

REPORT ON PROCEEDINGS BEFORE

STANDING COMMITTEE ON STATE DEVELOPMENT

**ALLEGATIONS OF IMPROPRIETY AGAINST AGENTS OF THE
CITY OF CANTERBURY BANKSTOWN COUNCIL**

CORRECTED

**At Dixson Room, Ground Floor, Mitchell Building, State Library of NSW, Sydney on
Friday, 17 February 2023**

The Committee met at 9:45 am

PRESENT

The Hon. Aileen MacDonald (Chair)

The Hon. Greg Donnelly

The Hon. Scott Farlow

The Hon. Chris Rath

The Hon. Penny Sharpe

PRESENT VIA VIDEOCONFERENCE

The Hon. Taylor Martin

* 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 fourth hearing of the inquiry into allegations of impropriety against agents of the City of Canterbury Bankstown council. Before I commence, I would like to 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 Aboriginal and Torres Strait Islander people joining us today. Today we will be hearing from Councillor Bilal El-Hayek and Mr Simon Manoski. Both Councillor El-Hayek and Mr Manoski are accompanied by their legal advisers.

Before we commence, I would like to make some brief comments about the procedures for today's hearing. It is being broadcast live via the Parliament's website. The proceedings are also being recorded and a transcript will be placed on the Committee's website once it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings.

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 they may make to the media or to others after they have completed their 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. I note that, in accordance with that resolution, and with the prior agreement of the Committee, the witnesses appearing today are accompanied by, and will have reasonable opportunity to consult, their legal advisers during the hearing. If witnesses are unable to answer a question today and want more time to respond, they can take a question on notice. The Committee has resolved that written answers to questions taken on notice are requested to be provided within 48 hours of the provision of the transcript. Regarding audibility of the hearing today, I remind Committee members and witnesses to speak into the microphone. Finally, everyone should turn their mobile phones to silent for the duration of the hearing.

COUNCILLOR BILAL EL-HAYEK, Councillor, City of Canterbury Bankstown, sworn and examined

Mr KEN MANOSKI, Director Corporate Services, City of Canterbury Bankstown, sworn and examined

The CHAIR: Would you like to start by making a short statement?

BILAL EL-HAYEK: Yes, Madam Chair. I too would like to acknowledge the traditional owners of the land on which we stand, and pay my respects to Elders both past, present and emerging. Why? "Why" is the question I have grappled with for days. For those of you who don't know me, I came to this country at a very young age, without a word of English. Ever since then, I wanted to give back and serve the community, so I got involved in politics and was elected as a councillor in 2017. I currently work with young people and was a youth coordinator at Bankstown Police Citizens Youth Club for nearly a decade, managing youth and family programs, dealing with and mentoring troubled kids, connecting disadvantaged children with social and educational activities and managing school leadership programs and youth-led conferences with various local organisations. I have formed strong relationships with the Bankstown and Campsie police area command, AFL and NRL clubs, community groups and religious organisations. My work bringing together families of different cultures and faiths was recognised when I received the Premier's Harmony Medal in 2018. And what a pleasure it was to receive that accolade from the then Premier, Gladys Berejiklian.

I'm also a proud White Ribbon Ambassador and sit on various committees promoting this important cause. I'm not one of those politicians sitting on their backsides in an air-conditioned office or venturing outdoors only when there is a photo opportunity. I've been front and centre volunteering when needed. During COVID I assisted and helped pack and deliver thousands of food hampers to the needy and elderly across our community over many, many months, not to mention vital masks and sanitisers to our local hospitals. During the North Coast flood emergencies and the South Coast bushfires, again, thousands of food packages—truckloads—were packed, loaded and delivered to those communities hardest hit. Meeting people from all walks of life—and one of those who left an indelible impression on me was the late Jim Molan, doing his bit for bushfire victims in Cobargo. Whether it's loading and delivering truckloads of hay to desperate farmers in Cobar and Dubbo during the drought, handing out meals on wheels with our Meals On Wheels service locally, or feeding the homeless in our city, or the pleasurable task of delivering toys to sick kids for Christmas, volunteering work is my way of giving back to the community. Madam Chair, thank you for the opportunity today, and I am happy to take questions.

The CHAIR: Thank you for your volunteer service to the communities.

The Hon. SCOTT FARLOW: Thank you, Madam Chair, and thank you, Councillor El-Hayek, for being here today and for coming voluntarily here today as well. I note you had agreed on the first request of the Committee, so you should be commended for that. I just wanted to turn to your pecuniary interest disclosure to begin with. You outlined that you were a youth coordinator for Bankstown PCYC. Is that correct?

BILAL EL-HAYEK: Correct.

The Hon. SCOTT FARLOW: Is that your current employment? Are you in different employment now?

BILAL EL-HAYEK: Correct.

The Hon. SCOTT FARLOW: What's your current role?

BILAL EL-HAYEK: I run my own company, dealing with young people.

The Hon. SCOTT FARLOW: So it's your own business. And in your pecuniary interest disclosure I think you have, in terms of sources of income—Bilal El-Hayek community education program. Is that your activity now?

BILAL EL-HAYEK: Correct.

The Hon. SCOTT FARLOW: You also have listed MATN proprietary limited, and you list that as multipurpose. What is MATN proprietary limited?

BILAL EL-HAYEK: Youth work and community service.

The Hon. SCOTT FARLOW: And that is different to your community education program, is it?

BILAL EL-HAYEK: Well, community education program—I run a martial arts.

The Hon. SCOTT FARLOW: So that's different.

BILAL EL-HAYEK: Correct.

The Hon. SCOTT FARLOW: In your role with the PCYC, did you finish your employment there on good terms?

BILAL EL-HAYEK: I think that's outside the terms of reference, Madam Chair.

The Hon. SCOTT FARLOW: I think you talked about your role with PCYC from the beginning, and you used it as part of your opening statement of the 10 years of service.

The Hon. PENNY SHARPE: Point of order: What has that got to do with—

The Hon. SCOTT FARLOW: Mr El-Hayek has raised that today.

The Hon. PENNY SHARPE: Well, that's not the point. The point is that the terms of reference are about his involvement as a councillor on Canterbury Bankstown council. He has come here voluntarily. He has provided information to the Committee. The situation with his previous employment has very little to do with this—in fact, nothing.

The CHAIR: The member can choose the question they ask, and the witness may choose how they answer that question. I rule that the question is in order.

The Hon. SCOTT FARLOW: Thank you very much. Councillor El-Hayek, just to ask that question, in your employment with the PCYC, did that end on good terms?

BILAL EL-HAYEK: Yes.

The Hon. SCOTT FARLOW: It ended on good terms. There were no issues that were raised in terms of your departure. Did you receive a reference from them?

BILAL EL-HAYEK: What are you exactly referring to, Mr Farlow?

The Hon. SCOTT FARLOW: Well, I'm asking a question. You've said it ended on good terms. Did you receive a reference from them?

BILAL EL-HAYEK: I don't understand the question.

The Hon. GREG DONNELLY: Point of order: There is an implication, I think, in the question, that, if he didn't receive a reference, there might be some issue. I think that's a pretty fair conclusion. I think that's what he might be getting at. I think it's best to be forthright, if that is the case.

The Hon. SCOTT FARLOW: I am asking Councillor El-Hayek: Did he end on good terms? He has said yes. And then I am asking him: Did he receive a reference?

The Hon. PENNY SHARPE: What has that got to do with the terms of reference of this Committee?

The Hon. SCOTT FARLOW: The Committee Chair has already allowed the question as part of the Committee inquiry.

The Hon. PENNY SHARPE: Well, no, this is a new question; you're not raising the question again. How is this within the terms of reference?

The Hon. SCOTT FARLOW: It relates to an issue that has already been raised by Councillor El-Hayek, with his service with the PCYC.

The Hon. GREG DONNELLY: Point of order: There are references and there are references. There is a certificate of service which is for the time that a person might serve. That is one thing. The word "reference" is a bit loaded because references tend to be more personal things that a person as an employee who's leaving an employer might seek as a request. And there are variations thereof with regard to what one might receive. The matter of a certificate of service is the more legal provision, which describes when the person started and when they finished in a very explicit way. References can be different things that mean different things to different people. If you want to pursue this line of questioning—I agree with the Hon. Penny Sharpe—I think it is fair to explain to the witness what you mean by "reference".

The CHAIR: The witness has an opportunity to take the question on notice if he needs to look at his records.

BILAL EL-HAYEK: I don't understand the question.

The Hon. SCOTT FARLOW: Did you receive a reference? It is a pretty clear question. You can say yes, you can say no.

BILAL EL-HAYEK: From memory, it was yes.

The Hon. SCOTT FARLOW: Yes, okay. Was there any allegation at the time of you misusing entitlements at the PCYC?

BILAL EL-HAYEK: Madam Chair, this is outside the terms of reference again. I am not here to answer questions for a previous employment.

The Hon. SCOTT FARLOW: I think that this goes to—

The CHAIR: It is a question following on from the first question that was asked. In your opening statement you did make reference to the PCYC so I think the question is in order.

BILAL EL-HAYEK: What is the question again, Mr Farlow?

The Hon. SCOTT FARLOW: The question was: Were you, at any stage, under investigation or were there allegations that you had misused entitlements at the PCYC?

BILAL EL-HAYEK: I believe not.

The Hon. SCOTT FARLOW: Okay, you believe not?

BILAL EL-HAYEK: Absolutely.

The Hon. SCOTT FARLOW: So that was not around the circumstances of your departure from the PCYC?

BILAL EL-HAYEK: No.

The Hon. SCOTT FARLOW: Okay, I'll leave it there then.

The Hon. CHRIS RATH: Thank you for joining us today. I wanted to turn to the developer donations issues that were reported on in *The Australian* last week. I assume you have read that article. It was revealed in that article that your ticket for council may have received illegal donations from David Fam via Mr Bingsoo. I think the trading name is now Snow Blossom. Is that correct?

BILAL EL-HAYEK: Sorry, I'm trying to understand the question. That's very broad. Can you just be a bit more particular with your questions, kindly?

The Hon. CHRIS RATH: Sure. Have you read the article in *The Australian*?

BILAL EL-HAYEK: Briefly.

The Hon. CHRIS RATH: Do you have any response to the article?

BILAL EL-HAYEK: No.

The Hon. CHRIS RATH: What's your relationship with Mr David Fam?

BILAL EL-HAYEK: I have no dealings whatsoever.

The Hon. CHRIS RATH: You've never met him?

BILAL EL-HAYEK: Never.

The Hon. CHRIS RATH: Have you had a conversation with the mayor about David Fam?

BILAL EL-HAYEK: Absolutely not.

The Hon. CHRIS RATH: So you are not aware of David Fam's ownership structure of Mr Bingsoo?

BILAL EL-HAYEK: No.

The Hon. CHRIS RATH: You're not aware of the new trading name Snow Blossom? It means nothing to you?

BILAL EL-HAYEK: No.

The Hon. CHRIS RATH: Are you aware of Mr David Fam or his associated entities having any properties in Canterbury Bankstown?

BILAL EL-HAYEK: No.

The Hon. CHRIS RATH: Have you ever visited Mr Bingsoo?

BILAL EL-HAYEK: No.

The Hon. CHRIS RATH: Do you know why David Fam when being asked to appear at this inquiry originally said that he was happy to attend but since then he has gone quiet? Are you aware why that might be the case?

The Hon. GREG DONNELLY: Point of order: That's a cracker.

The Hon. PENNY SHARPE: To the point of order: The witness has just said that he doesn't know the person and he hasn't spoken to him. He is unaware. How on earth would he know why Mr Fam has decided—

The Hon. CHRIS RATH: Maybe on the grapevine?

The Hon. GREG DONNELLY: The witness is not a mind-reader.

The Hon. PENNY SHARPE: The witness clearly is not a mind-reader. He's indicated previously that if he knew Mr Fam perhaps you'd have a line of questioning. But given the previous answers I think that question is speculative at best.

The Hon. GREG DONNELLY: We'll withdraw your fishing license because you're doing some good fishing.

The Hon. CHRIS RATH: I assume you haven't heard anything on the grapevine then. I'll hand over to Mr Farlow for a new line of questioning.

The Hon. SCOTT FARLOW: Are you familiar with BBQ City at all?

BILAL EL-HAYEK: Yes.

The Hon. SCOTT FARLOW: Do you know who owns BBQ City?

BILAL EL-HAYEK: No.

The Hon. SCOTT FARLOW: You've visited BBQ City before, have you?

BILAL EL-HAYEK: I occasionally eat at BBQ City. My family and I love to eat Korean food and on occasions I go there because it's nearby and it offers halal options.

The Hon. SCOTT FARLOW: And I take it you pay for your food when you go there?

BILAL EL-HAYEK: Absolutely.

The Hon. SCOTT FARLOW: Of course. Do you know who works there? Is there somebody you're familiar with?

BILAL EL-HAYEK: No.

The Hon. SCOTT FARLOW: No, okay. BBQ City, of course, was a significant donor—I think it donated at the cap to your campaign. Were you the one who was able to solicit that donation?

BILAL EL-HAYEK: No.

The Hon. SCOTT FARLOW: Do you know who solicited that donation to your campaign?

BILAL EL-HAYEK: The mayor did.

The Hon. SCOTT FARLOW: The mayor? Okay. So the mayor is also a frequent diner at BBQ City, is he?

BILAL EL-HAYEK: That's a matter for the mayor. I don't know.

The Hon. PENNY SHARPE: I think you asked this question to the previous—

The Hon. SCOTT FARLOW: You've never been to BBQ City with the mayor?

BILAL EL-HAYEK: No.

The Hon. SCOTT FARLOW: Okay, you go there separately.

The Hon. SCOTT FARLOW: Are you familiar that BBQ City is also linked with Mr David Fam?

BILAL EL-HAYEK: No.

The Hon. SCOTT FARLOW: You've said you didn't know Mr David Fam. Do you think it's odd that two relatively small businesses within the area have donated \$20,000 to your campaign?

The Hon. GREG DONNELLY: Point of order: It's just such a gotcha question; asking him to effectively reflect on himself on a hypothetical question. I think the line of questioning is just like throwing out fishing nets. If you're going to ask questions they should be to the point.

The Hon. SCOTT FARLOW: Is there a point of order, Greg, or do you just want to comment on the questions?

The Hon. GREG DONNELLY: That is to the point of order—the line of questioning. It's just a point of order.

The Hon. SCOTT FARLOW: You don't think it's in any way, shape or form strange that two small businesses would be providing so much to a political campaign?

The Hon. GREG DONNELLY: Point of order: What does "strange" mean?

The Hon. SCOTT FARLOW: You can look it up in the dictionary, Greg. We're in a library. You can head on down and you can look at what "strange" means.

The Hon. GREG DONNELLY: I think you'd better explain to the witness what "strange" means. "Strange" can mean—

The Hon. SCOTT FARLOW: Out of the ordinary; unusual. Do you think it's strange that such significant donations were made from two small businesses within the Little Saigon Plaza, both connected to Mr David Fam?

BILAL EL-HAYEK: No. It's not a matter for me.

The Hon. SCOTT FARLOW: It's perfectly ordinary for you? Okay. Following the council elections, did you have your post-election celebrations at Little Saigon Plaza?

BILAL EL-HAYEK: Yes.

The Hon. SCOTT FARLOW: Where in the Little Saigon Plaza were they held?

BILAL EL-HAYEK: The HIGHLINE.

The Hon. SCOTT FARLOW: The HIGHLINE? Who organised that?

BILAL EL-HAYEK: The mayor did.

The Hon. SCOTT FARLOW: So you had no involvement in that?

BILAL EL-HAYEK: No.

The Hon. SCOTT FARLOW: Was food and drink provided by BBQ City or Mr Bingsoo?

BILAL EL-HAYEK: There are a number of questions there. What's the exact question?

The Hon. SCOTT FARLOW: Was food or drink items provided by either BBQ City or Mr Bingsoo for that celebration?

BILAL EL-HAYEK: I don't know Mr Bingsoo; we've made that very clear. I've never met him. There was food at the venue provided by The HIGHLINE.

The Hon. SCOTT FARLOW: All by The HIGHLINE? Okay. Who paid for this celebration?

BILAL EL-HAYEK: The campaign did.

The Hon. SCOTT FARLOW: Do you know Mr Justin Jung-Min Roo from BBQ City?

BILAL EL-HAYEK: No.

The Hon. SCOTT FARLOW: You've never met him? You might have but you don't know him by name or person?

BILAL EL-HAYEK: Correct.

The Hon. SCOTT FARLOW: You don't have any contact details for him or the like?

BILAL EL-HAYEK: I believe not.

The Hon. SCOTT FARLOW: You've advocated for the hospital to be located on the TAFE side, is that correct?

BILAL EL-HAYEK: Yes.

The Hon. SCOTT FARLOW: Why has that been your view, that the hospital should be located on the TAFE side?

BILAL EL-HAYEK: Health Infrastructure NSW, New South Wales Planning and other government agencies all supported the hospital to be built in the CBD. In fact, I believe the Premier, Mr Perrottet, told the mayor himself that it would be going to the CBD and not on a toxic site in a really congested suburban neighbourhood. Unfortunately politics won the day over people, and I know that from personal experience.

The Hon. SCOTT FARLOW: Councillor El-Hayek, would there have been any material benefit to either BBQ City, to Mr Bingsoo or to David Fam and the Little Saigon owners from that hospital being located in the CBD on a site that was located just across the road from their facilities?

BILAL EL-HAYEK: Can you please rephrase that question?

The Hon. SCOTT FARLOW: Would there have been a benefit to those businesses from having a hospital located across from their facilities?

BILAL EL-HAYEK: I wanted the hospital to be in the CBD, specifically.

The Hon. CHRIS RATH: Regarding the mayor's resignation from Labor's upper House ticket, the media statement announcing his resignation from that ticket was inappropriately put on Canterbury Bankstown letterhead. Do you think that was appropriate?

BILAL EL-HAYEK: That's an operational matter I don't get involved in.

The Hon. CHRIS RATH: Do you believe he should have resigned from Labor's upper House ticket?

BILAL EL-HAYEK: That's not a matter for me, and that's outside the terms of reference.

The Hon. CHRIS RATH: Have you ever had discussions with council staff or used their letterhead in any way for party political reasons yourself?

BILAL EL-HAYEK: Which question? There have been multiple questions in that question. What are you exactly asking?

The Hon. CHRIS RATH: Have you ever used council letterhead for party political activity?

BILAL EL-HAYEK: No.

The Hon. CHRIS RATH: Are you aware of any other councillors using letterhead for party political activity?

BILAL EL-HAYEK: No.

The Hon. CHRIS RATH: Do you believe that council resources should have been used to assist Councillor Asfour with party political activity?

BILAL EL-HAYEK: No.

The Hon. CHRIS RATH: You don't believe that it should have been—

BILAL EL-HAYEK: Council is independent, and it should stay independent.

The Hon. CHRIS RATH: So you believe that the mayor acted inappropriately?

BILAL EL-HAYEK: Again, that's an operational matter, and I'm not going to get involved in it.

The Hon. CHRIS RATH: Are you aware of how the media release was crafted?

BILAL EL-HAYEK: No.

The Hon. CHRIS RATH: Do you agree with the contents of the media release?

BILAL EL-HAYEK: I haven't read the media release.

The Hon. CHRIS RATH: Can you shed any light on why council resources were used in that way?

BILAL EL-HAYEK: It's an operational matter, Mr Rath. I've already stated that.

The Hon. PENNY SHARPE: You've now asked it three times and got the same answer.

The Hon. CHRIS RATH: Have you spoken to the mayor about the media release?

BILAL EL-HAYEK: No.

The Hon. PENNY SHARPE: We've covered some issues here today. Is there anything that you want to clarify in relation to any of the answers that you've given today, or is there anything that you believe hasn't been picked up in relation to these matters?

BILAL EL-HAYEK: I just want to say that I'm here of my own volition. As you've heard earlier, I believe and practise service to others. But I must say, an interesting observation that I make is that this Committee has so far not called upon any Liberal or Independent councillors who have served since 2004. Thank you.

The Hon. GREG DONNELLY: If not, why not?

The Hon. CHRIS RATH: You could have called them.

The Hon. PENNY SHARPE: We have called someone, and they refused to reply. If we really wanted to get into it, we could do that.

The CHAIR: Thank you for your time today. I don't think you took any questions on notice but, if you did, you have 48 hours from when you receive the transcript to answer. Again, thank you for your time, and have a pleasant trip home.

(The witness withdrew.)

Mr SIMON MANOSKI, Individual, sworn and examined

The CHAIR: I welcome Mr Simon Manoski, who is accompanied by his legal advisers today. Would you like to start by making a short statement?

SIMON MANOSKI: I do have a short statement, thank you. Good morning, Chair and members of the Committee. Thank you for the invitation to give evidence before the Committee today. My name is Simon Manoski, and I was the director of planning at Canterbury Bankstown council from 11 September 2017 to 6 October 2022. I am now an independent urban planning consultant. I was advised by this Committee on 30 January 2023 that the Committee wished to ask me questions in relation to councillor entitlements, councillor disclosures, councillor expenses and policies relating to councillors. As I've advised the Committee, when I was director of planning at Canterbury Bankstown council, I was not involved with councillor entitlements, disclosures or expenses, or council policies relating to those matters.

My request that the Committee outline why it wished me to attend as a witness, in light of that absence of involvement, has not been responded to. I am therefore unsure as to whether I am able to assist the Committee today. Be that as it may, I have accepted the Committee's invitation to give evidence with a view to assisting it in any way I reasonably can. I should make clear, though, that I have agreed to appear to give evidence before the Committee on the basis that there has been no suggestion by this Committee or any of its members that any allegations of impropriety have been or are to be made against me. Thank you.

The Hon. CHRIS RATH: Thank you, Mr Manoski, for attending today. Who is paying for your legal representation today?

SIMON MANOSKI: I understand, as part of council's agreement with its insurance, that I'm entitled to representation here today.

The Hon. CHRIS RATH: So council is paying? Do you think that's appropriate, given that you're no longer employed by council?

SIMON MANOSKI: It's not the council that pays for the representation; it's the council's insurer. I don't have a view whether it's appropriate or not.

The Hon. CHRIS RATH: I understand that, but council pays for the insurance. So they are, in fact, paying for your representation here today.

The Hon. PENNY SHARPE: No, they're not.

The Hon. GREG DONNELLY: Point of order: Madam Chair, this may not have been made completely clear to the witness and his representatives. A question, particularly if it has some detail and complexity associated with it, may be taken on notice so that there may be the time to examine what's being requested and asked for in a more considered and detailed way. I'm not telling the witness how to answer questions, but rather ensuring that he understands the process of taking a question on notice if he believes there is the need to do so.

The CHAIR: Yes.

The Hon. CHRIS RATH: I'll move on from the insurance and legal representation issue. Have you had any contact with Canterbury Bankstown council about your appearance today?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: With the mayor?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: The GM?

SIMON MANOSKI: The GM has reached out to check on my welfare and that was the essence of the discussion.

The Hon. CHRIS RATH: What about any of the staff?

SIMON MANOSKI: No.

The Hon. SCOTT FARLOW: But surely, Mr Manoski, if you've got legal representation, which is here, paid for by the council under their insurer, there must have been some communication with the council about your appearance here today.

SIMON MANOSKI: The communication was around ensuring that I do have representation and that it is covered by council's insurance agreement.

The Hon. SCOTT FARLOW: Okay.

SIMON MANOSKI: That was the essence of it.

The Hon. CHRIS RATH: Can you confirm for us the nature of your current employment?

SIMON MANOSKI: Independent urban planning consultant, as a sole trader.

The Hon. CHRIS RATH: And your employment history? You were at Canterbury Bankstown council until what date?

SIMON MANOSKI: It was October 2022.

The Hon. CHRIS RATH: So in September 2022 you created an ABN but you didn't leave council until October 2022. Is that correct?

SIMON MANOSKI: I don't recall the date that we created the—

The Hon. CHRIS RATH: Will you take that on notice? I'm just looking at an ABN website that says it was created in September, and then you left the council in October. You certainly can take that on notice. When did you pick up your first clients?

SIMON MANOSKI: I can't recall. It was after we had left council.

The Hon. CHRIS RATH: Do you have any clients within the Canterbury Bankstown area?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: No clients in Canterbury Bankstown?

SIMON MANOSKI: I have clients and we do work for those clients. There are no projects that I'm working on within the City of Canterbury Bankstown.

The Hon. CHRIS RATH: Not specific names of clients; I understand that, but what types of clients would you have, for instance?

SIMON MANOSKI: That's those who are seeking planning advice in relation to proposals.

The Hon. CHRIS RATH: And they're all outside of the LGA?

SIMON MANOSKI: All outside of the LGA.

The Hon. SCOTT FARLOW: Mr Manoski, your period of being the director of planning—I take it through that period you had involvement in the master plan.

SIMON MANOSKI: One of my functions was to oversee the strategic planning unit of council—strategic land use planning—and that team was responsible for preparing the master plans for Bankstown and Campsie most recently.

The Hon. SCOTT FARLOW: So, effectively, you had oversight of the team that was working on the master plan. Is that correct? But were you involved in the master plan and its creation itself and those sort of processes going through, determining the master plan, determining zonings and the like, or was that done at arm's length from you by somebody else?

SIMON MANOSKI: The team that, yes, I did have oversight of prepared those master plans, but if I can just provide some context: The master plans are prepared over a number of months—years, in fact—in terms of its make-up. There were multiple teams from across council that provided input into those master plans. There were multiple consultants and specialists that provided input into those master plans, into the creation. There are a number of elements that are involved in preparing those master plans.

The Hon. SCOTT FARLOW: The member for Bankstown made allegations within Parliament that certain developers were given favourable treatment in the Bankstown master plan process. Do you have any response to those allegations?

SIMON MANOSKI: No.

The Hon. SCOTT FARLOW: No? And when it came to the Bankstown city master plan process, did you meet with any developers as part of that process?

SIMON MANOSKI: No, I didn't.

The Hon. SCOTT FARLOW: No?

SIMON MANOSKI: No.

The Hon. SCOTT FARLOW: So there were no forums or engagement with developers at all?

SIMON MANOSKI: No, there were forums with industry. They were undertaken by the staff, and where there were meetings with landowners or applicants, that was done with a probity adviser—together with a probity adviser, appropriately so. I didn't have any meetings with those.

The Hon. SCOTT FARLOW: The master plan proposes the West Terrace car park to be open space. Is that correct?

SIMON MANOSKI: Public space.

The Hon. SCOTT FARLOW: Yes. Was that always the plan with the master plan, or did that change?

SIMON MANOSKI: As I've said, the master plan went through months—years—of work. One of the matters that was identified was a need for additional public space. If a centre is growing—and I need to explain: Bankstown has been identified for a number of years by the Government as a strategic centre. It was also identified by the Greater Sydney Commission as a collaboration area with a clear focus in terms of how Bankstown itself would evolve and grow and change, and so it's gone through a number of processes. It's been identified by the council itself as the primary centre in the Canterbury Bankstown local government area, so there's has been a long strategic planning process to get to where the master plans have been.

The Hon. SCOTT FARLOW: Thank you very much. Mr Manoski, are you familiar with the Bellevue Venue?

SIMON MANOSKI: I am.

The Hon. SCOTT FARLOW: Did you ever meet the site owners or representatives?

SIMON MANOSKI: No.

The Hon. SCOTT FARLOW: When it came to the master plan, in terms of your engagement, you were managing those staff, who were working on it day and night, I suspect, when it came to that master plan. Were you also engaging with councillors about the master plan process?

SIMON MANOSKI: We weren't actively engaging with councillors on the master plans, no. There was a report that needed to come to council based on all the work that had been done—the investigative work, the evidence, the analysis, the testing—and, naturally, that is a decision that needs to go to council. We prepared a report to council to make recommendations that a master plan progress into what's called a planning proposal, which effectively is the planning process. I don't recall any specific engagement with councillors on that master plan.

The Hon. SCOTT FARLOW: So through this iterative process over many years, I think from about 2014—would that be correct?

SIMON MANOSKI: No.

The Hon. SCOTT FARLOW: Well, since when, in terms of the master plan development?

SIMON MANOSKI: The master plans were in process—I don't know the exact dates. But it'd be—I wouldn't want to guess, either, to be honest with you, but it was since that time.

The Hon. SCOTT FARLOW: Okay. But throughout your whole time within Canterbury Bankstown council—is that correct? Yes. Did you have any discussions with the mayor about the master plan and the shape that it was taking?

SIMON MANOSKI: I don't recall any specific discussions with the mayor about the master plans, no.

The Hon. SCOTT FARLOW: And when it comes to the Bellevue Venue, it's proposed to be 25 storeys high under the master plan. That makes it the highest building in the Bankstown master plan. Is that correct?

SIMON MANOSKI: No.

The Hon. SCOTT FARLOW: No? What's the highest, then?

SIMON MANOSKI: There are a number of sites that are identified for that height. From memory, that includes the Western Sydney university building that's the equivalent of that height as well. There is another site known locally as the Compass site. That's been rezoned a number of years ago for the same height as well. That

height's really dictated by the airport controls around Bankstown Airport, which we engaged with as well, but it's not the only site with that height.

The Hon. SCOTT FARLOW: So why was the Bellevue site zoned to be 25 storeys? What was the rationale and reasoning behind that?

SIMON MANOSKI: When we plan as part of this master planning process, we don't plan for particular sites. We're planning as a precinct. We're talking about thousands of properties here, so we're not particularly looking at a particular site. There was, again, a long process in identifying where the appropriate locations are for increased density and that's, again, done through a series of testing by staff, by urban designers, by specialists that identified where it's appropriate to have tall buildings. That was independent advice that was provided to council. Naturally, a longstanding principle of planning in Sydney is to look at where it's appropriate to grow, what areas are best that can accommodate growth, and that's really around your centres.

Now, the location of the site you've mentioned is, effectively, within metres of where the new metro station will open. It is in a location that is—like with the rest of the Bankstown CBD, there is significant access to transport, being the metro and the heavy rail. It's within very close proximity to a bus interchange. You've got a shopping centre, now a university, public space, road access. So we need to look at all the elements, from a good planning perspective, that make sense. The site that you've mentioned, again, is what we term as strategically significant and it demonstrates merit in terms of what is appropriate from a height and density perspective. And, again, the teams that are preparing these strategies and the master plan identified that site as appropriate for that height.

The Hon. SCOTT FARLOW: But that's larger than neighbouring sites, isn't it, in terms of its 25-storey zoning?

SIMON MANOSKI: I don't know the exact heights of surrounding buildings but there are a number of planning controls that will enable buildings of that height. There are a number of rules surrounded by how those buildings would come about. There are additional controls around how much needs to be commercial versus residential. There are a number of layers of controls that would apply to any development. Again, I also need to stress, the master plans and where the process is at—from when I was there—is that it's still very early in the planning process. There have been no decisions, as I understand, in terms of actual rezoning. It is a strategy, a plan that hasn't been made. It was submitted to the Department of Planning for a Gateway decision, but I don't even know if that has been issued just yet. It is still very early in the planning process.

The Hon. SCOTT FARLOW: Considering that site being zoned for 25 storeys, why were neighbouring sites not zoned in the same way? Was it because of a larger footprint or what were the considerations that were made for that site to get the uplift of 25 storeys compared to others?

SIMON MANOSKI: There was uplift across the CBD as part of the Government's planning for metropolitan Sydney, but I'll talk specifically about Canterbury Bankstown, through what is known as the *South District Plan*. Canterbury Bankstown is identified in the South District, together with Georges River and Sutherland. Canterbury Bankstown is required to take the bulk of that growth in that district. It makes sense that we identify where it is most appropriate for that development to go—again, like I said, in areas that are highly serviced by transport, schools, open space and what have you. Again, the heights themselves went through a number of design and testing—done by staff and urban designers—to identify where heights could be accommodated and where it makes sense, from a number of different perspectives.

The Hon. SCOTT FARLOW: Now, you mentioned two other sites: the Compass site, I think, which is 25 storeys; and the Western Sydney University site. The Western Sydney University site, of course, has great amenity for the local community by having a university based there in Bankstown, and such a significant campus. Am I right in saying that for the Compass site there was also an agreement that council would move into that facility? Was that part of the agreement with the Compass site?

SIMON MANOSKI: No, there was a planning agreement that was made as part of the rezoning at the time—we are talking a number of years ago—for a commercial premises to form part of that proposal, if and when it came through. At the moment it is just a rezoning that is going through. There is no development proposal, as I understand, for that site at this point.

The Hon. SCOTT FARLOW: Was there any community benefit in terms of the Bellevue site that was required for that 25 storeys?

SIMON MANOSKI: The benefit around that particular site was around its requirement. If it was to achieve the full height and density, it would be required to provide a minimum of 50 per cent for commercial purposes. The important bit about that is, as important as it is to provide residential, amenity, open space, public

space and access and movement in our centres, it is just as important to safeguard floor space for jobs. That was part of the thinking. It provides a different function in terms of making sure that, if that development was to come through, if the rules were to change and if a development application was to come through, these are the requirements that would be stipulated for that building.

The Hon. CHRIS RATH: I will turn now to Mark Merhi's developments in the Canterbury Bankstown area. Do you know Mark Merhi?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: Never met with him or spoken to him?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: But he has a large number of developments within the Canterbury Bankstown LGA.

SIMON MANOSKI: I don't know what he owns.

The Hon. CHRIS RATH: Have you ever spoken to the mayor about one of Mr Merhi's developments?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: Are you aware of the Gateway 443 Chapel Road development?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: Or the NKM Residences, 61 Rickard Road?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: Or 136 Chapel Road?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: Merhis Tower, 465 Chapel Road—are you aware of that development at all?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: No involvement in it?

SIMON MANOSKI: No involvement at all.

The Hon. CHRIS RATH: What about The Mark, 74 Restwell Street?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: Any knowledge of that? Does that mean anything to you at all?

SIMON MANOSKI: It doesn't mean anything to me, no.

The Hon. CHRIS RATH: Or 60 Meredith Street?

SIMON MANOSKI: No.

The Hon. CHRIS RATH: It doesn't mean anything to you?

SIMON MANOSKI: No, it does not.

The Hon. CHRIS RATH: There is a development.

SIMON MANOSKI: There are many buildings in Bankstown.

The Hon. CHRIS RATH: I am sure there are.

SIMON MANOSKI: It doesn't mean anything to me, no.

The Hon. CHRIS RATH: Or 2 Arthur Street?

SIMON MANOSKI: No.

The Hon. GREG DONNELLY: Do you know where Bankstown Square is?

SIMON MANOSKI: I know where Bankstown Square is. I grew up in the area and I know it well.

The Hon. PENNY SHARPE: The train station is there.

The Hon. SCOTT FARLOW: It is across from the Bellevue function centre. Mr Manoski, just turning to another item in the LEP—and I asked the general manager about this the other day—which is the zoning in Brett Street in Revesby as well. One side of the road is zoned six storeys; the other side is zoned four storeys. Can you outline for the Committee what the rationale of that is?

SIMON MANOSKI: I don't know the Brett Street that you are talking about and I am not familiar with the circumstances, to be honest with you.

The Hon. SCOTT FARLOW: That was not under your remit when you were in council?

SIMON MANOSKI: Revesby?

The Hon. SCOTT FARLOW: Yes.

SIMON MANOSKI: Planning for Revesby happened under what was known as the local area plans. That identified heights of buildings as part of that process. That was done before my time.

The CHAIR: When you commenced at Canterbury Bankstown—did you say it was 2017?

SIMON MANOSKI: In 2017, as planning director, through to 2022.

The CHAIR: Why did you leave?

SIMON MANOSKI: Purely for professional reasons. I wanted to explore some work in the private sector. It was purely for professional reasons.

The Hon. PENNY SHARPE: I would like to ask Mr Manoski if there is anything we have not covered or that you would like to provide more information to the Committee on that you have been asked about today?

SIMON MANOSKI: No, thank you.

The CHAIR: Thank you for your time today. If there are questions on notice, you have 48 hours from when you receive the transcript in which to answer those questions. The secretariat will contact you in relation to those questions on notice.

(The witness withdrew.)

The Committee adjourned at 10:33.