

INDEPENDENT COMMISSION AGAINST CORRUPTION

STATEMENT IN THE MATTER OF: Operation Galley

PLACE: 255 Elizabeth St, Sydney
NAME: Gregory Hynd
ADDRESS: Known to the Commission
OCCUPATION: Property and Development Consultant
TELEPHONE NO: [REDACTED] 0 811
DATE: 20 December 2021

States: -

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 51 years of age.
3. Since 2011, I have been a director of Foresight Management Pty Ltd. I have been involved in the development and construction professional for over 20 years. I have extensive experience in the successful planning, procurement and delivery of complex projects across all facets from acquisition and planning through to construction and handover / settlement.
4. I have been engaged by Aoyuan International on a number of their projects. Aoyuan is a property development company, an Australian Subsidiary of a Hong Kong

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based company listed on the Hong Kong Stock Exchange. I reported to Adrian Liaw, President of Aoyuan.

5. In 2016 I was engaged by Aoyuan to provide due diligence, transactional advice and management relating to the potential purchase of the Landmark Square site (53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane Hurstville) from The One Capital Pty Ltd. I don't currently work for Aoyuan, and only have access to limited records.
6. I came into the matter when Hurstville Council was in administration and later merged to become Georges River Council.
7. Not much happened during 2016 other than me trying to get an understanding of the site. The One Capital Group didn't own the site, they had it under option, it was very messy and poorly put together from a property development standpoint.
8. I believe they had submitted a planning proposal (PP) to Hurstville Council and Hurstville Council had passed a resolution for the PP to be sent to the Department of Planning for 'Gateway Determination'. I am pretty sure that was where it was when I came into the negotiations. The Department of Planning were not happy with the PP and returned it to Council. I saw a letter to that effect.

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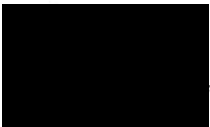
9. The One Capital Group was looking to enter into some type of sale agreement on a subject to rezoning basis for Aoyuan to purchase the land, but the rezoning had not been finalised.

10. In late 2016 early 2017 I engaged an architect to do some plans so we could attempt to ascertain the potential value of the site, and other technical aspects of due diligence required to buy a large site.

11. I attended a lot of meeting relating to the purchase, including with Aoyuan's lawyers (HWL Ebsworth), Council, The One Capital Group and lawyers engaged by The One Capital Group.

12. I believe the Director of The One Capital was Mr Liu. It was a bit difficult to understand the structure and roles within The One Capital. I predominantly dealt with Elaine Tang, she was the main liaison person, she was smart and had some knowledge, but my impression was that she was not a property developer or property person. My impression was that she was there for her command of the English language. There was a Philip who seemed to be the 'king maker' around negotiations / discussions. I could not describe his role; he may have had a financial interest, but I don't know. I did not get the sense that he was a salaried employee. I cannot recall Philip's surname. Philip was of Chinese descent and his English was average, but he could speak English.

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13. Early meetings were at EWL Ebsworth or at Aoyuan's old offices situated at 277 Elizabeth Street Sydney. Those meetings would be attended by Elaine Tang and Philip. Later meetings were attended by Elaine Tang and on occasion Elaine Tang and Philip. Mr Liu never came to meetings in the City.

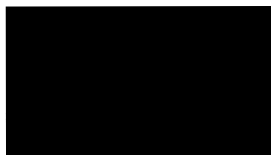
14. Adrian Liaw speaks Mandarin and always did the negotiations. Negotiations were generally done in Mandarin. I don't think Elaine Tang spoke Mandarin or not very well.

15. I attended two meetings in Mr Liu's office situated above Bing Lee in Hurstville. Those meetings were mainly conducted in Mandarin, so I didn't understand them. Some English was spoken but the main negotiations were done in Mandarin. I was in those meetings as a technical advisor to Adrian Liaw. At that time Adrian was relatively new to property development, but had been a property lawyer. At those meetings Mr Liu, Elaine Tang and Philip were present from The One Capital.

16. During June 2017 I was asked by Elaine Tang to attend a meeting with Addison's Lawyers at Level 12, 60 Carrington Street Sydney. I received an email on the 14 June 2017 from Elaine Tang confirming the meeting for the following day at 3pm 15 June 2017. At this time, we did not have a formal agreement in place with The One Capital, we were still going through the due diligence process and were operating under a heads of agreement from memory.

Exhibit: I produce the email from Elaine Tang dated 14 June 2017.

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17. I attend the meeting on the 15 June 2017. Prior to arriving at the meeting I did not know who would be attending. Present at the meeting were the lawyers Harshane Khahgalle, a female associate, whose name I cannot recall, Michael Gheorghiu the Planner, Elaine Tang and a guy who was introduced to me as Con Hindi. Con Hindi's wife was also present at the meeting, but I can't recall her name. Whether Con Hindi was introduced to me as an ex-councillor, or I subsequently looked him up on google, I cannot recall. It was obvious as the meeting progressed that he was an ex-councillor because he was talking about previously being involved in Council. I didn't want to know the guy, he was trying to talk to me because I was a development person and he thought he was a development person, there was a type of machismo thing going on. He brought nothing to the table from my perspective. I didn't even really want to be at the meeting, to be honest it was a waste of time.

18. There was another later meeting at Addisons lawyers, another strange sort of meeting. Again, I didn't want to be there, and Con Hindi's wife turned up, but Con Hindi didn't. He had either been recently elected to Council or was running for Council, one of the two and it was obvious his wife was there as Con Hindi's proxy.

19. My impression was that Con Hindi had been engaged by One Capital as a consultant. They had a PP rejected at Gateway and Con Hindi was giving advice on how to get the PP progressed, he was advising on strategy. I don't think he brought anything to the table from my perspective, but One Capital probably thought they were getting value.

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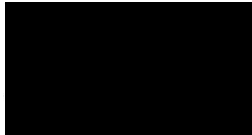
20. Any agreement between Aoyuan and The One Capital was based on the outcome of the rezoning. Ultimately, we agreed to a new price and took over the rezoning and did it properly going through all the correct processes.

21. Apart from these meetings at Addisons lawyers I never spoken directly with Con Hindi or his wife. The only other times I saw Con Hindi was when I attended Council meetings. I addressed Council meetings on number of occasions when Con Hindi would have present as a Councillor. We had obviously met previously and may have exchanged pleasantries but nothing further.

22. I never heard Con Hindi make any declarations of interest regarding the Landmark Square proposal at Council. I know Con Hindi and Councillor Vince Badalati abstained from the last couple of votes on Landmark Square at Council meetings. That would have been during 2018. I have no idea why they abstained from voting.

23. I do not recall ever having met with any other Councillors regarding Landmark Square. I remained engaged on the project after Council acted on their delegation at a formal Council meeting to approve the Planning Proposal and send it to Gazettal. I dealt with Council regarding the wording of the LEP amendment after questions were raised by Parliamentary Counsel and possibly some matters around the VPA. There was also an issue after Council had resolved to make the plan with RMS which I had to sort out between them and Council. I can't recall exactly when I ceased actively working on the thing though.

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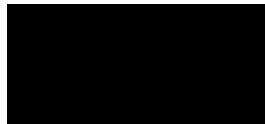
24. I was not involved with 1-5 Treacy Street Hurstville. I may have been present at meetings where it was raised. But I was not involved and had no interest in that development.

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Lana Hynd

[REDACTED]

From: Elaine Gencorp <elaine@gencorp.net.au>
Sent: Wednesday, 14 June 2017 1:15 PM
To: Greg Hynd; Michael Gheorghiu
Subject: Planning Lawyers - Meetings

Hi all

Just confirming that our meeting for tomorrow is 3pm at the below address.

Addisons Lawyers
Harshane Kahagalle
Level 12, 60 Carrington St, Sydney

Rgds
Elaine

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Kind Regards,

Elaine Tang

Gencorp Pty Ltd
PO Box 35
Leppington NSW 2179
Tel: 02 9580 4884
Email: elaine@gencorp.net.au