

**Submission
No 14**

**INQUIRY INTO BADGERYS CREEK LAND DEALINGS AND
PLANNING DECISIONS**

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Since the murder of Michael McGurk in early September a media frenzy has taken place. Foremost in fermenting that frenzy has been the Sydney Morning Herald. Given that one of their senior journalists had been to lunch with McGurk in the weeks before his death, the Herald obviously believed they owned the story. At that lunch apparently McGurk confided to Kate McClymont that he had the now infamous tape. When he approached me with the tape I dismissed him and his tape in ten minutes.

The SMH on the other hand sought to milk whatever they could from a tape they had never heard and treat seriously whatever McGurk, a highly dubious source, told them. He was the source of McClymont's claim that I was being paid \$25,000 per month by the Medich brothers. That claim was a nonsense. McClymont wrote a front page story claiming these were new McGurk tapes featuring a galaxy of M.Ps., state and federal. Her source for that was a man she never met and again she didn't hear the tapes. We will never hear anything about these tapes again and yet the SMH will never acknowledge how thin the information on which they based their front page story really was.

Another journalist at the SMH, Andrew Clenell, recently wrote that I had told him that Sam Haddad was mentioned on the tape. In fact I heard no-ones name on the tape because it was inaudible and I told Clenell that. He then asked if I would name the person who McGurk had claimed was mentioned on the tape and I refused. None of this stopped Clenell from writing something he knew to be untrue.

The real head of steam for this inquiry stemmed from an earlier story by McClymont in which she quoted Jim Byrnes as saying that the Medich land at Badgery's creek had been rezoned residential. It had been brought for a song and was now worth \$400 million. Hence we now have a parliamentary inquiry into the decisions made in relation to that land. The obvious problem is that no decisions have ever been made. The land was never rezoned to employment land and no application was ever made to zone it residential.

The land in question was identified by the Greiner government in 1991 as future employment land and this future use was restated in the Metro Plan released in 2006. That the Medich brothers would seek to have the land rezoned for a purpose identified 20 years ago is hardly a shattering piece of news.

Much has been made of the fact that I have had a few meetings with Sam Haddad about various planning matters. I have met him 4 times this year and when you are representing a number of developers who are prepared to invest in projects worth hundreds of millions of dollars and create thousands of jobs, that should not be surprising. Those meetings have been entirely proper. Minutes have been taken and witnesses present. I have represented only clients whose names can be found on the lobbyists register. They have all been declared.

I am staggered that the timing of the meeting with Mr Haddad has become any sort of issue. Getting an appointment with Mr Haddad is extremely difficult. Almost every meeting is postponed at least once and sometimes two or three times. This was certainly

the case with the September 2nd meeting. It often takes weeks to get an appointment and trying to get him on the phone is next to impossible. Sam Haddad is a good man and a dedicated public servant. He is overworked and I don't envy him his job. His dealings with me have been entirely proper and they have for the most part of the last few years been negative. I have lost many more than I have won.

There are at least two support staff in his office who can verify the number of times I have been told he was unable to take my call or see me. I had no special access or special relationship. I have never met him socially – not for a drink, a coffee, a lunch or a dinner. As someone employed by some very large developers dealing in very large projects, seeing the director of the Department of Planning is my job. I am sure that part, albeit a very small part, of his job is to see people like me.

Perhaps the most disturbing aspect of the media frenzy to which I have already referred is the notion that developers, per se, are somehow corrupt and must be always kept at arms length. The SMH in particular seem to believe it is wrong for developers to make profits. In NSW this is becoming a real problem.

At present we are producing nowhere near the numbers of dwellings we need, whether from greenfield or brownfield sites or urban consolidation. Developers are reluctant to invest in NSW because already they feel that the costs involved, particularly with the impost of all kinds of levies, and the slowness of decision making, are making it just too difficult.

This disparagement of developers will not create jobs or build houses for our ever growing population. A few crooks in Wollongong should not be used as an excuse to further restrict the activities of those who are prepared to invest in our future.

Developers take risks. The newspapers write only of their successes, not their failures. Plenty of them go broke – some in spectacular fashion. To begrudge them profits returns to the dark days of the tall poppy syndrome. I hope we can all move well beyond that.