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PLANNING PARTNERSHIP

MR A. JACKSON, Chair

AEROTROPOLIS LISTENING PANEL

BRINGELLY

WEDNESDAY, 26 FEBRUARY 2020

MR A. JACKSON: Look. So Joe, welcome to this morning. Kind of as promoted, for want of a better term, this is an opportunity for residents in the community to come and present to a group of people in terms of, you know, what your thinking is - - -

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MR J. HERCEG: Yes.

MR JACKSON: - - - your submission is. We'll introduce everyone in a moment - - -

10

MR HERCEG: Sure.

MR JACKSON: - - - just so you know who everyone is, but all these people are representatives of departments or councils that will have a role in assessing the submissions as they come in - - -

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MR HERCEG: Yes.

MR JACKSON: - - - and making recommendations to government.

20

MR HERCEG: Yes.

MR JACKSON: So I think it's good that they all get a chance to hear directly from yourself - - -

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MR HERCEG: Sure.

MR JACKSON: - - - as well as obviously reading submissions and stuff.

30

MR HERCEG: Yes.

MR JACKSON: So, it's - today is primarily about you. If there's points of clarity or questions that the group might have, we might ask them of you at the end - - -

35

MR HERCEG: Absolutely.

MR JACKSON: - - - if that's okay. The sessions are being recorded - - -

MR HERCEG: Yes. Good.

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MR JACKSON: - - - if you're right with that - - -

MR HERCEG: Yes. Absolutely.

MR JACKSON: - - - and the intention again with that is simply that – not simply that, so that an official transcript can be taken, and that will be considered as part of a submission as well. Just to give you an update, so we had that meeting last night.

5 MR HERCEG: We did.

MR JACKSON: I've spoken with the Minister's office today - - -

MR HERCEG: Yes.

10

MR JACKSON: I don't have a definitive answer yet on either of the questions. Hopefully today we will have a decision around the extension. I think that it's likely that there will be an official extension.

15 MR HERCEG: Okay.

MR JACKSON: That's just my take on it.

MR HERCEG: Sure.

20

MR JACKSON: As soon as we get a read from the Minister's office, we will let the group know - - -

MR HERCEG: Yes.

25

MR JACKSON: - - - as an initial point, and then we'll have to talk about how we let other people know - - -

30 MR HERCEG: Well, if you let us know through email, then we can get the message out. As I said, our member base is almost 1100 now - - -

MR JACKSON: Yes.

MR HERCEG: - - - just in our group - - -

35

MR JACKSON: Yes. Great.

40 MR HERCEG: So it's, you know, quite a lot of people, but we've also got an extensive member base that aren't on Facebook or on – have internet, believe it or not.

MR JACKSON: Yes. Yes.

45 MR HERCEG: I know it's 2020, but we have got residents who don't have any electronic systems whatsoever.

MR JACKSON: Yes.

MR HERCEG: They're obviously elderly. They don't know how it works. They don't want to know how it works, so we spend a lot of time talking to them one-on-one, as we get information.

5 MR JACKSON: Yes.

MR HERCEG: And Maria does a lot of work around them, and a few of the other ladies in the group.

10 MR JACKSON: Yes.

MR HERCEG: They get out to their homes and have a cup of tea with them, give them a bit of an update on what's happening, you know, assisting them with some of their submissions - - -

15

MR JACKSON: Yes.

MR HERCEG: - - - and all that sort of thing. So we get the message out there. And if you can get back to the group – and I know that the other guys that were exempted last night - - -

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MR JACKSON: Yes.

MR HERCEG: - - - they've got similar means, that they're doing very similar things.

25

MR JACKSON: Yes. So, look, hopefully we can get some advice to you today - - -

MR HERCEG: Sure.

30

MR JACKSON: And we'll do that targeted stuff, and then we'll probably do broader stuff as well, for people that do look at the web, and stuff like that. But, yes, I just wanted to give you an update on that.

35 MR HERCEG: Appreciate it.

MR JACKSON: And then the request is with them regarding a meeting for the CLG - - -

40 MR HERCEG: Yes.

MR JACKSON: Last night with the Minister - - -

MR HERCEG: Yes.

45

MR JACKSON: - - - so I'm waiting for - - -

MR HERCEG: An answer.

MR JACKSON: To hear back.

5 MR HERCEG: Okay. Fantastic.

MR JACKSON: I'm waiting for an answer back on - - -

MR HERCEG: Okay.

10

MR JACKSON: - - - so I can't – that's their call. You know how they - - -

MR HERCEG: Yes. Understand.

15 MR JACKSON: - - - work, so we're just – we're just waiting for that. So I just wanted to give you an update - - -

MR HERCEG: Thank you.

20 MR JACKSON: - - - those two things from – from last night. So we'll just introduce ourselves - - -

MR HERCEG: Sure.

25 MR JACKSON: - - - and then I'll get you to introduce yourself - - -

MR HERCEG: Yes.

MR JACKSON: - - - and then it's over to you - - -

30

MR HERCEG: Over to me. Yes.

MR JACKSON: We've got about 15 to 20 - - -

35 MR HERCEG: Yes. No worries. Thanks for that.

MS NORRIS: Yes. I'm Nancy-Leigh Norris from the Liverpool Council Strategic Planning team.

40 MS N. BORGIA: Hi Joe. I'm Natasha Borgia. I'm the City Planning Manager at Penrith Council.

MR HERCEG: Okay.

45 MR F. ORTEGA: I'm Fernando Ortega, Strategic Lead , Sydney Water.

MS J. GEE: Julie Gee, Transport for New South Wales. I'm the Executive Director of Planning For Places.

5 MS S. BLACKWELL: Sarah Blackwell. I'm part of Infrastructure New South Wales in the South Creek team.

MR HERCEG: Okay.

10 MS P. GRZELAK: Patrice Grzelak, part of the Department of Planning, and a Planning Officer.

MR HERCEG: Fantastic.

15 MR D. McNAMARA: David McNamara, director Aerotropolis at the Department of Planning, Industry and Environment.

MR HERCEG: Fantastic. Okay.

20 MR JACKSON: Over to you.

MR HERCEG: All the right people. Okay. Look, I didn't bring a PowerPoint, or anything like that. I thought I'd just talk to the group, where – where we're at and what we've been doing over the last 18 months or so, and the way, I suppose, the residents see it – would like – what we think is fair and equitable, to get this thing
25 done and happening, and – you know, in a sort of smooth transaction, without too many hiccups for you guys, where – obviously there's always pushbacks along the line, where you can't please everybody, I suppose. There's always going to be someone who feels they've been unjustly done, or whatever it may be. But what we've got, we've got a pretty – as I said earlier, we set it up about 18 months ago, so
30 I'll just give you a very brief background.

When the first plans came out, Brett Whitworth and were leading the team at the time, and there was a whole host of issues, so this thing has been going with the residents for that sort of period from sort of day 1. A rat this end at the moment now
35 – obviously dealing with Andrew and his team, trying to get this thing, I suppose, in a fair position for everybody, so (a) you guys can move on with the development, residents can get some surety and certainty and transparency on what's going on with their lives, and when have they got to move and, you know, how does it affect them, and all that sort of – the questions that we're trying to get answered. So for us – I
40 mean, the few issues – and as I said, I – our group represents the whole – I suppose, the South Creek precinct, all the guys in the Aerotropolis , so it's quite a big area.

And there's a few of us running around and doing quite a bit of work on behalf of the residents. And we've had meetings with previous Minister, of Anthony Roberts.
45 We've had – I'm getting his name right. I think it was Chris Patterson, but he was the Minister previously. We've had sit-downs with Peter Sidgreaves. We've had sit-downs with Liverpool Council, from their flood guys, from Raj to Kirsten to the

mayor to a whole host of people that we've had numerous discussions and written things sent in, and all that sort of stuff – discussions with councillors at Liverpool Council, just to try and get this thing moving forward in the right direction. So our position – putting – and I said this to Andrew – touched on it last night, so Andrew
5 might hear a couple of same things again - - -

MR JACKSON: That's fine.

MR HERCEG: We're not called a simple position. For us it's fairly simple – we
10 regard it as fairly simple, where – we look at it – we've got the South Creek Precinct which was the biggest dilemma. The guys in the core haven't got a lot of questions – more so timing and when's it going to happen, and that sort of – they're their main issues, the guys sitting in the core. The guys in the South Creek Precinct, obviously at the moment are sitting in an area that pretty much everybody is affected in some
15 way or another, whether it's half their property, a quarter, or whatever it may be. And the biggest question is at the moment, our information that's coming back to us is saying, "Well, the stuff that's sitting in the – let's called it the recreational and environmental zone, isn't going to get acquired". There's no plan at this stage, or there's no direct, you know, stamp on the plan saying "We're going to buy this
20 land".

That's our biggest issue. Our issue is that we don't – well, obviously we don't agree with it firstly. We all understand that there's a development coming – we all get it, but what we don't understand is we're – the department, or whoever is making the
25 decisions, from the Minister down, we're going to acquire Thompsons Creek. We've got guys living in the same street, with the same type of land – it's identical, it's a few doors down basically, and we're saying, "We're not going to acquire this side of the street". Now, whether it's an affordability issue or whatever it may be, I don't know, but what we do know is that residents want to be treated equally and fairly
30 across this State anyway, especially New South Wales. And to me, that's just two sets of rules, two sets of a whole host of things, and leaving people open to all sorts of issues and litigation.

We've got guys in the team, you know, have engaged lawyers, and we're pretty
35 much holding all our fire until we get sort of a final answer, before we take that next – and nobody wants litigation. Nobody wants all those things to happen, but people are angry, they're very upset. As I said earlier, the anxiety levels – and I touched on this with Andrew last night, he's – I've never seen anything like it, and understandably so in most cases because we just don't know what's happening. And
40 when we get told, "Well, the back of some of these properties are going to be recreational and environment", and no disrespect to the department, but when you look at the definitions of your environment and recreational zoning, to me it's very vague, very open – it's a new zone. It's not an RE1 that councils normally use in development. So people know when they're an RE1, they're going to be open
45 space/park. We're going to get acquired, "and we'll let you know when that's going to happen, as the development takes place", or affordability is there.

That's not happening in this case. We're saying to people, "Well, it's environmental, recreational. We don't know anything more about it. We don't know what's going to happen with it. We don't know if we're buying it". To a landowner, to a private landowner, it's crazy because at the end of the day, to us it's like – you know, for
5 example, I've got two acres – that's on this side, and three acres on this side. Well, to me, the two acres, you've just sterilised, devalued it. It's virtually worthless land, unless you guys buy it. If a developer comes and buys it, well then he's going to take – the landowner is going to have to take a hit on the price because the developer has got some issues with it, with the back two acres. He's going to have to beautify
10 it or make good of it, whatever is going to happen with it.

So our issues is very simply – for us, it's – we're questioning – and I know some councillors here, and I've had these conversations with Raj. We're questioning the flood – the flood lines, the current ones. The current ones were done in 2004.
15 We've got credibility on them. We reckon they're wrong, or we know they are – 16 years have passed. Nobody has done a detailed flood study for 16 years. The mitigation works that have taken place through Oran Park, where all the development is happening down there in the last few years, and continue to take place up the Northern Road, and will do over the next 10 years or so, and then we've got all the
20 mitigation work that's going to take place in the court itself, with the creek itself.

And then you go to the Department of Planning website, we see these magnificent renderings and photos of how the creek is going to look in the future. Well, no, we've got three-metre banks, there is no flooding issues. I mean, the mitigation will
25 take place, and it will be fixed, and – but we're saying the landowners today, "Well, mate, this back bit here, we reckon it's 1 in 100 because Liverpool Council say so. And then when I sit down with Raj, Raj won't put a stamp on or put his hand on his heart, and say, "Yes, I can 100 per cent justify that that's line is right" because he can't – 16 years have passed. So we're saying to them, "Well, mate, well why are
30 you presenting that flood plain to the Department of Planning, and say, 'Well, here's our latest'. Well, okay, technically it is your latest because you did it in '04, but is it right?"

Now, the hydraulic advice we've been getting is telling us that it's wrong on every
35 level. It can't be right, with all the works that has taken place and continues to take place. So we suggested, "Why don't we do a new flood study". Well, obviously there's not enough time for it. You guys want to get these things happening and stamped, so it leaves us in a dilemma. Well, we say, "Well, do we test ourselves from a litigation basis, saying the credibility of the flood line. Well, we'll have to do
40 that. We'll have to do that". Do we want to do that? Not really. We'd rather try and get a resolution done, and what's fair and equitable for all residents, without going to that extreme. And for us it's simple. If the lines are currently drawn in, based on what Andrew says are 1 in 100, and the government can't afford to buy that much land, that wide track, then in our view the lines should be drawn back to an
45 affordable level that the government can buy, and buy it quickly, so it puts residents in their – in a base of certainty.

They can move on with their lives. They know what's going to happen, when it's going to happen, and they can sell the land to the government, or half of it – whatever it may be, and then move on with life. And they can plan themselves moving forward. So our simple message is, if you can't afford to buy that wide a track, scale it back to the high flood line, which is probably more accurate – for a better word - - -

MR JACKSON: And can I just jump in there - - -

10 MR HERCEG: Yes.

MR JACKSON: So the high flood line that Joe refers to is in Liverpool Council's modelling. It breaks the flood down into the low, medium and high - - -

15 MR HERCEG: Yes. Yes.

MR JACKSON: - - - just so there's – just so there's different categories? Yes, just - - -

20 MR HERCEG: Different categories. Well, the highs there – you know, I suppose the most flooded area, if you want a familiar word. And the thing that annoys – not annoys us, is that – and I had this conversation with Liverpool Council, in the high flood line, we've got about 40 residents that can't really reside there. They live there, they run businesses from it. They had DAs approved, they had construction certificates approved, and they can't live there. But all of a sudden, we've got a development, and we're putting our hands in the air, and say, "Well, mate, these guys are in danger. It's a high flood line – it's a high flood area. We shouldn't have anyone living in there". Well, mate, they've been living there for 20, 30, 40 years. Why is it a problem today? Obviously developing it. Well, you can't have both sides of the fence. It's either the land was fine to develop then – and some of these guys developed five years ago, six years ago, seven – 10 years ago, 30 years ago. So we've rolled out a flood study, you know, four – we've still – had approvals done for these guys to live there after that, in a high flood zone, let alone medium or low.

35 Well, low is Noah's Ark line that they – the low is based on the PMF line, Andrew, so that's a line that really nobody is using, but – even when you go back to the medium flood line, at the moment Liverpool is saying, "Well, that's our current 1 in 100". We had an extreme weather event a few weeks ago – and when Andrew and I spoke about it last night, where South Creek and Badgerys Creek, both recorded on the official scales of 400 mil over a couple of days. There was 200 mils of rainfall over about six or seven hours – there was a lot of rain, and two – talking to the hydraulic guys at Liverpool – the flood experts, they're saying, "Well, that's an extreme weather event". "Well, that's great. No one flooded, mate". So more proof to you guys, saying, "Well, mate, I think your lines aren't quite right yet". They might have been right in '04 – we're not questioning the '04 study. We're questioning the 2020 study – well lack of. So we've got credibility on the flood line.

So simple message. Call in a boundary line. Wherever the boundary has got to be, it's got to be, it's got to go somewhere – we get it.

5 Wherever that boundary line is drawn, whatever land is required for open spaces –
you can call it any zone you like, environmental, recreational, RE1, open – to me it's
all the same. It's open public space that I'm sure the Department of Planning and the
New South Wales public would like to come and enjoy one day. They can walk up
and down the creek and, you know, do all that sort of wonderful things. And if you
10 don't buy the land, my question to the group is, how do you develop it into open
space for everyone to enjoy, leaving it in private ownership? It just doesn't make
sense, because you leave it in private ownership; (a) it sterilises it, (b) guys are
going to end up living there for 20 years – he just won't go, so you'd be going
around him, and it's just a whole host of hotch-potch development. Stagnated
15 development will occur. You'll have it all – it will be awful. It will just be blockade
and barriers everywhere, for developers, for council, for Department of Planning, the
whole host of people will just have that many barriers in front of them, that it just
won't happen, or it will happen very slowly. So that's the first issue.

20 The other issue I've got – or issue – the other question we want to bring to the table
is, we talk about environmental land – an environmental recreational zone, and then
you talk about – and this is in your – the Department of Planning documents,
environmental land. We say here – excuse me – one second – that environmental
land needs to have ecological significance, some type of environmental significance
25 to zone it environmental. Well, I can tell you, all the properties that sit – and I'll
speak for the group through South Creek, that back onto the creek, let's say – some
properties do back onto the creek, some don't. But anybody who is backing onto the
creek and has got some – let's call it 1 in 100, as – according to Liverpool, they've
been mowing their lawns for 40 years. There is no ecological significance. There's
30 no environmental land there. There are no trees. There are no green frogs. Horses
have been trampling it, cows have been eating the grass, you've had businesses
running from the lawns, they've been mowing the lawns.

35 So, to me, zoning something environmental, according to the documents, needs to
have some sort of ecological environmental significance, to say, “Hey, we need to
protect this corridor from an environmental perspective because we've got some
environmental issues about this land”. Well, it's private land. We're not subdivided
back in '88 when the original subdivision was done. Well, maybe any environmental
significance that was around should have been taken into account then, and said,
40 “Hey. Well, we can't sell these tracks. That's environmental”, whether it's an
Aboriginal – original landowners' thing, or whatever it may be. But it wasn't. It was
sold as private land. People paid for it, every square metre of it, and what residents
are expecting – whoever is going to buy it moving forward, whether it's government
or a developer, needs to pay for the square metres that are attached to that private
land today, and no less or no more.

45 No one out there is looking for, you know, some sort of golden pot. We just want
what's fair. People are happy to do deals with government, and market value, as per

Just Terms Compensation Acts when they take place. We just need it done. The other thing here – there’s 200 acres of Liverpool Council land that was donated to the Liverpool Council many, many, many years ago by original landowners down at Rossmore, and 200-plus acres that’s been sitting there un-maintained. It’s currently
5 zoned RE1. It’s about 201 acres. At the moment, around about half of it – I won’t – it’s a little bit less than half, sits in the high flood zone category that Liverpool use. The other 30 per cent above that – we’ve got another – in the – what they call medium flood zone, and yet our issues – you’ve already got 200 acres there that’s already zoned RE1. That would make perfect parklands for the new Aerotropolis.
10 We should be using that first, and then any more land that is required for – to meet the Department of Planning plans or visions, then yes, come and talk to the landowners, come and buy it.

The other thing I want to point out – and this is just some more examples that
15 everyone – when you go through the Liverpool City Council, I suppose, area – LGA, and you go through all – and it’s a massive area, as we all know. It’s a big area that Liverpool looks after. There is that much land and development that’s already been approved, and you can go back as far as you like. It could be the last few years, five, 10, 20 years, that we’ve got DAs approved, CCs approved on high flood land,
20 medium flood land, low flood land. It’s everywhere. And it doesn’t take you long – I spent about – I’d say a couple of hours, maybe not even a couple of hours, and I came across about 300 properties, without really going into a lot of details, that have stopped. And we’re talking about areas of suburbia like – new areas, Edmondson Park, Prestons – these all recent releases, so I’m not trying to go back 40 years, what
25 happened 40 years ago. I’m talking about very recent. And that’s after ’04 flood studies. And these areas have got R3 developments approved on high and medium flood plains, R4 developments, industrial developments, commercial developments, all stamped, approved and all running today, with no issues.

My background – I was the head of Property Development for about 28 years for a major corporation in the country, and this is – this is why this – I took this on with the residents because it really surprised me that we would have a government here today – New South Wales, that will take a – such a draconian attitude towards
30 landowners, private landowners, and say, “Well, you know, we’ll zone it environmental. We’ll work it later. We won’t buy it. We’ll leave it in private ownership, and we’ll sort it out in five or 10 years’ time”. So what does that do for a landowner? I mean, you just – you’ve just – you’ve just absolutely given him a slow death because he’s unsure, he’s uncertain. And I always say to people, “If it was
35 your land and it was your family that was going through it, you guys wouldn’t stand for it either. You’d be sitting there going, ‘Well, there’s no way in the world that’s going to happen’.”
40

And as I keep saying, we’re not looking for anything special because we’re in the South Creek Precinct. All we’re looking for is fairness and transparency from all
45 levels of government, to say to people, “Look, mate, you need the land. Come and buy it. And whenever you decide to buy it, whatever the market says it is” – I don’t control the market – nobody does. If the market says it’s worth a hundred bucks a

metre, well, it's \$100 a metre. If it says it's 50, it's 50. If it's – it is what it is, and we can't control that. So I think if we went down that path and got to that resolution for residents, we'd see his next Precinct plannings come out, Andrew – and the team. I think you'll get very – virtually zero pushback because our message to our residents
5 is going to be, “Well, they've done the right thing. We're at the pointy end. Yes, unfortunately, Johnny, you're going to be the park, and Tony's going to be whatever. That's the way development works, but even though you're the park, mate, they're going to come and buy you in 12 months' time, two years' time, whenever that might be. You're going to go through the natural process of – you know, Just Terms
10 Compensation Act, and that's life, and we'll all move on”.

So that's really the crux of our message, is to say “You have such a simple development here”, but I think with all – you know, as I said, Andrew, 64,000 pages in these – all these brochures, that nobody really reads in detail, to be honest. They
15 look pretty. Most people look at the pictures, especially our residents. But, you know, when you go into the nitty gritty of the detail, there are a lot of holes in it. And I had this thing with the Liverpool Council, and I said this to Raj. I said, “In the document, you're saying to people, ‘We're using the 1 in 100 flood line’.” I said, “Mate, you've got to be very careful what wording you use because one bloke has
20 taken that to a legal team” and they're saying, “Well, can they prove that's a 1 in 100 in 2020?” Well, the simple answer is no because they haven't done a flood study. They can't. So I've got one bloke sitting there going, “Oh, I'm ready to go, I'm ready to go”. I said, “Just – let's just take a back step here. Let the experts do their job, and let's see what they come up with, before we need even to look at those
25 angles”, because at the end of the day, I said, “Mate, if they're going to do the right thing, they're going to do the right thing. If they're not, they're not. If they're not, then everyone has got a decision to make on what you want to do, on which way we tackle this”.

30 So I think that's it, apart – let's just quickly run through my notes here. Just – just back on the flood studies. And I had this conversation with Raj. I said, “Raj, you know, South Creek runs around about 50 ks from Bringelly Bridge all the way out to Windsor, Pitt Town, wherever it comes out to the Nepean there”. It's 70-odd ks when you take it back through Oran Park there. But if you just look at the
35 Aerotropolis core itself – what we're talking about here today, from Bringelly Road to Elizabeth Drive, that section of creek is – and there – sorry, from Bringelly Road all the way to Pitt Town is about 50-odd ks. What we're saying to – and we said this to council. We said, “Well, all the mitigation works that takes place, water runs downhill. We all get that. Water is never going to travel back uphill. So the creek
40 obviously runs downhill from Bringelly Road, north out to Pitt Town.”

If there is a chance of any flooding to happen – particularly in Kelvin Park, in this Bringelly area, then God help St Marys, Windsor, Penrith and every suburb
45 downstream, because all that means to me – and I'm not an hydraulic engineer, is that the creek is backed up, water can't get in anymore because it's too small, too full, too much rain, whatever the reason is, so it's backing all the way up, 50 kilometres back uphill, and it's starting to come out – out of the creek, spilling out of

the banks and onto people's paddocks. And that's the level of flooding you're currently getting, when you get it, in Kelvin Park. We're talking about surface water. Obviously it's all open paddocks. You know, there's no storm water system, so everything that falls runs into that creek, and as it gets full, you will get a return of surface water, and we've got a host of photos from residents down there from the last falls – which they're all holding onto until further notice, where the water has come out onto the surface.

Now, this is on a – in a creek that's never been maintained by anybody – that's stamped – confirmed by Liverpool Council. And I don't even know who's responsible. They tell me Sydney Water is responsible. Sydney Water – when you talk to the guys in Sydney Water, they go, “No, it's not us, mate. It's Liverpool Council's responsibility”. So no one know who's responsible to maintain the creek. But what we do know, nobody has ever maintained the creek. No one has touched it. In the 2004 studies – one more point I want to make – sorry, I'm sort of jumping around a little bit - - -

MR JACKSON: No, no. You're right.

MR HERCEG: In the 2004 studies – and this conversation I had with Raj, the director of Liverpool Council, there were three – well, actually four main recommendations in the 400-page document that I went through extensively, that - - -

MR JACKSON: So – just so everyone – 2004 is the current study - - -

MR HERCEG: That's the only one they've got. Sorry, Bob - - - yes, that's the only one - - -

MR JACKSON: Just making - - -

MR HERCEG:

MR JACKSON: No, no, no. You're right.

MR HERCEG: Well, current one, and the only one.

MR JACKSON: Yes. Yes.

MR HERCEG: In that recommendation, was four main recommendations, that the experts – and the names – I've forgotten who did the study, but they were, you know, guys that do that for work. They were third party – obviously paid hundreds of thousands of dollars for the study they conducted. And the four main recommendations were to bench the creek – that was number 1. Number 2 was to – two lowest-lying areas in that section of the creek is Victor Avenue and over it. They are two lowest-lying areas, and they are obviously represented on the – I don't know, I should have bought some copies of the flood maps – I'm sure you guys will have seen them, in the high flood zone. They're dark blue sections of the flood plain

map. Those two areas are heavily represented in those two areas. So in the recommendation, they were told to build the levees up. I can't remember the exact site. I think it was .05 or .06 on the levees surrounding – over it and Victor, to protect those residents in the extreme weather event.

5

Bench the creek, build the levees up in those two locations, which is further north down the creek, and clean the debris – fallen trees, dumped cars, everything else that's in the creek, clean it all out. And the fourth one was to raise Bringelly Bridge by X amount. The Bringelly Bridge – and I said to Raj, “It was the Bringelly Bridge, they're not doing” because RMS or Transport or whoever is responsible for that, have already done that – that's done. So that's mitigation number A taken care of. The culverts and the detention tanks and the canal systems that already – are currently being built are nearly finished. Either side of the bridge are being conducted at the moment, so obviously that's added to the mitigation of flooding in the area. And when I said to Raj, “What of those recommendations did Liverpool Council undertake”, the answer was “zero”. They didn't – they didn't do anything. I said to Raj, “Have you ever walked the creek?” “No”. He's been there for 20 years.

20 So there's no responsibility to it, and yet we're coming to a development, and we're saying to the residents, “Well, mate, you guys are in a 1 in 100 zone”. Well, are we? Where's the credibility to this study, mate? There is none. It's 04, mate. You know, we as residents are living there, know it's changed already. The classic example is the last extreme weather event – it's a couple of weeks ago. We all know it's changed. And that's with the minimum mitigation that's already taken place, let alone what's going to come. So our strong – as I said, strong, strong view is we get it, we've got to have some open spaces, and I know there will be open spaces in the core. There will be over Road, or up at Badgerys Creek. You can't have a concrete jungle. We get it. You know, you've got five acres. Half might be open space, half would be allowed to develop, and whatever – whatever the DA conditions are.

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But what we are saying to departments, you know, “Let's make it easy for everybody. Let's just get a ruling from the Minister”, whoever is going to make that last final decision, to say to the residents, “Listen” – like you did with Thompsons Creek, “pretty simple. Rip the band aid nice and quick. Mate, year '23 we need the green space”. Okay, we get it. Now, you've got some sort of certainty. All they're worried about now is timing. When is it going to happen? What's a magical date for us, so we can go and look at other property? We can, you know, change our doctors, or change the kids' schools. And list a whole host of things, where people have got to move out of this area. You know, they're not going to get five acres around the corner here. It doesn't exist anymore. So they've actually got to relocate families totally to new suburbs, new areas, which means new schools, new doctors, away from family, away from friends. So that's hard enough already for them, and let alone all this uncertainty on top of that – you know, already what they've got, is just killing people. And it's just not right, and it's not fair to put people through that. Simple.

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So let's get it right. Let's put a boundary line in, wherever you choose, Andrew, wherever it works for the Department of Planning, that you need X amount of hectares for your biodiversity credits or to offset the concrete jungle you're building at the airport, because we get it, it's got to go somewhere. But what we're saying, if
5 you can't afford that track, let's make that track high flood line, acquire everybody in the high flood plain. They know they're going to get – more or less going to get acquired anyway because you're not going to have development on a high flood line, even though we question it, but everything today that sits in the medium flood plain is developable land, and we all know that.

10 I can put a DA in tomorrow with Liverpool Council, and I will get a house approved on the medium zoned or medium – so-called medium flood plain land. Yes, I might have to come up 200 mil, 300 mil, 400 mil, whatever it may be, but we'll get the development approved. So why are we saying to residents, "It's developable today
15 or it was developable last week, last year, five years, 10 years ago" and all of a sudden we're getting these new maps saying, "Well, mate, it's not developable land any more. We're going to make it environmental and recreation". And the environmental word is a word I think that we should carefully use because I know there are guys out there saying, "Well, mate, what's environmental about it? What
20 ecological significance? Who's done an ecological study?" Nobody. "Who's walked my block and done a survey?" Nobody. So there's a whole host of holes there, Andrew, that we're trying to say to you, but to keep things simple, close her up.

25 MR JACKSON: Yes.

MR HERCEG: And maybe a couple of green spots need to be attached in different pockets, to make up the shortfall for the, you know, trees or green, or whatever you need. Thanks very much.

30 MR JACKSON: Excellent. Thank you very much for that. That was very articulate, in terms of – in terms of explaining it. Do people have any – any questions? I mean, I've heard this a few times so I don't have any questions because I – I was conditioned to it.

35 MR HERCEG: Yes. You're probably going to hear it a few more times too, Andrew, at the next few meetings.

MR JACKSON: I'm sure – I'm sure I will.

40 MS GEE: No. I've – you've explained it really, really well - - -

MR HERCEG: Thank you.

45 MS GEE: - - - for someone who's not aware of the detail of your issues.

MS BORGIA: I think for my benefit - - -

MR HERCEG: Yes.

MS BORGIA: From your initial amounts, just what's the difference between the
that's been

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MR HERCEG: Well, look – yes, we do. Look, we – if I'm going to be very honest,
I'd be guessing because I'm not a hydraulic engineer - - -

MS BORGIA: Yes.

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MR HERCEG: The advice we've been receiving from experts – not from me, and
the – and the guys on the ground – which is the residents, yes, that's where you're
going to get the best view because they're there, they're living it, they're on the land.
With all the mitigation works that have taken place, I would – if I had a hand on
15 heart, I would say the high level section, that Liverpool call high level flood zone –
they colour it in dark blue on their maps – I've even got a few maps here. Just give
me two seconds, I will just – can I just show you that, just so that I can give you a
quick – just so you understand what I'm

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MS BORGIA:

MR HERCEG: So what we're saying – and I know you've seen these, Andrew - - -

MR JACKSON: Yes.

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MR HERCEG: Is – so the dark blue section mostly, all that dark blue section, that
that's

MR JACKSON: That's the Liverpool

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MS BORGIA: Yes.

MR HERCEG: So all that dark blue here, we're saying that – that's what Liverpool
is calling high level - - -

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MS BORGIA:

MR HERCEG: No. That – the next colour – that lighter blue this colour here,
that's what they're calling medium, and then the other one that's – don't worry
40 about that. So what we're saying is we're saying, "Look, we're questioning the 1 in
100 flood line, where and that's purely based on all the mitigation that's taken
place. The expert advice that we're receiving, and the residents themselves. So
we're saying that's not right. And we know it's not right – 16 years have passed
crossed that. So we're saying if you have tothe least amount of green space,
45 if you want to beautify the creek, the high-level line still gives you in some pockets
there five or 600 metres either side of the creek. It's an enormous amount of space.
You know, we're not saying the creek and that's it. We're just saying take the

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..... off – out. We say “We’re going to buy that, so anyone who lives in it, sorry, we can’t develop it. You’re sitting in a high flood plain. We’re going to buy your land. You can move on. Forget it.

5 And then we’re going to make that the green for want of a better word, fix the creek up, gives us soccer fields worth of space either side of it in most tracks, and if you need some sections that need to be wider, for whatever reason, well then you can’t “ So you say to Johnny, “Look, Johnny, we actually can’t get another 20 metres to get these line straight, and it’s going to be open public spaces,
10 and we for open public spaces”.

MS BORGIA: Thank you.

MR HERCEG: You’re welcome.

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MS BORGIA: Can I take this?

MR HERCEG: Yes. Absolutely.

20 MR JACKSON: Any final questions of Joe?

MR McNAMARA: No, no. I think that’s covered clarification. I was going to ask about thank you, Joe.

25 MR HERCEG: And I was – I was just going to mention. I know Penrith study did a more recent flood study of South Creek going the other way, which is fantastic, but Liverpool haven’t done anything. So I think from – you guys from Elizabeth Drive onwards – is that right? Yes. And I’ve had a look at yours, and yours are quite deep. And again, it’s the different terminology and colours that each council uses that’s a
30 lot – very confusing for residents. You guys have got a whole different colour system with metres – of – above flood levels, and how land sits in – and to be honest with you, you guys actually came down – further down south, a little bit further down South Creek, and what I did notice – and I can’t confirm that, but I had a brief look at it, which more confirms what we are stating, is that the – sorry, the Penrith
35 study for the guys up at Overett Street – because you camped sort of just on the other side – I just saw a drawing, compared to the Liverpool study of Overett Street, chalk and cheese. They’re different, and theirs is more recent. And have you looked that up?

40 MS BORGIA: Hopefully the Aerotropolis will allow

MR HERCEG: Yes. So, all right. Anyone got any more questions for me, or - - -

MR JACKSON: Nothing else.

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MR HERCEG: Nothing?

MR JACKSON: No. I've been looking at this, only to see if I had advice from the Minister's office so I could tell you before you left - - -

MR HERCEG: Yes. All right.

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MR JACKSON: But we haven't had anything there yet.

MR HERCEG: Yes. Okay.

10 MR JACKSON: What I did get – and this is in relation to the concerns people had last night about not getting a notification email when you made a submission - - -

MR HERCEG: Yes.

15 MR JACKSON: Someone has given me a screenshot. I'll circulate that to the reference group - - -

MR HERCEG: If you could. Yes, I will

20 MR JACKSON: Just so you know what to look out for - - -

MR HERCEG: Yes.

MR JACKSON: I'll admit, it's not as good as getting an email saying, "Thanks".

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MR HERCEG: Sure. Yes.

MR JACKSON: But it is something, so hopefully this will give people some certainty, then they will know what to look out for when they - - -

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MR HERCEG: No. Definitely.

MR JACKSON: - - - lodge a submission.

35 MR HERCEG: Okay.

MR JACKSON: And we'll let everyone know, as soon as we can, about the extension.

40 MR HERCEG: The extension? Correct?

MR JACKSON: Yes.

MR HERCEG: Thanks, Andrew. Thanks, everyone.

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MR JACKSON: Thanks. Thanks for your time.

MR HERCEG: Thank you.

MS BORGIA: Thank you.

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[9.57 am]