRITS MARÉ:** Yes.

**The Hon. SCOTT BARRETT:** Point of order: The meeting we're referring to here—it has been outlined it had nothing to do with the Hills shire. The witness has actually described what it was about and it's nothing to do with anything mentioned in the terms of reference. I just feel we have strayed quite some way from the terms of reference of this inquiry.

**The Hon. JOHN GRAHAM:** To the point of order: These areas clearly overlap. The witness has given evidence that at no point was The Hills Shire Council raised and I think that's clear. That doesn't mean, in the background, that these two issues were not related. In fact, that may be a matter we turn to later.

**The Hon. CHRIS RATH:** To the point of order: It is an inquiry into the impropriety of The Hills Shire Council and various developers. It's not about internal Liberal Party processes, which seems to be the entire gist of Mr Graham's questioning so far.

**The Hon. PENNY SHARPE:** To the point of order: The allegations made by the member for Castle Hill draw directly members of Parliament into the concerns about the activities that occurred in the Hills shire and the branch activities that have occurred in the Hills shire. Mr Maré is being very cooperative, and we need to remember that Mitchell covers that entire area. We believe that this is in order. We are being careful about the way that we ask these questions, but it is absolutely within the terms of reference. To suggest otherwise is to ignore the issues raised by Mr Williams.

**The CHAIR:** Thank you, all of you. The point of order is a valid one to raise. I think that given the terms of reference and the fact that there is some breadth around that to be looking at the matter as broadly as we can, I think that we are on good territory to carry on. Mr Maré, thank you, too, for being so cooperative. If you're content to carry on then we will carry on.

**FRITS MARÉ:** I can only answer what I know—nothing else.

**The CHAIR:** Thank you.

**FRITS MARÉ:** As for the Hills shire, I've never had any dealings with them. It was never raised by either of the two people, Mr Ellis or Mr Perrottet. The word "Hills" was never raised. "Hills shire" wasn't raised. The company you referred to—is it "Bennington" you said?

**The Hon. JOHN GRAHAM:** Beckington.

**FRITS MARÉ:** Beckington was never raised.

**The Hon. CHRIS RATH:** Mr Maré, you're probably wondering what you are doing here, then. Why have you been called?

**FRITS MARÉ:** I wrote to the Committee to say I think it's a fishing expedition, but I'll cooperate in the interests of what you're trying to find out. I'm not here to dob people in. I can only answer—it's like a court. You've got to answer.

**The CHAIR:** Mr Maré, can I just ask you briefly, when you said that you knew Mr Claude Perrottet from previous occasions, could you describe how you knew Mr Perrottet?

**FRITS MARÉ:** I'd only met him once. I was asked by an MLC. Perrottet was referred to me by an MLC. He was raising money for, I think, Young Liberals or something like that, and I donated.

**The Hon. PENNY SHARPE:** Which MLC was that?

**FRITS MARÉ:** David Clarke. And it was only a small donation I made. It was for the Young Liberals I think it was.

**The Hon. PENNY SHARPE:** So you had contact with previous MLC David Clarke to donate to the Young Liberals. Do you recall what the donation was for?

**FRITS MARÉ:** Young Liberals I think it was.

**The Hon. PENNY SHARPE:** Just a general donation? It wasn't for recruitment or for organising or anything?

**FRITS MARÉ:** No, not at all. What it was was \$1,500 for a table of 10 people somewhere for dinner, and I didn't have 10 people to go so I just gave them \$1,500. That's what it was: nothing else.

**The Hon. PENNY SHARPE:** You can't recall what the function was?

**FRITS MARÉ:** No.

**The Hon. PENNY SHARPE:** Mr Maré, are you familiar with a group within the Liberal Party called the Reformers?

**FRITS MARÉ:** No, I'm not.

**The Hon. PENNY SHARPE:** You've not heard that term before?

**FRITS MARÉ:** No.

**The Hon. PENNY SHARPE:** When you've met with Mr Jean-Claude Perrottet previously, he has not mentioned that word to you before?

**FRITS MARÉ:** No, he hasn't.

**The Hon. PENNY SHARPE:** What contact have you had with Mr Damien Tudehope previously?

**FRITS MARÉ:** Mr Damien Tudehope—I was involved with a number of people to democratise the party, which meant we were asking for plebiscites on the constitution. Mr Tudehope attended some of the meetings. That's about all.

**The Hon. PENNY SHARPE:** You're not aware that those meetings were being held by a group that call themselves the New South Wales Reformers?

**FRITS MARÉ:** They weren't the Reformers. It was Tony Abbott, Walter Villatora, myself, General Jim Molan and a couple of others. And Damien Tudehope attended, I think, twice.

**The Hon. PENNY SHARPE:** And these were the meetings around rank-and-file preselection, for plebiscites—

**FRITS MARÉ:** It was rewriting our constitution to make sure we didn't have the factions controlling the people who went into Parliament—that every member had a vote and not just the factions. I was involved in that.

**The Hon. PENNY SHARPE:** Excellent. That's good. You've said that the Reformers is not something that you're familiar with.

**FRITS MARÉ:** No. I'm not familiar with it at all.

**The Hon. PENNY SHARPE:** Mr Abbott was very involved in these meetings that you were having?

**FRITS MARÉ:** Yes.

**The Hon. PENNY SHARPE:** Are there other current MPs that were involved in it that you can recall?

**FRITS MARÉ:** No.

**The Hon. PENNY SHARPE:** What about the member for Hawkesbury?

**FRITS MARÉ:** Who's that?

**The Hon. PENNY SHARPE:** Robyn Preston.

**FRITS MARÉ:** Never met them.

**The Hon. PENNY SHARPE:** Tanya Davies?

**FRITS MARÉ:** Never met her.

**The Hon. PENNY SHARPE:** In relation to some of the meetings, can you recall where some of those were held?

**FRITS MARÉ:** Which meetings?

**The Hon. PENNY SHARPE:** The meetings you were talking about in relation to—

**FRITS MARÉ:** They may have been held here at 50 Martin—I think it was 50 Martin Place.

**The Hon. PENNY SHARPE:** Is that where the Government office is?

**FRITS MARÉ:** I think it was 50. It's Martin Place.

**The Hon. PENNY SHARPE:** Is that where the Government offices are?

**FRITS MARÉ:** No. They were in the offices of a legal firm. We used their boardroom for our meetings.

**The Hon. PENNY SHARPE:** Okay. Thank you very much. I just want to ask you about a bunch of meetings.

**FRITS MARÉ:** Sure.

**The Hon. PENNY SHARPE:** If you haven't come, that's fine; I just want to ask you. They're from a while ago, so I understand that memories can be challenging. Around 28 April, did you ever attend a meeting—I think Damien Tudehope was there—at the Pennant Hills Bowling Club?

**FRITS MARÉ:** No—never been to the bowling club there.

**The Hon. PENNY SHARPE:** I might ask you the venues. That might be easier, actually.

**FRITS MARÉ:** Sure.

**The Hon. PENNY SHARPE:** Beecroft bowling club?

**FRITS MARÉ:** No—never been there.

**The Hon. PENNY SHARPE:** Have you been to Pennant Hills Bowling Club?

**FRITS MARÉ:** I've never been there.

**The Hon. PENNY SHARPE:** Bowling clubs would not have been your choice, Mr Maré?

**FRITS MARÉ:** No.

**The Hon. PENNY SHARPE:** Castle Hill RSL?

**FRITS MARÉ:** Never been there.

**The Hon. PENNY SHARPE:** So you haven't spent much time in the Hills at all.

**FRITS MARÉ:** My parents used to live there but they left 10, 15 years ago.

**The Hon. PENNY SHARPE:** Mr Tudehope came to some of those [inaudible] meetings and you're saying there were no other MPs that did?

**FRITS MARÉ:** I think he came to one or two of those meetings out of probably 40, 50-odd.

**The Hon. PENNY SHARPE:** Thank you.

**FRITS MARÉ:** That's all.

**The Hon. PENNY SHARPE:** And that's all from me. Thank you.

**The Hon. JOHN GRAHAM:** I might just return to a couple of details.

**The Hon. SCOTT BARRETT:** Point of order: I think this witness was scheduled until 10 o'clock.

**The CHAIR:** Thanks, Mr Barrett. I was just about to point out I think we've just about reached 10 o'clock. We did have a bit of a time delay starting. Mr Maré, are you content to go for a little bit longer?

**FRITS MARÉ:** Sure.

**The CHAIR:** Thank you, Mr Maré. You're being very generous with your time.

**The Hon. JOHN GRAHAM:** Thank you, Chair. Mr Maré, I might just return to that meeting that you've described in some detail—and I thank you for that.

**FRITS MARÉ:** Which meeting is that?

**The Hon. JOHN GRAHAM:** This is the meeting in the Dee Why office—

**FRITS MARÉ:** Yes.

**The Hon. JOHN GRAHAM:** —with the two individuals. Another claim about that meeting, about its purpose—you've described, I think, quite clearly what happened.

**FRITS MARÉ:** Mm-hm.

**The Hon. JOHN GRAHAM:** Another claim about what was discussed there was that, in fact, there was no discussion about money, that this meeting was called and convened for 15 minutes to discuss the fact that you might have been upset that you were not serving on a federal council at the time, perhaps later—

**FRITS MARÉ:** Not at all.

**The Hon. JOHN GRAHAM:** I'll just give you the opportunity to respond to that description of the meeting. Is that an accurate description?

**FRITS MARÉ:** It's not accurate, no.

**The Hon. JOHN GRAHAM:** Thank you. I think you've given us some very specific details about the particular approach to you. Can I ask now more generally about the issues that were sparked by these concerns when Ray Williams spoke in the Parliament about this, if you have heard, in the course of your travels, any of these issues being raised. Do you have concerns about payments being made to lobbying firms that then flow into branch recruitment practices in the Liberal Party? Is that something that's been raised with you elsewhere?

**FRITS MARÉ:** Not at all, no.

**The Hon. JOHN GRAHAM:** In general, that is not something that you're aware of?

**FRITS MARÉ:** Not at all, no.

**The Hon. JOHN GRAHAM:** Thank you. You've indicated already that The Hills Shire Council was not raised, but are you aware of any link to the money that was being raised, to the branch recruitment operations that were proposed, and the dramatic change in the representation of The Hills Shire Council, that is, the mayor and six sitting councillors that were turned over?

**FRITS MARÉ:** No.

**The Hon. JOHN GRAHAM:** So that's not something that's come under your—

**FRITS MARÉ:** No, it hasn't come up, no, at all. And I have no knowledge of that.

**The Hon. JOHN GRAHAM:** You have appeared here today. Happily, you've answered questions very directly.

**FRITS MARÉ:** Yes. I've been asked to come and I can only say what's in my mind.

**The Hon. JOHN GRAHAM:** Exactly.

**FRITS MARÉ:** You may not always agree with it, but—

**The Hon. JOHN GRAHAM:** Yes, precisely. Some witnesses have not appeared. In fact, they've been quite hard to find. That is the view of the Committee. Are you aware of any reason why those witnesses may be trying to evade appearing, as you have done this morning?

**FRITS MARÉ:** No. I read this morning in the newspaper—I think it was this morning's paper—that they were hard to find, but I have not spoken to them. I've only spoken to one of your people here in the room, and that's it.

**The Hon. JOHN GRAHAM:** You can't help us find them? You're not aware of their whereabouts?

**FRITS MARÉ:** I wouldn't know where to. I think you should go and ask the Premier. It's his brother. He probably knows where he is.

**The Hon. JOHN GRAHAM:** And from your point of view, shouldn't they do what you have done—turn up and answer questions?

**FRITS MARÉ:** If you have nothing to hide, that's what you do, yes. Simple.

**The Hon. JOHN GRAHAM:** Thank you, Mr Maré.

**The CHAIR:** Thank you for attending the hearing. The Committee members may have additional questions for you after the hearing.

**FRITS MARÉ:** Sure.

**The CHAIR:** The Committee has resolved to take the answers to those along with any answers to questions—I don't think you did take any on notice, but they are to be returned within three days. But the secretariat will be in contact with you in relation to anything further.

**FRITS MARÉ:** If there's anything else you need to ask, feel free to do. I'd rather not this thing prolong.

**The CHAIR:** Thank you. The staff and the secretariat will see you about the text messages that you formally tabled.

**FRITS MARÉ:** Yes.

**The CHAIR:** Thank you very much.

**(The witness withdrew.)**

**(Short adjournment)**

**Mr MICHAEL EDGAR**, General Manager, The Hills Shire Council, sworn and examined

**The CHAIR:** I now welcome our next witness, Mr Michael Edgar. Would you like to start by making a short statement to begin?

**MICHAEL EDGAR:** I have a short statement, if you would like me to cover that, Madam Chair.

**The CHAIR:** Yes. Please do, thank you.

**MICHAEL EDGAR:** I just thought it was important to give some context. I've worked in local government all my working career and spent my time initially at Blacktown City Council and moved to Blue Mountains and then at the Hills for the last 17. I was appointed the general manager of the Hills in 2017. As you know, the role of the GM is a pivotal one in the council in that it's the go-between of the day-to-day operations, which I'm responsible for, and the governing body, which is the elected councillors. I am their only employee. The rest of the council is my responsibility.

My experience of council is to always have a culture of continuous improvement and looking to be the best it can possibly be. It was one of the first councils almost 20 years ago to introduce its own audit committee, well before it was ever mandated, in an effort to give councillors assurance around the day-to-day operations and direction of council. It's overseen many audits in that time, including audits from investigative bodies that cut across planning functions. Planning functions are a big part of the day-to-day operations for a council, particularly a growth council like The Hills Shire Council. We've been a growth council for many, many years now—decades—like our neighbours Blacktown, Penrith and beyond.

We've got a longstanding reputation, I believe, in managing growth for Sydney. In the last financial year, for example, we processed well over 2,000 applications, and the estimated value of those applications was around \$2 billion. There were around about 215 subdivision applications in that year as well. All up, in my time at The Hills Shire Council, if I could summarise for the Committee, in terms of housing lot production, if I just focus on that for a moment, when I first arrived, in 2005, the average was around about 400 dwelling lots per annum. That continued to post the GFC years, and it's been over, at or around 2,000 per annum ever since. It just shows you the level of investment and the activity and, of course, how much we would be involved in the day-to-day operations around planning functions.

As you would know, the Act sets out the role of mayor and councillors quite clearly. They're primarily directed at the strategic policy and planning activities at council rather than the day to day. In terms of planning applications, I think I could summarise it into two main types: planning proposals—those that want to seek change policy—and development applications. For some time now, councillors have no role in development applications, but they do have a role in planning applications.

I think the council has developed, with its skilled staff, over many years, very robust processes around supporting planning applications and dealing with those. We were one of three councils last year selected for a performance audit by the New South Wales Audit Office in relation to development assessment. I was very pleased that the council was pleased with the results because it was a rigorous audit over the year, and it found that we had established processes to support compliant and effective assessment and determination of development applications. In terms of planning proposals, yes, they are not delegated to council, unless they are so minor and, at the end of the process, the Department of Planning and the Minister delegates back to me the power to finalise an LEP amendment. Most planning proposals are initiated by either the council, either under direction of the State or under its own direction, or by applicants. When I first came to local government, councils could choose whether they accepted planning proposals from external applicants or not. That's not the case now. All people have the opportunity to lodge planning proposals with the council.

The council does deal with planning proposals, and it deals with them in a couple of ways. One is an application will be lodged, unless it's initiating it itself, but even if still—before it proceeds any further, it needs to be reported to council at a full public meeting, open to anybody. And that first decision is around whether the council seeks to send the matter to the Department of Planning for what's called a Gateway determination. At that point, it's really the Minister and the Department of Planning that decide whether it proceeds or not and, if it does proceed, under what conditions it proceeds. Usually, it will be conditions around certain things prepared for exhibition or resolved for exhibition or the exhibition itself.

If a matter is given a Gateway approval, it usually then proceeds to an exhibition process. Before it's ever reported to council, in the first instance, these days, it does go through the local planning panel for comment, so the council has got the benefit of the officer report and the local planning panel, and it makes its own determination from there. Under our code of meeting practice, we do allow speakers for and against items on the business paper

in the council meeting, so people that propose it can speak, people who may not be supportive can speak, or otherwise.

After exhibition, depending on the results of that exhibition and what that process determines, the matter is then reported back to council, again, in a full open meeting. Anyone can attend, again, for a decision as to whether it—well, firstly, consider the input that's been received, consider how that might influence your decision and your policy and then make a view as to a recommendation as to whether it proceeds to finalisation or not. Finalisation means, effectively, the making of a plan, and then it goes through a whole process, a bit like your legislation through Parliamentary Counsel, and so forth. Ultimately, then it's a matter for the department and the Minister to determine the finalisation of the matter. Sometimes the council chooses not to finalise, and there's examples of that. Sometimes the council will choose to finalise, but it doesn't proceed by government and vice versa, so there are a couple of decision points by not only the council but others in that process.

**The CHAIR:** Mr Edgar, you are pointing out that councillors, at a number of points, make very significant decisions regarding big planning proposals and whether they go forward or do not go forward?

**MICHAEL EDGAR:** Yes, they do, but they're not the only decision-maker because, if a council decides not to proceed, for example, the planning Minister and the department, through their department, can decide it does proceed. So, yes, they are the first governing body, if I can put it that way, that has the first say on, first of all, whether it does get off first base and go to a Gateway, and, following all of that, at the end point, having regard to everything that's come before it and been said, does it stop or does it proceed. Then that decision has to be, really, determined by the department. It's not determined by the council from there.

In terms of planning proposals and dealing with council, it's not unusual to have divergence of views. In fact, it should be expected. Decisions on planning and planning matters aren't always unanimous and, as it is the policy of the council, and that's where the governing body should be doing its work, you would expect, at times, there'd be a contest of ideas, and that certainly does happen. But all decisions in planning matters, these days, are recorded and available on our website, and there is a record of voting by each councillor that was in the meeting at the time it was mattered.

Developers are a major stakeholder of our council and any growth council, to be honest with you. In my entire career, I've been involved in development, in one way or another, whether it be regulatory or whether it be approvals or even in my role now. They are a very key stakeholder of the council, and it is important that your relationships with developers are professional and that the public can have confidence in decisions you're making. We do have a pretty good induction program for staff but also councillors around conflicts of interest in appropriate interactions. We do, as part of that, suggest to councillors that, if developers contact you, the best way to manage meetings with developers is at council offices and with a staff member in attendance. I'd have to say, since the removal of councillors from DAs and the—we've introduced, last year, a planning proposal policy that provides opportunities for developers to brief councillors all at once, at the same time, with staff. Since we've done that, the demand for meetings has diminished somewhat.

**The CHAIR:** Would you mind if we start asking some questions now?

**MICHAEL EDGAR:** Sure.

**The CHAIR:** Thank you. That's such a fantastic insight and commencement.

**The Hon. JOHN GRAHAM:** Thank you, Mr Edgar, for appearing. I might just give you some background, firstly, about why the Committee has been keen to have the council here. It was, I think, probably not that you might shed specific light on these serious allegations. I would be surprised if these have come, in the first instance, to the general manager of the council. But, given this is an inquiry into this council area, the Committee felt it was important that you had the chance to be here to put any views on the record that you have in these matters, as you've just done, and perhaps give us some context, as you've started to do. That is, I anticipate, the main areas of questioning, certainly from the Opposition's point of view. I am going to put the specific allegations to you that have been raised though, to give you the opportunity to place on the record whether you do know or don't know about what's been suggested. Before I do that, I will agree; I've read the performance audit from the Audit Office, and I agree with the way you've described it. It did recognise the role that the professional council staff are playing at the moment in this space. I will put to you the concerns, the allegations, that have been put in the Parliament though about what is going on in your local area. They have been put by a member of the Government. This was what he had to say:

Allegations have been raised with me that senior people within the New South Wales Liberal Party, a member of the Liberal Party State Executive and former Hills councillor, were supported financially at the time by a large developer by the name of Jean Nassif.

...



Apparently prior to the council elections Jean Nassif of Toplace met with Christian Ellis and other senior members of the Liberal Party, who were paid significant funds in order to arrange to put new councillors on The Hills Shire Council who would be supportive of future Toplace development applications.

In your role, can you shed any light on these allegations?

**MICHAEL EDGAR:** Thank you for the question. To be perfectly frank, no. In my role, I am not a member of any political party. I don't get consulted on candidates or preselection of candidates of any party, and I have to welcome the councillors that are delivered through the election process. I not aware of any of that material.

**The Hon. JOHN GRAHAM:** Yes, that makes sense. If this sort of activity was going on, it's not really the general manager of the council who'd be the person you'd call.

**MICHAEL EDGAR:** No.

**The Hon. JOHN GRAHAM:** Understood. The member of the Government then went on to raise the concerns about this development in question and said this:

It has been well documented that ... Toplace had purchased a number of properties between Highs Road and Glenhope Road, Castle Hill, for the amount of \$250 million. Once purchased by Toplace, the company then sought a planning proposal through The Hills Shire Council for thousands of new high-rise apartments to be constructed on this land, with some apartments to be above 20 storeys in height.

Can you give us some background to this particular development, or this particular planning proposal? Is that an accurate description of what's at stake here, in your local area?

**MICHAEL EDGAR:** Yes, but I think it is important I give you some context. Once the Metro was announced in around 2011, in 2013 the New South Wales Government commissioned some reports around what I would call a 2013 corridor strategy. It looked at each precinct at each station and looked at the development opportunities within those precincts. Cherrybrook was one of those. That started a lot of property speculation and transactions, to be frank, right across the corridor. And Cherrybrook was one of those. We did receive a planning proposal in about 2015 by a consultant firm which we believe was on behalf of Toplace.

**The CHAIR:** What was the name of that firm?

**MICHAEL EDGAR:** Mecone. Mecone was the applicant.

**The Hon. JOHN GRAHAM:** And you believe on the request of Toplace, is the view?

**MICHAEL EDGAR:** I believe they were commissioned by Toplace. At that point, when the application was issued, the landowners were the original landowners, and it wasn't until some years down the track that that land ownership started to change. We were aware through media reports and others that Toplace had made some strategic purchases in the area, and certainly we had a planning proposal that was within the precinct of Cherrybrook under the corridor strategy. The planning proposal was different to the corridor strategy—obviously, as was said by the member for Castle Hill, it did propose rather tall buildings. The corridor strategy of the Government's was around about a three- to six-storey height limit, if I could put it in that scale, whereas the Toplace proposal had elements that were in the order of 15 to 20, but also in the order of a smaller scale as well, so it was a fairly large area and probably an attempt at master planning the site.

**The Hon. JOHN GRAHAM:** Is that a relatively accurate characterisation of this development?

**MICHAEL EDGAR:** Planning proposal, yes.

**The Hon. JOHN GRAHAM:** Some \$250 million purchased and some buildings—you're making the point not all buildings, but some buildings jumping up from a strategy of three to six storeys up to 20. That's an accurate statement?

**MICHAEL EDGAR:** Yes.

**The Hon. JOHN GRAHAM:** And we're talking about thousands of apartments here, is that—

**MICHAEL EDGAR:** Yes.

**The Hon. JOHN GRAHAM:** It's not the only development going on?

**MICHAEL EDGAR:** No.

**The Hon. JOHN GRAHAM:** There are others?

**MICHAEL EDGAR:** In terms of the precinct itself at Cherrybrook?

**The Hon. JOHN GRAHAM:** Yes.

**MICHAEL EDGAR:** Yes.

**The Hon. JOHN GRAHAM:** There are certainly others. And you're making the point that there are State Government changes rolling through here and local government discussion. There is an active planning process here?

**MICHAEL EDGAR:** Yes.

**The Hon. JOHN GRAHAM:** These are my words, not your words, feel free to disagree with them—but while those planning proposals are changing, there is money to be made here with the right development proposals.

**MICHAEL EDGAR:** Well, I wouldn't use those words because it's not certain or imminent at that point in the process, as I explained earlier in my opening remarks, until there is a Gateway, which is—

**The Hon. JOHN GRAHAM:** Further down the track.

**MICHAEL EDGAR:** —further down the track. That's right.

**The Hon. JOHN GRAHAM:** Agreed.

**The CHAIR:** Is there another motivation at that point that you're aware of?

**MICHAEL EDGAR:** How do you mean?

**The CHAIR:** With Mr Graham's characterisation that because there's money to be made at that point, is there any other reason that—

**MICHAEL EDGAR:** Well, I suppose you're in the development game to make a profit. I'd think that would be obvious.

**The Hon. JOHN GRAHAM:** I think that's unremarkable.

**MICHAEL EDGAR:** But, again, all I was suggesting is that at that point it is a long way from certain and imminent.

**The CHAIR:** There is still a journey. Thank you.

**The Hon. PENNY SHARPE:** But there are key decisions at that point which are worth a lot of money. I mean, the difference between three to six storeys versus 20 is a big difference.

**MICHAEL EDGAR:** Absolutely. Scale and FSR has an influence on property values, and we see that through the VG revaluation process for our rate process every three years. Certainly, once those corridor strategies were released, the speculation really went—

**The Hon. PENNY SHARPE:** Yes, there were residents pooling together and selling large blocks and getting large windfall gains from that and they were just mums and dads in their house.

**MICHAEL EDGAR:** That's right.

**The Hon. JOHN GRAHAM:** And the community view at this point? There was some community consternation about this proposal? It certainly attracted the attention of the community; is that the right way to put it?

**MICHAEL EDGAR:** It did, but the community never got an opportunity to have a say. It never got to Gateway, it never got to exhibitions. So, yes, there was commentary about it but not formally—as there was right across each station precinct. In fact, in 2015-2017, council took the Government's corridor strategy from where it began in 2013 and just did a little bit more fine-grained work because, if I put it to you this way, if the Government strategy said three- to six-storeys, no-one was building three. Everyone was looking at six and beyond. So the council saw fit to say, "Okay, let's do a bit more work here and let's try and get this real." I remember we filled the chamber one night because we found that in some places it couldn't sustain what the Government strategy was.

**The Hon. JOHN GRAHAM:** I want to turn back to this specific proposal, the Cherrybrook proposal. I want to help you put a couple of things on the record that you put to the Committee. I am quoting now from your words, but I think it would be helpful to just describe how this has come through the planning process. The Ray Williams speech in the Chamber you say, "Refers to a planning proposal in Cherrybrook (9-2016-PLP) that was last considered by council at its ordinary meeting on 22 October 2019, resolved that the proposal not proceed to Gateway determination." That was one step. That's correct?

**MICHAEL EDGAR:** That's the last step.

**The Hon. JOHN GRAHAM:** The last step at council level?

**MICHAEL EDGAR:** It hasn't been back to council since.

**The Hon. JOHN GRAHAM:** "Secondly, a rezoning review of council's decision was sought by the applicant, which was considered by the Sydney Central City Planning Panel on 8 and 9 April 2020, and it too determined that the proposal should not proceed." You've confirmed that?

**MICHAEL EDGAR:** Correct.

**The Hon. JOHN GRAHAM:** That is a further step.

**MICHAEL EDGAR:** Correct.

**The Hon. JOHN GRAHAM:** But you're making the point here that it's not as if this series of sites is going to stay at three storeys in the long term. There will be some development here. This developer and other developers haven't given up on significant development proposals in these areas.

**MICHAEL EDGAR:** In answer to that question, I do expect—because the Government last year exhibited a precinct plan and a place strategy for Cherrybrook and it generally settled around the five-storey limit for Cherrybrook, including these sites. Just recently—and I don't say this to be provocative in any way—the Urban Taskforce last week welcomed a media release by the New South Wales Opposition about revisiting these precincts because they thought they could do more than what the Government settled on in their plan late last year. So, yes, I do expect it to be an opportunity for change.

**The Hon. JOHN GRAHAM:** I might turn to the changeover in the council, if that suits. You're the general manager; you're obviously not involved in the politics. However, this is a very significant change in the make-up of the council to which you report and for which you are responsible. The mayor is gone; six sitting councillors are gone, almost overnight, with very little explanation. Was there any discussion? There must have been some discussion of this amongst council staff. Did you have any explanation about why this change had occurred? Did you hear any discussion about this dramatic change?

**MICHAEL EDGAR:** Only what was in the media. It was extraordinary, I would say. I'm not suggesting that it's normal that there be a change like that but, again, when that happened our job was to run the council and the day-to-day operations.

**The Hon. JOHN GRAHAM:** Exactly.

**MICHAEL EDGAR:** I wasn't one to wish to promote scuttlebutt, provide conjecture or become involved. In fact, as an executive, when the allegations came and we were starting to hear some of the media reports, we said, "Our job here is to just keep doing the job of the council."

**The Hon. JOHN GRAHAM:** And that's entirely appropriate. I think, in the view of the Committee, you have done that.

**MICHAEL EDGAR:** Thank you.

**The Hon. JOHN GRAHAM:** I just want to make that clear. This is an extraordinary situation, though, and the Committee is trying to find an explanation. In those informal discussions, did you ever hear a suggestion about why this dramatic change in the make-up of the council may have occurred?

**MICHAEL EDGAR:** No, but I was aware through media reports.

**The Hon. JOHN GRAHAM:** Do you have any theory yourself as to why it was that these councillors were changed?

**MICHAEL EDGAR:** I don't, because I'd imagine that with each party there would be factions within them and I would imagine there would always be a process of advancing your faction. I would imagine—I don't know—but I'm not familiar with those processes and I'm not involved in those processes.

**The Hon. JOHN GRAHAM:** Had council staff raised issues or concerns with you that the sort of allegations made by Government member Ray Williams, about why this changeover occurred, may have been linked to development in The Hills Shire Council?

**MICHAEL EDGAR:** No.

**The Hon. JOHN GRAHAM:** Have any discussions that you have had reflected on that reason?

**MICHAEL EDGAR:** No, but bear in mind one reason would be because the planning proposal that everyone was talking about in Cherrybrook, and the developer we were talking about, was stopped not only by the council but also by the planning panel in 2019, which was before the election.

**The CHAIR:** Are you suggesting, perhaps, that it was just a bit of an unspoken thing—that this quite radical thing could just happen because that's party politics or that's the nature of what can happen with The Hills Shire Council? Is that what you mean in that there are no actual conversations other than perhaps what was referred to?

**MICHAEL EDGAR:** Yes. The political environment is kept very separate to the day-to-day operations of the council. At the end of the day, we've got to serve the governing body that we are delivered through the election process. How the candidates get to be on that ballot box—under what party or even on their own—we are not involved in that. Yes, it might be interesting but, at the end of the day, we've got to deal with what's delivered to us.

**The Hon. PENNY SHARPE:** Thanks, Mr Edgar. I wanted to ask you some questions about a completely different site. We've received quite a few submissions through this inquiry in relation to this. I am sure you are very familiar with it. It is the former IBM Business Park at 55 Coonara Avenue, West Pennant Hills.

**MICHAEL EDGAR:** Yes.

**The Hon. PENNY SHARPE:** It is called the Mirvac site.

**MICHAEL EDGAR:** Yes, the IBM site.

**The Hon. PENNY SHARPE:** How do you refer to it?

**MICHAEL EDGAR:** Either the Mirvac site or the IBM site.

**The Hon. PENNY SHARPE:** I might just use that. As you know—and I think you referenced this earlier—there is often significant disagreement within the community around these issues, and this has been one of those. As I have said, we have had quite a lot of submissions to this inquiry about this. I just wanted to ask you a few questions about it. The first thing was the nature of it. There have been two steps, as I understand it. There was the initial rezoning, which caused a lot of community discussion. Is that correct?

**MICHAEL EDGAR:** Yes, my word.

**The Hon. PENNY SHARPE:** Yes, there were over 4,000 submissions against that.

**MICHAEL EDGAR:** Yes.

**The Hon. PENNY SHARPE:** My understanding is that the former mayor, Michelle Byrne, when it came forward to council for discussion about the rezoning—it was actually rejected by council, that rezoning. Is that correct?

**MICHAEL EDGAR:** That was at the end.

**The Hon. PENNY SHARPE:** Again, just give us a bit of the history of that.

**MICHAEL EDGAR:** So, planning proposal lodged. It went through a number of reiterations. If my memory is correct—give or take—it started off as a proposal of around about 1,800-odd dwellings and then it narrowed down as the issues came. The council did give it a Gateway. It did get a Gateway approval from government, so it did proceed to exhibition; you are quite right. It received a lot of community submissions, and 4,000-odd would be among the highest. When it went to council for a vote to finalise, post-exhibition, the council voted no and voted not to proceed to finalisation of that proposal.

**The Hon. PENNY SHARPE:** So what happened then?

**MICHAEL EDGAR:** What happened there, in summary terms, was that the proposal was considered in a range of other proposals for measures to reboot the economy following COVID.

**The Hon. PENNY SHARPE:** So this was this so-called fast-tracking process post-COVID?

**MICHAEL EDGAR:** Correct, and it was one of the proposals that was rezoned through that process.

**The Hon. PENNY SHARPE:** Who put that site on the fast-track list? So there had been this huge community uproar, I think you would say, in relation to this, and council decided that it didn't want to move forward with it, and that was the rezoning to make that residential possible. So council made its view clear that the fast-tracking process was in the hands of the State Government. Is that correct?

**MICHAEL EDGAR:** That's right.

**The Hon. PENNY SHARPE:** I'm just a bit unclear about how it ended up on the fast-tracking system and how the State Government then basically overruled the council in relation to it.

**MICHAEL EDGAR:** To be honest, I'm not familiar with how. My recollection, in broad terms, is that I think the Government called for submissions from people, but they would be the best ones to explain how the process was rolled out from there. We were only informed of the result.

**The Hon. PENNY SHARPE:** So council rejected this but then basically the State Government has come in over the top and imposed that. What was the response from the council in relation to that?

**MICHAEL EDGAR:** Well, it was disappointing. It is fair to say that the result to say no was tight, so there were councillors who voted for.

**The Hon. PENNY SHARPE:** Just to be clear, the former mayor, Dr Michelle Byrne, had to use her casting vote.

**MICHAEL EDGAR:** Correct.

**The Hon. PENNY SHARPE:** So it was very tight.

**MICHAEL EDGAR:** Very tight, that's right. Amongst all of those councillors, though, it was in some part not surprising it might have been selected. But in another part, this is taking the "local" out of local planning, isn't it? It was more of a confirmation that, really, the council doesn't have much of a say in its local area when it comes to the zoning and the planning proposal process.

**The Hon. PENNY SHARPE:** There are obviously a lot of environmental concerns because of the endangered ecological communities that are on that site. There was intervention and oversight from then Federal environment Minister Sussan Ley in relation to this, wasn't there?

**MICHAEL EDGAR:** I wasn't aware so much about that. But I was aware that when the planning proposal was going through its processes, the New South Wales Department of Environment and Conservation raised objection and concerns. In fact, we were unable to resolve them.

**The Hon. PENNY SHARPE:** That's right, because the concern was that the environment department in the New South Wales Government raised this issue because the site had been considered so significant in the Sydney Basin that it was actually part of the Saving our Species program. On one hand we've got the New South Wales Government saying this forest and the endangered species that live within it are incredibly important and need to actually be invested in, and at the same time the Government is coming over the top to allow that to be cleared. That's essentially what happened, isn't it?

**MICHAEL EDGAR:** I don't know that, as to what happened, but I know what the outcome is. I suppose I put to you that that's the planning system: The New South Wales Government of the day can make decisions around planning throughout the State.

**The CHAIR:** When you started, you said that the developers are the major stakeholder of council.

**MICHAEL EDGAR:** A major stakeholder.

**The CHAIR:** Are communities not also concerned about the environment? Does council see a role that they advocate for those communities that are concerned, given they rely on council to amplify their concerns and voice around that—hence the 4,000 submissions?

**MICHAEL EDGAR:** That was because the 4,000 submissions were to a targeted request for what your thoughts are. Yes, I think the community does look to its council and its governing body to represent its interests and—let's face it—the interests of all of your community is quite broad. I think the members of the public are quite surprised at how little impact a councillor has in the development approval process. When they're alarmed about a development that goes up beside them that seems incongruous with their neighbourhood, they're surprised that the council does not have a say to stop that sort of development. Yes, it is about educating the community as to who they should be talking to around, really, the key decision-makers about what can and what can't happen in your neighbourhood.

**The Hon. PENNY SHARPE:** Just to be clear, the height limits on this site have also exceeded what council has previously approved, haven't they?

**MICHAEL EDGAR:** It wasn't what council approved. When the planning proposal is approved, it sets a zone. It might set a fall space, it might set a height limit and it might set other controls, other—what you would call development standards. Development applications that come in following that need to speak to those standards.

**The Hon. PENNY SHARPE:** Again, I'm drawing from some of the submissions in relation to this. They state that there were height limits stipulated at nine, 12 and 22 metres but that many will exceed that. Is that correct?

**MICHAEL EDGAR:** The development process—the planning proposal set out where the development would go and in roughly what form, and it settled on around 600-odd dwellings in a range of typologies, apartments down to smaller housing. The development applications come in. You are able as an applicant to, if you're not meeting a development standard, put your merit argument about why that standard might be unreasonable or unnecessary in the circumstances.

When it comes to height, height does have an impact in terms of potential overlooking to and from the site. It may also have an impact on shadowing. It may have an impact on visual intrusion. The applicants put forward what you call a variation to development standards, which we keep a register of on our website. We're required to and, in fact, that even gets audited fairly regularly by the Department of Planning. If an applicant puts that to the consent authority, the consent authority has to take that into account. It has to satisfy itself: In the circumstances, are the variations of that standard reasonable? I am aware on the development applications that in some of those, whether it be because of topography or just the change in typology—because I believe it's only about 417 houses now in a variety of typologies—there was some height variation that was put forward, argued on merit. The determining authority, the consent authority, in that case was the planning panel. They agreed that the development standard in that particular case was able to be varied on merit.

**The CHAIR:** Who prepared the report for the panel?

**MICHAEL EDGAR:** Council staff prepare reports for the panel to then consider, in much the same way as it used to for council.

**The CHAIR:** Did that report recommend approval?

**MICHAEL EDGAR:** Yes.

**The Hon. PENNY SHARPE:** I've just got one more question, which is about the open space. There's been some toing and froing around the open space on this. Some of the forest was going to be returned to Forest Corp, and now one of the submissions alleges that it's basically going to the planning Minister. Can you shed any light on that?

**MICHAEL EDGAR:** I'm not involved in who in government gets responsibility for it. I read that submission and I started to contemplate what that might mean. But then I observed that the Minister for planning actually holds lots of land in our shire, some of it quite environmentally significant, so I didn't see that as unusual.

**The Hon. PENNY SHARPE:** But there was some suggestion that The Hills Shire Council was offered the land and that you've turned it down. Is that correct?

**MICHAEL EDGAR:** That was in the planning proposal stage, not post. When council stopped, well, then really—

**The Hon. PENNY SHARPE:** You just had to hand it over, pretty much, and it's out of your hands?

**MICHAEL EDGAR:** I don't believe we were asked after we stopped the planning proposal. I do recall, before that, there were a couple of thoughts about would this go to council, but you'd have to understand that taking on the burden and maintenance of that land would be something that we'd have to carefully consider. We thought that there were more appropriate authorities that could do that.

**The CHAIR:** Even though the land is so significant and is part of the Saving our Species programs, and it has lots of opportunity to be managed alongside with the State? Any considerations at that point?

**MICHAEL EDGAR:** Well, the way we're financed wouldn't incentivise us to do that, really, with respect. That would be taking on a burden around bushfire management and management of the site around weeds. We thought there was somebody right next door that could do that and would be appropriate, bearing in mind the site, before it was rezoned in entirety, was zoned employment zone.

**The CHAIR:** From the submissions, it's quite clear that that would possibly be a better environmental outcome in the long term for the natural environment than this more intensive urban development.

**MICHAEL EDGAR:** I think there'd be arguments both ways on that, and it would depend very much on form and scale and so forth. I think you could probably argue merits both ways on that one.

**The Hon. PENNY SHARPE:** The concern from the community in relation to the settlement is just that, quoting one of them, "everything to do with the planning approvals and DAs appears to be 'non-standard'" in terms

of the height variations and changes. I understand that planning is an iterative process, and things do change from the start to the finish. Do you accept that characterisation of how we've ended up where we are on this site?

**MICHAEL EDGAR:** I think you've got to just accept that, one, it's zoned, and the zoning was very deliberate around a planning outcome. We're now getting development applications that are, if I could at least say, broadly consistent with that planning outcome, if not more diminished in scale—maybe not with some of the configurations of the buildings. I think there are good conditions and protections around the environment, so I wouldn't say it is doomed. I think it has the potential to be a very unique housing opportunity within the Hills and in the locality. I think the various interests can be managed in that urban context very well.

**The Hon. JOHN GRAHAM:** Mr Edgar, thank you for your evidence. I think that has been helpful to give some context to the issues that the Committee is dealing with. There is one other matter that I want to ask you for assistance on, and that is that this Committee has struggled to find a number of the witnesses who might shed light on what is alleged to have happened here. One of those witnesses that we have been unable to locate—and the Committee has been public that a summons has been issued for this person—is Councillor Virginia Ellis. I just want to ask you for a couple of details there. Now, she is one of the new councillors appointed to the council. That is correct?

**MICHAEL EDGAR:** Yes, that's correct.

**The Hon. JOHN GRAHAM:** So as the mayor and six councillors were swept aside, Councillor Virginia Ellis was one of the councillors who came onto the council as a new councillor, correct?

**MICHAEL EDGAR:** That is correct. She was a candidate at the election and was elected to council.

**The Hon. JOHN GRAHAM:** We've been struggling to find her to give evidence to this Committee. Has she been attending council meetings?

**MICHAEL EDGAR:** Yes, she has.

**The Hon. JOHN GRAHAM:** I am looking here at the minutes of the last council meeting, which I believe was on 7 February.

**MICHAEL EDGAR:** Correct.

**The Hon. JOHN GRAHAM:** I can see that she did attend that meeting. She is listed in the minutes. That is your recollection, that she was there?

**MICHAEL EDGAR:** She was there.

**The Hon. JOHN GRAHAM:** On 7 February?

**MICHAEL EDGAR:** Yes. We may even have vision of it, Madam Chair.

**The Hon. JOHN GRAHAM:** So you can confirm she was there. Have you seen her since?

**MICHAEL EDGAR:** No, I have not.

**The Hon. JOHN GRAHAM:** Have you spoken to Virginia Ellis since 7 February?

**MICHAEL EDGAR:** No, I have not.

**The Hon. JOHN GRAHAM:** Has anyone you know confirmed that she is alive and well?

**MICHAEL EDGAR:** No.

**The Hon. ROSE JACKSON:** Have you received any emails from her? Is there any email correspondence that has come in?

**MICHAEL EDGAR:** I have no email correspondence. I have been away myself. Since that last council meeting I did a family trip to Tasmania. It is not unusual for me not to hear from councillors between meetings. I have not had any contact, any email. But that is not unusual.

**The Hon. JOHN GRAHAM:** Understood. Have any of your staff, to your knowledge, had any contact with Councillor Virginia Ellis?

**MICHAEL EDGAR:** Not to my knowledge.

**The Hon. JOHN GRAHAM:** Is that something that you would be happy, after this hearing, to check—whether or not there has been contact with the council since 7 February?

**MICHAEL EDGAR:** Yes, I will take that on notice.

**The Hon. JOHN GRAHAM:** That would certainly be of assistance. Is Councillor Ellis in possession of a council phone?

**MICHAEL EDGAR:** I would believe so, yes.

**The Hon. JOHN GRAHAM:** Is there a way to confirm whether she has used that council phone since 7 February?

**MICHAEL EDGAR:** I'm not sure, but I would imagine there would be in this day and age.

**The Hon. JOHN GRAHAM:** Perhaps you're taking that on notice?

**MICHAEL EDGAR:** Yes.

**The Hon. JOHN GRAHAM:** Any assistance you can provide there. Does she have access to any council laptop or IT equipment?

**MICHAEL EDGAR:** I would have to check. Under the facilities policy there are a range of devices available. I wouldn't know, off the top of my head, what device each councillor would have.

**The Hon. JOHN GRAHAM:** But, again, would you be happy to assist the Committee by taking that on notice?

**MICHAEL EDGAR:** I'll take that on notice.

**The Hon. JOHN GRAHAM:** And provide any details you could, including whether that equipment has been used recently. Has she logged on to any council equipment? That would be of assistance to the Committee, given we are struggling to find her.

**MICHAEL EDGAR:** I'll have to take it on notice. I don't know what our capability is there.

**The Hon. JOHN GRAHAM:** I might ask if you are aware of some details that have been suggested to the Committee. One of the central allegations here—and I've put it already in the inquiry because Ray Williams, MP, put it in the Parliament—is that Christian Ellis, a lobbyist at times, is involved in this issue. Christian Ellis and Councillor Virginia Ellis are related. Is that correct?

**MICHAEL EDGAR:** I believe so.

**The Hon. JOHN GRAHAM:** It is a matter of public record. In fact, she is his mother. That is your understanding?

**MICHAEL EDGAR:** I believe so.

**The Hon. JOHN GRAHAM:** Do you believe that Councillor Virginia Ellis works for Robyn Preston, MP?

**MICHAEL EDGAR:** I believe so.

**The Hon. JOHN GRAHAM:** And she is in the electorate office?

**MICHAEL EDGAR:** I believe so.

**The Hon. JOHN GRAHAM:** And she is a full-time employee there?

**MICHAEL EDGAR:** That I don't know. Whether it is part-time or permanent, I don't know.

**The Hon. JOHN GRAHAM:** Understood. Thank you for what you have been able to confirm. I think this would be appropriate to ask on notice, Chair, rather than in the open session. But can I ask you to supply any phone, address or contact details that the council holds for Councillor Virginia Ellis? Are you happy to take that on notice?

**MICHAEL EDGAR:** I'm happy to take that on notice. I would believe most contact details are on our website but I will check.

**The Hon. JOHN GRAHAM:** Obviously the Committee has worked with those public contact details, but any other contact details that are held I would ask you, if you are able, to provide those sooner rather than later—rather than at the end of the normal questions-on-notice period. That would be helpful. The Committee secretariat will be in contact with that. Finally, the council is due to meet again on Tuesday 21 February. Is that correct?

**MICHAEL EDGAR:** That's correct.

**The Hon. JOHN GRAHAM:** Are you expecting Councillor Ellis to appear?



**MICHAEL EDGAR:** I have no apologies or information to suggest that she would or would not.

**The Hon. JOHN GRAHAM:** I will indicate to you that the Committee is expected to have a hearing after that date, possibly. That's a matter for the Committee, obviously. The council will meet prior to, perhaps, our final hearing.

**MICHAEL EDGAR:** Correct. It is scheduled to meet next Tuesday night.

**The Hon. JOHN GRAHAM:** Finally, from your point of view, since 7 February you can't help the Committee? You haven't seen Councillor Ellis? You haven't had any contact?

**MICHAEL EDGAR:** Not since that meeting.

**The CHAIR:** Thank you for attending this hearing. Committee members may have additional questions for you after the hearing. The Committee has resolved that answers to those questions, along with any others taken on notice, be returned within three days. I note Mr Graham has suggested that we might be able to get the answers to some of those sooner. The secretariat will be in contact with you.

**(The witness withdrew.)**

**The Committee adjourned at 11:07.**