

***IN CAMERA* PROCEEDINGS BEFORE**

PUBLIC ACCOUNTABILITY COMMITTEE

IMPACT OF THE WESTCONNEX PROJECT

CORRECTED

At Macquarie Room, Parliament House, Sydney, on Tuesday 9 October 2018

The Committee met *in camera* at 16:45

PRESENT

Reverend the Hon. F.Nile (Chair)

The Hon. Rick Colless

The Hon. Greg Donnelly (Deputy Chair)

Ms Cate Faehrmann

The Hon. Shayne Mallard

The Hon. Daniel Mookhey

The Hon. Dr Peter Phelps

Evidence in camera by **WITNESS A**, Leichhardt Against WestConnex, sworn and examined

Evidence in camera by **WITNESS B**, Leichhardt Against WestConnex, sworn and examined

Evidence in camera by **WITNESS C**, Leichhardt Against WestConnex, affirmed and examined

The CHAIR: We are hearing this part of the inquiry in camera to allow you the freedom to speak candidly about your position whilst protecting your privacy. Please note that as this is an in-camera hearing you are bound by the confidentiality of today's proceedings. Should the Committee decide to publish some or all of the transcript the secretariat will consult with you about what is to be published, taking into account your privacy and the sensitivity of information discussed. Ultimately, the decision as to what is or is not published rests with the Committee.

It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. So I urge you to be careful about any comments you may make to the media or to others after you complete your evidence before this Committee as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. Do any of you wish to make an opening statement, or someone on behalf of all of you?

Witness B: Yes, Reverend, I would like to make an opening statement and no doubt my colleagues and friends and neighbours sitting beside me would like to also make some comments. I would like to start off by referencing the three submissions that Leichhardt Against WestConnex [LAW] has put in, to make sure that you are aware there are three. One relates to the Darley Road-specific issues, the second relates to the community consultation process and the third relates to the compulsory acquisition issues. In terms of context and background, the three of us did not know each other until August 2016. We are neighbours—we live a street apart each of us and we met following the first information session that was held in Leichhardt in August 2016.

When we discovered that there were rumours of that site at Darley Road potentially being taken as a major mid-tunnel dive site, and knowing the site very well—all of our streets abut Darley Road—knowing that there were two fatalities at the site and all of the issues with it being a major congested arterial road, we, quite frankly, could not believe that they were looking at the site and we started a community group, a neighbourhood group. We now have over 1,000 members. There were some comments made earlier today that the decision of the Government to abandon the Darley Road site following its approval and the EIS at this very late stage in June 2018 somehow represented a victory of community consultation. We would like to dispute that. We have been fighting this proposal since August 2016 and it was not until June that a quiet community update informed us that the site was no longer required.

There are three main issues that we covered in our Darley Road submission and I just want to outline them in summary. The first is the decision, the relentless pursuit by the Government of a totally unsuitable site for two years despite massive community opposition. In August 2016, Mr Peter Jones from the Sydney Motorway Corporation, in the presence of RMS, Lisa Chikarovski, who was the representative from RMS, along with members of the Inner West Council, told us "We cannot build this project. We cannot build stage 3 without Darley Road." This was repeated to us in letters from the Minister for WestConnex—we have at least two letters where he stated the same to us. This was despite the fact the strategic traffic planners at the Inner West Council opposed outright the selection of Darley Road as an unsuitable site.

Based on the unsuitability, the council procured an independent engineer's report to look at alternative sites, and that is when Leichhardt High came into play. That independent engineer's report found that of the three sites that were considered, Darley Road was the least suitable site. So despite the independent traffic engineer's recommendation from the council that the site not be taken, despite the independent engineer's report, despite all of this, the Government pushed on relentlessly with the site. Our first issue relates to the refusal of RMS and SMC to listen to the community and the independent experts. We lost two years of our lives, we lost two years fighting this and doing the Government's job for them by making hundreds of representations fighting this. It was not our job to do that. The project should have been ruled out at the first site visit.

I also point out that when the EIS was lodged there were 13,000 submissions, and 5,500 submissions related to the Darley Road site, and they still approved the site—the Department of Planning and the Government still pushed on. It was only when a whole lot of press came out about activities on the site prior to 2012, which relate to high-profile members of the Liberal Government, that miraculously, despite two years of assertions, the site was no longer needed.

Ms CATE FAEHRMANN: You said 2012 then.

Witness B: These were the issues related to the lease extension at Darley Road, which were prior to WestConnex coming on board. That is our first issue. The second issue is the deception by the Government in

relation to the acquisition of the site. When we had this meeting in November 2016 with Sydney Motorway Corporation [SMC] and Roads and Maritime Services [RMS], they told us they had not decided on a dive site and that they would consult and listen to the community. Based on that the council paid \$12,000 for an independent engineer, and we continued meeting and talking with them and having site visits along with the council.

In March 2017, through our own investigations, largely undertaken by my neighbour and colleague Witness A, we discovered they had secretly issued the property acquisition notices on 4 November and 14 November, first of all for the leasehold interest and then the sublessee interest, without telling us. When we called the Government out on this and said we had been sitting in meetings with them for four months and they had never told us that, they would not answer our questions and said they would have to take them on notice. It was a waste of our time and energy and the council's time and energy, and they did not tell us the truth about the acquisition.

The third issue relates to the site itself. The Darley Road site was derelict for many years. It is government-owned land; it is owned by RailCorp. Two individuals have a lease on the site. The business name is Tdrahhciel, which is Leichhardt spelt backwards. They sublease the site to Woolworths. In August the Government wrote to them—we have copies of the emails—saying it would acquire the site. Then the workers turned up, \$5 million to \$7 million of work was done. An entirely new business—the biggest Dan Murphy bottle shop we are aware of in the country—opened just before Christmas on the site after the PANs were issued.

As a result of sitting by and allowing an entirely new business to be established, the Government drastically increased the amount of compensation payable because it was then looking at a relocation or an extinguishment of business losses and it then had to compensate Woolworths as well as the landowners. It is on the public record from Tdrahhciel that is from Shane Barr that they were looking at a \$50 million compensation payout.

The Hon. GREG DONNELLY: Who is Shane Barr?

Witness B: He is one of the leaseholders.

The Hon. DANIEL MOOKHEY: Is Tdrahhciel a privately owned company?

Witness B: It is. It was only when this came out in the media that they suddenly started looking at the school site. They realised it was out in the public domain that it was possibly a \$50 million payout. In terms of impact on us as a community, we have had two years of the Government telling us that it could not build the project without the site, and it is now walking away saying it does not need it. That is two years during which people have been under incredible stress. They are the three main issues we raised in our submission.

Witness A: Thank you for the opportunity to address the Committee today. I reiterate what Witness B has said about the impact of two years of having to face the possibility of this construction. It has caused incredible stress to me, my family, my eight-year-old daughter, and my neighbours who have sold up. We have attended many meetings with Roads and Maritime Services [RMS] and the Department of Planning and Environment. We are both members of a WestConnex Community Reference Group, and we attend meetings voluntarily. We have given up countless hours of our own time reading the 7,000-page environmental impact statement trying to identify what was applicable to our neighbours and our community. We wrote a 103-page submission and have constantly followed up people. We have tried to arrange meetings with the Minister for WestConnex, who refused to meet with us. It has been a highly stressful time for us.

I will touch on the unsuitability of the site. Let us not forget that the original proposal to have the bottle shop at the site was rejected by Leichhardt Municipal Council because it was an inappropriate site on which to have bottle trucks turning in and out. We presented all of this information to RMS and the Sydney Motorway Corporation [SMC]. As Witness B said, there have been many accidents there, including fatalities. Neighbours have told us about serious accidents and cars turning over. Our neighbour Denise had a passenger die in her arms near the site. Darley Road was never built to correct standards, and RMS has admitted that. It is adjacent to the intersection of James Street and City West Link. It is reported as being the third most dangerous intersection in the Inner West. There are also impacts on the school kids who arrive or depart from school using the North Leichhardt light rail station, even with the proposal to have the dive site. The dive site at Darley Road still posed a risk to students who travel to and from school on the light rail. There are 103 schools on the light rail line.

Peter Jones from Sydney Motorway Corporation told us that the school site was never meant to be a dive site; it was only ever meant to be a material lay-down site and for vehicle parking. This is a case of people at the school being told one thing and us being told another. The aim seems to have been to put one section of the community against another by presenting two very unpalatable options. They were wrong if they thought they could divide Leichhardt because we were very united. The same school kids who were taking part in the campaign at the school live across the road from me and have been involved in disseminating petitions, dropping leaflets in

local streets, and helping to create posters opposing the dive site at Darley Road. This has been very much a community campaign, whether it has been at the school or in relation to Darley Road.

Witness B: In terms of the community action, there were many drills in Leichhardt over the period. We held something like 43 pickets involving local residents, who got up at 6.00 a.m. and stood there protesting every drill that came into Leichhardt. There was massive community opposition. I think they tried to present the community with two really unpalatable choices for dive sites. In the end, it was a PR win for the Government when it did not take the school. It said, "We listened to the community." In fact, it condemned us to have to the Darley Road site. That was the impossible choice they gave us. The whole way through we said, "You don't need a dive site." They said, "We can't build it without a dive site." Now, without any explanation, it is not needed. They were the exact words. Why for two years did the Minister, the Government and the contractor tell us they could not build the project without it?

Witness C: I obviously agree with everything that Witness B and Witness A have said. I think it is very important that members know that none of us have any affiliation with any political party whatsoever. We are three community members who have lived in Leichhardt for a very long time. The Committee put some questions to a number of the people who have given evidence. In the past two and a bit years, Witness B, Witness A and I have spent thousands of hours working on this. Witness B and Witness A have young children and it has been to the detriment of their families and also their relationships. Their husbands have had to take up extra work to get children to and from school. It has put enormous pressure on them, which is incredibly unfair. The way we have been treated by SMC and RMS is utterly deplorable.

We have been told lies and there has been a lack of transparency. We have put direct questions to them about information they have provided and they have taken them as questions on notice and have not been able to respond because they could not do so truthfully. When it was announced that Darley Road was the only option, we asked whether they had considered any other sites. They simply said the only site that was to be considered was Darley Road. We pressured and pressured and pressured them, and finally they came back and said, "We have considered other sites". We asked them what they were and they would not tell us. Several months later we heard that the Rozelle railyard had been considered, but that was ruled out immediately because of the distance to the dive site on Darley Road and the additional cost that that would incur and the fact that they would not finish the project on time, which would mean they probably would not get their huge bonuses. They asked us to come up with alternative dive sites, and we indicated that that was actually not our role or responsibility.

Witness B: They gave us a map and asked us to point out where they could put a dive site. They told us that they were looking at taking Pioneer Memorial Park, which has 1,000 bodies interned in it. They were also looking at Blackmore Oval, which is the oldest junior rugby club in the country. They told us to pick and to show them where on the map they could put it.

The Hon. DANIEL MOOKHEY: Chair, this is compelling evidence. I wonder whether we could now move to questions, given we have limited time.

Witness C: I have just one final point.

The Hon. GREG DONNELLY: We do not mean to cut you off, but we have limited time for questions.

Witness C: One final thing I would like to say is that we have written to the Minister on numerous occasions and the replies that we have received have been from contractors. The Minister has sent our communication and our correspondence to a contractor to contact us as a result of a letter we wrote to the Minister. The contractor told us that the Minister had told them that he was not willing to meet with us, but the contractor would. The contractor subsequently refused to meet with us.

Witness B: And so did MP John Sidoti. We wrote to him and said we understood he was speaking about the site. We said we needed to speak with him. Without permission, he provided the letter to SMC, who then responded on behalf of the member of Parliament. We could not believe that.

Witness C: There is one other massive issue that has impacted on our community, within a very small area of streets, and that is there have probably been 17 or 18 homes in the last 12 months—in James Street, Hubert Street, Charles Street, Elwick Street and William Street—that have sold well under value because the owners were terrified of what was going to be imposed on them. Most had young families.

The CHAIR: Any question that you are asked and you cannot answer you can take on notice. Then you have 21 days to provide the answer.

The Hon. DANIEL MOOKHEY: Firstly, thank you for your appearance today and for the thousands of hours that you have put in over the last couple of years on behalf of your community. Who from SMC have you been talking to?

Witness B: Peter Jones is the head of stage three. He has been the principal contact. We have also had a lot of contact with Kylie Cochran, who was from AURECON that was consulting to SMC and then RMS. We have also had contact with Nicole Ryan, who was an engagement officer from SMC.

The Hon. DANIEL MOOKHEY: Who if anyone from RMS have you had the opportunity to have direct dialogue with?

Witness B: We have had so many meetings with RMS.

Witness C: Dan Silburn, Lisa Chikarovski.

Witness B: Dan Silburn we have had a lot of dealings with. We can give you a list.

The Hon. DANIEL MOOKHEY: On notice.

Witness B: Over the last two years we have probably—

The CHAIR: Please take the question on notice.

Witness B: Trevor Stolz as well.

The Hon. DANIEL MOOKHEY: Do you feel like RMS and/or SMC engage with you in good faith? Can you rely on the communication that they are giving you?

Witness B: No, absolutely not.

The Hon. DANIEL MOOKHEY: You pointed to one example of what I take to be misleading and deceptive conduct on their behalf. Do others come to mind?

Witness B: Yes, Peter Jones told us many times that, "We don't need the land; you can have the land back at Darley Road when the construction is finished". We thought, thank goodness we can finally have safe access to the light rail, because you have to go down a side street. We thought at least at the end of this we would have a park. When the EIS was issued we found out that we would be left with a permanent water treatment plant and substation, which would take dirty water from the tunnel and empty it into the Blackmore Oval stormwater drain next to our rowing club for ever. There were going to be massive tanks and ongoing 24-7 operations. That was what we were going to be left with. We were told repeatedly that we could have the land back. We were quite gutted when we find out the truth. We thought at least if we can live through this, we might end up with some sort of community facility or park. But they turned around and did that; that was probably one of the most disappointing parts.

Witness A: Can I speak to another issue? For the truck routes the proposal originally was for the trucks to turn from City West Link heading east and do a right-hand turn into James Street, so they were going to have to create a new right-hand turn. Then the trucks were going to turn into the site and out again, again crossing over Darley Road to turn into the site. When they decided that they were going to stage the trucks from White Bay, they did not need that new right-hand turn because they were going to be turning left into James Street and then left back on to the City West Link. We pointed out that this was quite a highly pedestrianised area, especially with school kids and people from this side of the City West Link who to go to my daughter's school, Orange Grove, and so on. There was talk of an alternative way of removing spoil that would not mean that the trucks needed to come onto Darley Road. This was never clearly explained to us, but it was just another instance of how potential improvements to the way the site was going to operate were dangled in front of us to make us feel as if it actually was not going to be that bad.

When I did a Government Information (Public Access) Act [GIPA] inquiry into all of the discussions that they had, the various agencies came up with absolutely nothing. There was nothing to suggest that they had ever looked at this option seriously, and yet we were told on quite a few occasions that this was going to improve matters. They said things like, "What if we didn't need to bring the trucks onto Darley Road, Witness A?" Or, "We've heard of a new way of removing the spoil that is going to mean a lot less impact for you". Your hopes are raised by thinking that although we cannot stop it, possibly it is not going to be as bad as we thought. Then the EIS came out and there were the truck routes on Darley Road, a truck every four minutes. These are truck and dog trailers; I do not know if you have heard the noise that they make.

The Hon. DANIEL MOOKHEY: I used to represent truck drivers.

The Hon. GREG DONNELLY: This is not a view that I subscribe to, but it is being said that what is playing out is a good result because it is consultation in action. We are told that we are seeing a community that has satisfactorily resolved a matter in its favour, and this is consultation. What is your response to the proposition that what you have been through is effectively comprehensive consultation?

The Hon. DANIEL MOOKHEY: And you won.

Witness B: I would point out that we went through consultation through the concept design and the EIS. As I said, 5,500 submissions opposed the process, but they were ignored. Interestingly, it was only when more and more media came out about issues relating to the Premier and Kerry Chikarovski's involvement with the site that the Government started seeming to have some concerns about the site. If you look at the time line, it is very interesting. What happened in this case was that they ignored our concerns. They approved the project right up until the signing of the contract, and only then did they say they did not need the site.

Witness C: Can I just make a comment? We may have succeeded with the dive site, but we are all going to be tunnelled underneath. I do not know if you know that Leichhardt is on a flood plain.

The Hon. GREG DONNELLY: This obviously has been a most challenging exercise for the three of you, and I thank you for all of the work that you have done. The quality of your submission is first class; it is very detailed, very thorough, and it gives us a good insight into what has transpired. What has been the cost to yourselves of going through this excruciating two-year process? Would you mind listing the cost?

Witness C: There have been a number of costs. I have a business. I am the only person in my business, and I have lost an enormous number of contracts because I have had days when all I have done is WestConnex. I am also _____ years of age.

Witness B: I thought you were joking when you said that!

The Hon. DANIEL MOOKHEY: It was said under oath.

The Hon. GREG DONNELLY: You cannot change it.

Witness C: It is not the kind of thing you lie about, unfortunately.

The CHAIR: We believe you.

Witness C: I have had days where I have worked 20 or 21 hours. I am also a primary carer for a very elderly couple who have advanced dementia. I have a couple of friends who in the last 12 months have died from cancer and I nursed them all the way through the process. I do a lot of community service as well. The cost to me primarily has been my health. My health has been really impacted. Last year I had pneumonia and I nearly died; I was in hospital. It was just from stress, not getting enough sleep, not eating properly, not exercising at all.

The Hon. GREG DONNELLY: It has been a huge impost on you personally.

The CHAIR: We will move on to Ms Faehrmann.

Ms CATE FAEHRMANN: I am happy for some of my time to be spent on this.

The CHAIR: You can ask the witnesses to elaborate in your time.

Witness B: The cost to me is a complete break in my lifelong belief in government and process. I am a government lawyer. I have my own law firm now. I worked for government, I worked for _____ and I have done compulsory acquisitions for _____. I absolutely always believed that major infrastructure projects were rolled out fairly and I believed in the fairness of the compulsory acquisition process. For me it meant walking away from my lifetime career as a government lawyer in State government, which I have done, and now I work in a senior role through my own law firm in _____, which is why I did not want this live streamed, because of my background. I feel I will never be able to work for the government again—the cost in terms of really losing complete faith in the government.

I have a seven-year-old daughter. My mother died three weeks ago from cancer. She was in Perth. This year, apart from commuting every week for work because my job is mainly in Canberra, I have been going back and forth between Canberra and Perth to visit my mother, and doing submissions, 5,500 petitions, and it has been relentless for two years. We should never have to do this. They should have ruled out that site as soon as they went and had a look at it and we would have been spared all of this.

Witness C: Similar impact, I have an eight-year-old daughter and she really dislikes hearing about WestConnex. She was so worried she said, "Is WestConnex coming into our street, mummy? What is that going to mean?" My partner is thinking now the dive site is not happening he will get his family life back. It has impacted my work. It has impacted how often I get to catch up with friends and family. Again, it has undermined my confidence in the Government and its agencies, in particular Planning who did not listen to us. Every time there was a truck incident on the streets nearby the dive site we would point to it as evidence why they should reject this dangerous proposal and every step of the concerns we raised were ignored.

Ms CATE FAEHRMANN: Thank you for everything that you have done. I am sorry that you have had to go through this. Hopefully the Committee investigating this matter can make amends somehow. Clause 13 of your submission No. 388 says:

13. It is submitted that the behaviour of both the RMS and SMC towards the community and the Council with respect to the Darley Road Site was negligent, at times deceptive, and that their handling of this proposed acquisition has all the hallmarks of financial maladministration.

Then you go on in paragraph 14 suggesting that those responsible should be held accountable for their behaviour and invited to explain their actions to the Committee. Who would you suggest that we speak to and bring before this Committee and could you explain why we should be bringing them before the Committee? If it was you sitting where I am what would you be investigating?

Witness B: Mr Peter Jones, the project director of stage three. He was the one who told us repeatedly over two years that he could not build the project without Darley Road. He was the one who led all the meetings with the council when the acquisition had already secretly taken place for many months. We always thought he was an engineer and he never corrected us. He is actually not a engineer, he is a procurement specialist. Peter Jones, definitely.

Ms CATE FAEHRMANN: You say "those responsible". Are there any other people in the Sydney Motorway Corporation and RMS?

Witness B: The Minister for WestConnex should definitely be brought in. He has never responded to us with any proper information. He refused to meet with us. This is his project. We would suggest Andrew Kinley. We can get you his details from RMS. He is now in charge of the WestConnex project.

Ms CATE FAEHRMANN: You mentioned a Government Information (Public Access) Act request that brought you some information. You cannot get much out of Sydney Motorway Corporation. One of your submissions is on that as well. Two questions: would it be possible for the Committee to see the information you got through the Government Information (Public Access) Act, and how did you find Sydney Motorway Corporation, being able to work with them? They are not accountable in terms of the Government Information (Public Access) Act. How did that affect your experience?

Witness A: It was quite infuriating really. Especially because this was a site where there were going to be 100 workers a day and 11 parking spots on site. We kept on asking, "What is the plan for worker parking?" The answer was, "Oh, it will be in the concept design, there will be some information." No information. "Oh, it will be in the environmental impact statement." Again, no information. We waited for the preferred infrastructure report to come in, thinking that might illuminate this issue and other issues, but there was no information. Then they have the response to the submissions—again, nothing in response to the submissions to explain how worker parking was to be dealt with.

Our neighbours in Haberfield had to endure workers parking them out of their houses, so we knew what a problem this was going to be. Then we learnt that this was going to be dealt with ultimately in the construction environmental management plans, in particular the sub-plans for transport and those sorts of issues. Ultimately those plans are not going to take account of the Darley Road site because, as we know, it has been abandoned. That has been the difficulty of being told this information will be forthcoming and it never eventuating.

Witness C: One other thing that is really important and that is throughout this entire process, and I am sure Witness A and Witness B will agree with this, is that RMS but particularly SMC have done everything they can to undermine our credibility. With Blackmore Oval, they realised they could not take Blackmore Oval. Blackmore Oval is the oldest junior rugby club in Australia and it is on a wetland. There is no way they could do the engineering, there is no way to do it. We actually knew they could not do it, they told us they could not do it and straight away they put out a notice to all the community saying, "We have listened to the community's response and we are not going to take Blackmore Oval".

But they never said they could not do it because it was an engineering impossibility. Then what they did was letter box dropped people and knocked on people's doors, and it was the same when they decided not to take Darley Road. They contacted us first of all before they went to anybody else and we were fortunate enough to make the community aware before they did, but the next day they went and knocked on people's doors and said, "Are we not fantastic. We have listened to you, we are not taking Darley Road". All their attempts, particularly SMC with Kylie Cochrane, Nicole Ryan and Peter Jones, at every opportunity they did everything they could to undermine the three of us and discredit us.

Witness B: In terms of dealing with SMC, I think what really happened was that RMS have been asleep at the wheel. They abdicated responsibility for a project to contractors who had no incentive to take into account community impacts. I will give you an example. When we spoke to Peter Jones at that first meeting he said, "We

are looking at taking Pioneers Memorial Park". I said, "You realise there are bodies interned there. There are thousands of bodies". He did not know that. They are tunnelling underneath that. There is a major interchange underneath that planned. You are not allowed to have sports games there because of respect for the bodies there. He did not care, he had no sense of it. Then he said, "We are thinking about taking that site next to Le Montage, what do you think about that?"

These people, they are not public servants, they do not have a sense of public duty, they are just there to deliver the project for the cheapest dollar on time. We are just, as Witness C would say, collateral damage. They made that very clear to us. I will give you an example of consultation. When we had that first consultation session in August there was nothing about construction sites. This was in Leichhardt Town Hall, 14 August 2016, the first time I really had any contact with WestConnex. They did not mention anything about the eight construction sites that would ultimately be taken. I met Peter Jones there and he said, "We are thinking about taking Darley Road." And I said to him, "But they are building a big roundabout there." He had never visited the site. He might have driven by, he did not know the site, he did not know any of the issues with the site. They had already selected the site without any due diligence.

I said to him, "Have you looked at the traffic studies?" And I said, "Do you know how many people have died at that intersection?" And he said, "No." And I said, "I do. Here's the traffic figures." I handed them to him. I said, "Look at all the accidents." The council was there, and he just kept shaking his head saying, "We haven't decided, we haven't decided." But we found out later that he sat down—this was on the Saturday we had the first consultation session. He said, "We don't know what site we are going to take. We are here to listen to the community." On the Wednesday they sat down and started commercial negotiation to take the site. So they lied to us. They told us they did not know what site, they gave us no information at the information session, and then they sat down—and we have all of the emails that show the meeting happened—and said, "We want to take your site." They lied to us, they lied to us.

The CHAIR: I am sorry you have been treated in that way. Are there any questions from Government members?

The Hon. SHAYNE MALLARD: I make an observation question. I am referring to your submission regarding the Dan Murphy site and later on the high school, and I acknowledge the stress the changes and uncertainty create around this. The Committee had some evidence today from the Mayor of the Inner West Council about all of the many parks and many sites that were listed as potential construction sites and then changed—the Muirs car yard on Parramatta Road was going to be a dive site; Ashfield Park was going to be a dive site, moved to the old Keith Lord site; if you know all the sites I am talking about. What it appears to me is that—

The CHAIR: Can you phrase it in a question?

The Hon. SHAYNE MALLARD: I am getting to the question. Engineering wise, construction wise, this is a bit of a moving feast in terms of what the different contractors say they can and cannot do. You have made a courageous fight. I know some members of parliament have fought against it as well, and the contractors have gone back and said, "We can't do the Dan Murphy's site." And they went to the school, and that clearly was not popular. Can you not see, setting aside your conspiracy theory—I note that is in your submission about conflicts of interest—in the bigger picture of WestConnex there has been a moving program of sites and so forth and that your concerns around Dan Murphy and the school are part of that big picture?

Witness C: In relation to the school, the school was an absolute red herring. I do not know if you know but the school is next to the biggest bus depot in the Southern Hemisphere.

The Hon. SHAYNE MALLARD: I am aware of that, yes.

Witness C: A few years ago the police tried to get a police area command centre there. It is a chaotic dead end. It was not possible to even put it there. It was a furphy, it was a red herring.

Witness A: Can I just say also it is the Government's choice to deliver this project in three stages. So we are collateral damage as a result of this three stage process. If you had chosen a different way to deliver the project you may have avoided all of this uncertainty. If you started digging the tunnel and knew where it was going to come out from the beginning, then maybe you could have avoided all of this confusion and impact on our community.

Witness B: Mr Mallard, I do not accept that it all turned out all right in the end because basically it is really down to the contractors, and there has been lots of uncertainty. The fact is there are eight construction sites for stage 3. One site, the Muirs site, is no longer to be used for tunnelling. The only construction site that was dropped was Darley Road. So yeah, maybe that is a part, I am not suggesting conspiracy theory there, but that was the only site that was actually dropped from stage 3. What we are suggesting is that if the Government did

due diligence on the site before fixating on it and relentlessly pursuing it, despite the independent engineer's report and the advice of the council, if they had actually done their homework, got familiar with the site and the issues right up-front before they announced the site was going to be taken, all of this could have been avoided. Because in our 103-page submission we said to them, "You do not need this site to build stage 3." And we were right, they did not need it. They should have worked that out two years earlier, and we would have all been saved two years of grief and cost and public wastage of money. And it was a failure to do due diligence on the project, that is what caused this.

The CHAIR: Any other questions from Government members?

The Hon. Dr PETER PHELPS: No, I congratulate you on the quality of your submissions and I think you have an absolutely legitimate point. Knowing Darley Road myself, having lived in the inner west for many years, I cannot believe anyone proposed to have a truck and dog going down there. I am looking now at the size of the bus depot between Derbyshire and Balmain Road. There is already a pre-existing tram shed there, which could have been used, which would have been structurally larger than the Darley Road site.

Witness C: We put that to them.

Witness A: That is a heritage listed building.

The Hon. Dr PETER PHELPS: Even beside it, the tram shed makes up maybe a quarter of the total space. And just looking at it, you do not need all of those buses there. One would have thought, given that it is already State government land, which is essentially cauterised because it is a giant concrete slab, that it would have offered a much better opportunity—

Witness A: It is further from the main line tunnel, they said. But again, it seems like the dive sites were dictating the route of the tunnel.

Witness B: It would have been better before they announced the route and planned the route to actually locate an appropriate dive site. The project was done the wrong way around.

Witness C: I do not know if you are aware but about three months ago there was a massive incident on the corner of Darley Road and James Street going on to the City West Link where a B-double came up Darley Road and went to turn left on to the City West Link and it got stuck and it jack-knifed. And then when it tried to reverse to get out of it, it brought down powerlines.

The Hon. Dr PETER PHELPS: But James Street is a dog's breakfast just with cars.

Witness C: Through speed as well.

Witness B: You have to remember though that when the Haberfield interchange opens up and 65,000 cars a day are dumped into the bottom of Parramatta Road, we are going to be facing all of those cars for six years until stage 3A opens. So we are actually going to be facing an onslaught of traffic. The issues for us are nowhere near resolved.

The Hon. Dr PETER PHELPS: Would that have been ameliorated by the Camperdown interchange?

Witness B: I am not a traffic expert. The project, I still cannot quite believe they dropped the interchange without resubmitting the business case, but anyway. Back to the impacts for Leichhardt, I want to emphasise we are neighbours of Haberfield—at the bottom of our street you cross the road and you are in Haberfield. We are going to have 5½ years of an absolute onslaught. When we asked RMS what they had planned for the traffic, where it was going to go, what they have actually done is put an extra lane in the existing footprint of the City West Link, and that is it. The council has costed \$27 million of steps that they think they need to take to manage the impacts of WestConnex.

The other thing to note too, and this often has not been brought up, but there is a major sub-interchange that is largely under Leichhardt. When they moved the tunnel route and took most of the tunnel out of the city of Sydney area—again, I am not suggesting a conspiracy there—but certainly that did mean that a large amount of the tunnel is now sitting under Leichhardt. We are very concerned about subsidence. Based on the EIS, the documents state that from 30 metres there is a chance of subsidence. There are many parts of Leichhardt which are less than 30 metres, and there are parts of Rozelle that are five metres or 10 metres, and it is an eight-lane tunnel.

Witness C: And many of those houses are built on sandstone.

Witness B: On Burt Street, for example, in Rozelle, they are 1860s heritage cottages.

The CHAIR: It is obviously an ongoing drama. We will hear more about it as time goes on.

Witness B: I think you are going to hear a lot about property damage as this tunnel rolls out as well.

The Hon. DANIEL MOOKHEY: The panel has made various references to documents and emails that are in your possession. Maybe if the secretariat makes available the transcript to you, is it possible on notice to provide the corroborating independent documentation that you referred to?

The Hon. Dr PETER PHELPS: Even if it is not to be tabled?

The CHAIR: That is a problem. You have to seek what you want to give us.

The Hon. DANIEL MOOKHEY: Maybe as a supplementary confidential submission would be the way to do it, which we can then consider.

Witness B: In terms of the confidentiality, the reason we asked, we would have been happy to appear if this was not being live streamed and our names were not being published. We are really happy to have this transcript largely published with the name of the group, we just prefer our individual names not published. And we are happy for any of our evidence today to be referred to in final reports. It was really just our names that we were concerned about.

The CHAIR: We can show it as Leichhardt Against WestConnex committee, or something.

The Hon. Dr PETER PHELPS: Maybe individuals would be A, B and C, or something like that.

Witness B: Yes.

The CHAIR: Thank you again for appearing before the Committee. Thank you for what you have been doing and the sacrifices you have made in your own personal lives and families. It is very much appreciated by our Committee.

Witness B: Thank you. We are not finished yet.

(The witnesses withdrew)

The Committee adjourned at 17:39