

**INDEPENDENT COMMISSION AGAINST CORRUPTION**

**STATEMENT IN THE MATTER OF: Operation Galley**

**PLACE:** 255 Elizabeth Street Sydney 2000

**NAME:** Michael Gheorghiu

**ADDRESS:** Known to the Commission

**OCCUPATION:** Urban Planner and Urban Designer

**TELEPHONE NO:** [REDACTED] 5659

**DATE:** 21 December 2021

**States: -**

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1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
  2. I am 47 years of age.
  3. I am an Urban Planner and Urban Designer. I currently work for myself trading as Tudor Planning and Design. I hold qualifications in Engineering, Urban Planning and Urban Design (B.Eng (Civil & Bldg.), MURP, MUDD).
  4. Around late 2015/early 2016, I was engaged as a consultant by Dickson Rothschild, a company that provides architectural, urban planning, and urban design consultancy services. I had a previous relationship with the Managing

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Director Nigel Dickson. I was engaged for my expertise in urban planning and urban design.

5. Upon commencement, I was allocated two projects:
  - i. 1-5 Treacy Street Hurstville (which the client referred to as ‘The One’ building); and
  - ii. 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane Hurstville known as Landmark Square.
  
6. The clients were seeking the following outcomes on the above projects:
  - i. 1-5 Treacy Street Hurstville – increased building height and floor space via a modification application to the original approved development; and
  - ii. Landmark Square – rezoning the site from industrial use to mixed uses and amending the development controls on the site to increase the building height and floor space ratio (FSR).
  
7. My role was to provide professional urban planning and urban design consultancy services, including seeking consent for the modification application to 1-5 Treacy Street Hurstville and to demonstrate the strategic urban planning merit in amending the planning controls on the Landmark Square project to achieve an uplift in maximum building height and FSR. I managed both projects on behalf of Dickson Rothschild.
  
8. There were several entities involved including GR Capital Pty Ltd (which related to the Treacy Street development), The One Group Pty Ltd (which related to Landmark Square development) and Gen Corp Pty Ltd. I did not understand the

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workings of the entities and I did not enquire. I understood that Gen Corp was the company responsible for the construction of the projects.

9. I had numerous meetings with the client and his staff. I knew the client to be a Chinese gentleman Mr Liu. Mr Liu had an assistant Elaine Tang, an Australian of Chinese descent, to whom I generally reported. There was also Kurt Vengers who was the builder, and Phillip Uy a gentleman of Chinese descent.

10. I would describe Elaine Tang's role as Business Manager, she made day-to-day decisions on behalf of Mr Liu, kept track of the projects progress and managed invoicing and payments.

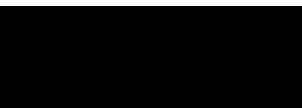
11. I formed the view that Phillip Uy was involved in Real Estate and was maybe a Commercial Manager as he was always talking about yield, density, commercial viability, that sort of thing.

12. In terms of reporting to Mr Liu my impression there was a division with Philip Uy on one side dealing with commercial matters and on the other side Elaine Tang and Kurt Vengers responsible for the project delivery.

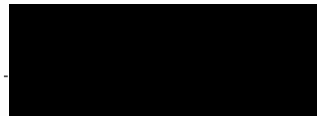
13. The client's office was situated in Hurstville above Bing Lee across the road from Treacy Street and around the corner from Landmark Square. I cannot recall the address, I always referred to the property as the Bing Lee site.

14. I provided limited advice to Mr Liu in respect to a third site at 33-35 Treacy Street. This site was originally approved as part of a much larger development site which included the adjoining properties. However, I understood that Mr Liu

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sought to either develop the site on its own or amalgamate it with the adjoining Council carpark (on the other side) and create his own development.

15. During that period I worked on 1-5 Treacy Street and Landmark Square, where Council was initially Hurstville Council, then it was amalgamated with Kogarah Council to become Georges River Council and placed under administration.

16. Over the life of the projects, I had regular meetings with Council Staff on the Development Application and Planning Proposal teams. Some of the names I can recall are Meryl Bishop (Director of Planning), Catherine McMahon, and Nerida Stores. The meetings with staff were standard practice, with the Council Staff seeking the best outcome from an urban planning and urban design perspective, which is completely normal. There were so many meetings I can't recall any single one specifically.

17. I never met or dealt directly with any of the Councillors, except when I attended and addressed Council meetings and Planning Panels when Councillors were present.

18. There was one exception though. I don't have any specific notes on the meeting, however I recall that I had to present the project to the lawyers at Addisons and brief them on what legal advice we were seeking (namely, with respect to the Voluntary Planning Agreement with Georges River Council for the Landmark Square project). I compiled a USB with all the project information for them.

19. Around that time I understood that Mr Liu had an agreement with Aoyuan International to joint venture the project or purchase the site. At the meeting with

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Addisons, the attendees were Addisons' lawyers Sharnie Belle and Harshane Kahagalle, Aoyuan's representative Greg Hynd and me. I was surprised at the time because a person who I knew as Councillor Con Hindi, attended the meeting with a lady Miray. While she was not introduced that way, I got the impression that Miray was Con Hindi's wife. Con and Miray were introduced by name at the meeting.

20. I recall Con was at the first meeting I had with Addisons. I think I only had 2 meetings with them. I initially thought this meeting occurred towards the end of June 2017, sometime around the 26<sup>th</sup> of June, as this is what I recalled. However, after ICAC Chief Investigator Michael Riashi asked me about 15 June 2017, I checked my calendar on my mobile phone, and saw I first attended a meeting on 15 June 2017. I believe this is the meeting which Con attended, he only attended one meeting.

**EXHIBIT: I produce a screen shot of my mobile calendar for 15 June 2017.**

21. I don't know why Con Hindi and Miray were at the meeting, the impression I got at the time was that Miray and Con had been invited by our client, Mr Liu. Con Hindi participated in discussions, but I do not recall the detail or context of what he said. I don't recall Miray contributing at the meeting.

22. I thought it was quite unusual that Con Hindi turned up at the meeting. I remember Greg Hynd and I after the meeting discussing that it was unusual for Con Hindi to have attended the meeting but I can't recall the exact conversation. I've been in the industry for twenty years and from my personal experience I don't

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recall ever being in a professional meeting with lawyers or consultants where a councillor had attended.

23. Prior to this meeting I was aware of who Con Hindi was because he had been either on Panels as a Council representative or at Council meetings that I had attended and addressed on the proposal. It is a part of my job to be aware of the politics and the councillors who sit on those panels and how to present to them. I also knew who Con Hindi was because he had received exposure in the newspapers.

24. Prior to this meeting I had not personally met or dealt with Con Hindi or any other Councillor at Hurstville or Georges River Council. After this meeting I had no direct contact or dealings with Con Hindi or any other councillor.

25. During internal discussions with The One Group Team (being Elaine Tang, Philip Uy and Mr Liu) the names Vince Badalati and Con Hindi may have been mentioned. Most likely by Philip Uy, but I don't not recall exactly if they were and in what the context. Mir Liu never mentioned names himself.

26. When I completed my services with Dickson Rothschild, which included getting approval for a modification application to the 1-5 Treacy Street project and progressing the Landmark Square project to the point that my services were no longer required as Greg Hynd was managing the project on behalf of Aoyuan, Dickson Rothschild's IT person deleted my email account.

27. After ICAC Chief Investigator [REDACTED] asked me about 15 June 2017, I decided to undertake a full audit of my records, including all meetings, notes and

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emails to refresh my memory. I recall there was a meeting with Spark Helmore where I briefed them on the matter as well. At that time, we were looking at engaging either Addisons or Spark Helmore to provide us with legal advice on the VPA and things associated with Landmark Square.

28. As I was going through all my documentation, I remembered that Philip Uy had called me on my mobile and had invited me to meet with in the city, asking me something similar to, "*Michael can you meet me in town?*" As I work from home in Neutral Bay and also did at the time, I could easily travel into the city. Philip did not tell me about the nature or purpose of the meeting, I just assumed it was going to be a meeting involving Nigel Dickson, where we would have a meal and discuss Landmark Square and where we were at with the project. He would have given me the address of the restaurant at the time, but I don't have it now.

29. I caught a cab and met Philip on George Street in China Town. Whilst I had previously met Philip at Mr Liu's office at Hurstville, this was the first time I had met him outside of that. Philip and I took the elevator up to the restaurant, I believe it was on the first or second floor, and we were facing onto George Street.

30. What struck me was the restaurant appeared to be just opening up for customers, so I believe it would have been about 11am, possibly close to 12pm, it was a day meeting. Philip Uy had a very brief conversation with other people in the restaurant as he was leading me through the restaurant to a particular booth.

31. There were two men seated on the same side of the table. I recognised Con Hindi, from my earlier meeting with him at Addisons. Con and I exchanged pleasantries.

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I recognised the other male from previous Council meetings I had been at, he was Vince Badalati. I'm not sure who introduced him, whether it was him or Con Hindi or Philip Uy, but either way I knew who he was.

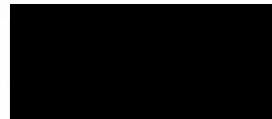
32. Whilst I knew Vince Badalati, this was the first time I had actually met him. He and Con Hindi pretty much started asking questions about Landmark Square the moment we met. Vince didn't say much, Con did most of the talking, asking most of the questions. He / They asked for an update on the Landmark Square project, where we were at with it from a development / planning perspective. He / They asked when the matter was next before Council and if there was a meeting with Council staff coming up. The VPA was also discussed in terms of the next steps in the process, and that feed into the whole project delivery.

33. He / They asked about Council staff and how the meetings with them were going, whether we were able to work with them (Council staff). I remember Con was complaining about Council staff and how long the matter was taking to progress through Council. He complained both about Council planning staff's ability and competence to actually deal with the matter, as well the fact that they were taking so long to process / progress the matter. Con was talking about planning staff in general and said words to the effect, "*they need to go*" and "*we'll sort it out once the Council is back*". Con also pointed out certain Council staff members whom he didn't like, his intention to 'get rid of them' and change the staffing structure within the Planning Division. He was specifically critical of the abilities and conduct of Catherine McMahon the Manager Strategic Planning, and indicated she was one of the people who 'needed to go'. Con said words to the effect, "*Once*

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*we're in, I'm going to get rid of her."* Con was also critical of the abilities and conduct of Meryl Bishop, the Director of Planning, and whilst he didn't specifically mention her as someone who 'needed to go', she was mentioned in the context of there needing to be changes within the planning division of Council once the Councillors were back at Council. Whilst Con did most of the talking, Vince was contributing and agreeing with everything Con was saying. The meeting lasted about 20 mins.

34. The meeting struck me as unusual as I was meeting Councillors outside the Council and outside the normal setting of a professional meeting. I recall leaving the meeting wondering what was going on and what was the point of the meeting. Neither Con Hindi or Vince Badalati indicated why they wanted to know that information about Landmark Square, nor did they indicate what they intended to do with that information. They did not provide me with any feedback, they just asked questions and listened to what I had to say.

35. We didn't actually end up having lunch. At the end of the meeting, we all got up and left the restaurant. We caught the elevator together to the ground floor, where I went off in one direction to catch a cab home, and the other three walked off together in the opposite direction.

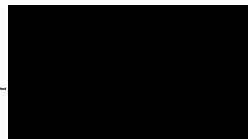
36. This meeting occurred when the new Georges River Council was established, and after the meeting with Addisions but before the September 2017 Georges River Council elections. This meeting would have been close to the Council elections.

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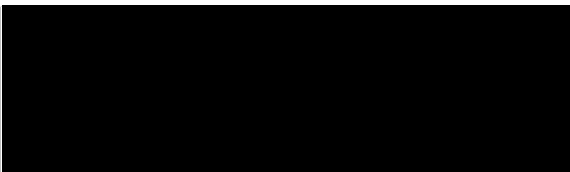
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Thursday 15 June 2017

8 am

9 am

10 am



11 am

Noon

1 pm



2 pm

3 pm

Landmark Square Meeting with Lawyers  
TBC

4 pm

5 pm

6 pm

7