

**Submission
No 5**

SYDNEY METRO WEST PROJECT

Name: Ms Vanessa McDonald Costa
Date Received: 18 August 2023

Partially
Confidential

The NSW Government had a duty of care to the most vulnerable and to residents living with a disability directly affected by major infrastructure projects. Since January 2022, my family who live with a disability, we are vulnerable and have suffered a real impact and harm given the significant disruption from the construction surrounding our home in Five Dock.

For the past 17 months my family and I have endured extreme psychiatric suffering, unreadable interference, adverse impacts and sleep disturbances from the significant number of out of hours construction and day time construction of Sydney Metro West.

I have significant concerns regarding the long term and day to day impacts of my psychological suffering given the Sydney Metro construction is ongoing, long term and isn't due to be completed until 2030.

The daily challenges I face, the adverse impacts and my personal situation is exacerbated and disproportionately impact me due to my disabilities.

My family is vulnerable. We have lived very comfortably in our home for the past 15 years.

We had no prior warning, no one engaged or consulted with us about placing the Five Dock metro surrounding our home. This was unfair and I remain concerned that this was done without any constitution or engagement with me given the proximity of the Metro construction to our homes. The first we learnt about Sydney Metro West surrounding our home was a knock at the door informing us that our home wouldn't be compulsory acquired.

We also spend a large portion of our day I work from home. There is no escape for my family from the construction impacts.

My family has sort personalised, individual support, communication, care and mitigations specific to our disability needs. Which will allow us to live alongside and manage the significant adverse construction impacts that we face with daily.

I was shock, upset and disappointed to be informed by Sydney Metro recently that there is no requirement in the conditions of approval for Sydney Metro to develop a formal disability inclusion plan.

This is unacceptable, unfair and unreasonable given it is 2023. I am very concerned that there is no accessibility, inclusion and a requirement for a disability inclusion plan to support individuals living with a disability in close proximity to Metro construction sites.

If there was such a requirement this would go a long way to assist and support me to mitigate and minimise the significant adverse impacts and psychological suffering I have experienced.

I have made many complaints lodged with the Contractor and Sydney Metro in this regards relating to lack of any fair and reasonable disability including plan, personalised reasonable and necessary disability supports related to my families individual circumstances.

I have found the general response I have received to date from both Sydney Metro and the Contractor if any, has been inadequate, unprofessional, insensitive and very upsetting.

This experience has had a significant detrimental impact on my health and well-being and there have been many days that I am in tears and unable to function given the responses I have received to my formal complaints.

We lived surrounded by Sydney Metro construction occurring at the Eastern construction site and Western construction site with the standard construction hours Monday to Friday 7am - 6pm and Saturday 8am – 6pm.

Construction hours inside the acoustic shed approved to 24 hours per day under strict noise criteria. With truck haulage of excavated material from the site not occurring between 10pm and 7am.

Often there are many notifications of Out-of-Hours Works between 10pm and 5 am.

Additionally there is now 24/7 tunnelling and excavation of the Five Dock station cavern commencing the week of 28 June.

The challenges my family has faced relates to vibrations, noise, wellbeing impacts from the construction including daily headaches and inability to open windows and doors between hours of 7am and 6pm due to dust and air pollution risks. Inability to home school my daughter as our home is her place of education.

We are significantly negatively impacted by persistent noise, fears of possible further cosmetic damage to our building from vibrations, concerns around air pollution from dust from the Western construction site where the promised acoustic shed has not been built and additional traffic and parking impacts from the large number of truck movements 6 days a week.



My families life has been severely disrupted by Sydney Metro construction, my family can no longer live in peace in the comfort and security of our own home that we have lived in safely for the past 15 years.

We need support given the very poor engagement by Sydney Metro to date and since the commencement of construction in early 2022.

There must be an urgent requirement for Sydney Metro to develop a formal disability inclusion plan. As the current one size fits all mitigation and offsite accommodation offered due to our of hours work is unfair and unreasonable.

I understand the mitigation currently offered is based on Sydney Metro assessment of what is acceptable/ unacceptable.

There is no personalisation of the mitigations currently offered to meet the needs of the individual by way of determining what reasonable and necessary accommodations are required for an individual living with a disability.

All communications and inquiries are through a generic email

or 1-800 number which does not meet the needs of individuals living with a disability or take into account their personal requirements relating to communications.

Sydney Metro communications includes generic leaflets often placed in the mail box of impacted households they read " sorry we missed you " when no one had even knocked on your door.

There is limited personalised communication and the generic weekly emails received regarding upcoming construction works are often difficult to read and contain a lot of information.

I have no understanding of who is responsible for communicating with me or the exact role and responsibilities of what is called a " Place Manger ".

There appears to be no neurodiverse aware, trauma informed communication team member who has experience and relevant disability experience to understand the challenges and support requirements of individuals living with a disability.

My experience to date regarding communication with Sydney Metro has been traumatic and distressing. The communication is largely reactive to my many complaints as opposed to pro active to avoid complaints re occurring.

There is no one assigned as my personal place manager who communicates with my by way of a phone call on a regular basis to check in to ask how we are coping

and how they can assist us to deal with the significant adverse impacts of the construction.

There has been no community engagement by way of town hall community meetings so that shared community concerns can be raised and appropriately responded to.

There is no evidence of (transparency) in Sydney Metro communication and complaints handling process.

My family has suffered cracking damage to our home from the construction, nuisance from noise, dust, vibrations, constant heavy vehicle movements, out of hours works and sleep disturbances. I have tried on many occasions now to seek support, assistance relating to trauma informed disability inclusion from Sydney Metro without success. I attended an online meeting recently convened by my disability advocate.

Also in attendance was

(Sydney Metro) and

(Contractor AFJV).

I became very upset and was left in tears throughout the meeting given the ongoing lack of disability understanding, trauma informed assistance and support received to date from Sydney Metro.

I have previously had conversations and interactions with Sydney Metro staff member where I have felt bullied, intimidated, gaslit and traumatised by their behaviour and by the aggressive manner in which they spoke to me.

Halfway through the meeting I again felt felt bullied, intimidated, gaslight and traumatised by this aggressive behaviour.

I was so triggered by this unprofessional behaviour and defamatory, untrue and without evidence base allegations about me in the meeting that I requested this person leave the meeting.

I am so traumatised by this bullying that I am requesting that my formal complaint be taken seriously and that I be provided with the contact details of another senior staff member from Sydney Metro who can provide my family with the basic human right of trauma informed disability mitigation and support.

I made diary notes of the meeting. I have included words to the effect below that this staff member said to me in the meeting that triggered me, further traumatised me and caused me psychological injury and harm.

- we understand 100% that we should move you away from the noise
- we did speak to the disability inclusion minister as you wrote to them, we briefed them, there is not much more we can do to help you
- there is not a big pool to find you somewhere to relocate you as you have a pet and there is a housing crisis
- we have a team of disability inclusion specialists at Sydney Metro, I can have them to call you however I don't know what will come of that
- yes there are personal managers for property acquisition, this is not something we are doing compulsory so there is no personal manager to assist you or to support you
- I am your point of call, there is no one in Sydney Metro that is going to deal with this situation
- your burning though people, you have gone though quiet a few people who can't go back and work with you
- from the very start everyone that has dealt with you they can't come back
- they get triggered by the frequency of your calls and complaints
- you can only deal with me
- we are doing everything at our disposal to make you happy

My family is simply seeking trauma informed disability inclusion support from Sydney Metro.

We are seeking basic human rights, support and reasonable and necessary mitigations from Sydney Metro as we live with disabilities.

There is a lack of independent oversight regarding the way fair and reasonable complaints are being investigated and resolved. There is no access to senior

management when requested to assist in resolving re occurring complaints and to limit ongoing psychological suffering.

The Contractor and Sydney Metro emphasis is on 'compliance' not 'disruption' and 'significant psychological suffering to residents impacted'.

NSW State agencies set the rules, there is No consultation with residents other than by way of EIS submission where our fair and reasons concerns and objections are minimised, dismissed and ignored.

Out of frustration, I have escalated these concerns seeking support and assistance to many stakeholders, including

1. Sydney Metro
2. State Member - previous John Sidoti MP and Stephanie Di Pasqua MP
3. Minister responsible for Transport, Planning and Disability Inclusion
4. Local Mayor and Councilors
5. Federal Member
6. Prime Minister
7. Premier

Most of my representations have been sent to the Transport Minister and I yet to receive any reply.

It deeply distress me that we through no fault of our own, can no longer live in peace and quiet in the comfort and security of our own home.

I am very concerned about the long term risks to my well- being, mental health and general health if I continue to suffer these significant adverse impacts and do not receive the reasonable and necessary support my family needs.

If this significant disruption to my daily life continues as a direct result of the significant adverse impacts from the construction noise and vibrations from Sydney Metro surrounding my home.

I remain seriously concerned regarding the real and live risk of the negative impacts on my ability to work and study from home my ability to focus and concentrate on important daily tasks and my ability to care for myself and my daughters due to the stress from the construction impacts.

Living surrounded by this major Sydney Metro construction is a daily struggle and has been a nightmare. Life has been unpleasant, unpredictable and unbearable for me and my family.

Thank you for taking into account my families lived experience. I hope it allows you to understand why I am seeking the Government urgently introduce a requirement for a formal disability inclusion plan for Sydney Metro.

I have also included the following recommendations for you to consider.

1. Review of the The Disability Inclusion Act 2014 to ensure the requirement that all NSW Government departments have a current and up to date Disability Inclusion Action Plan (DIAP).

2. Review of current Transport for NSW (TNSW which includes Sydney Metro) DIAP.

a) Making the inclusion of people with disability an important priority of the NSW Government.

b) Making it a requirement that agencies (Transport & Planning) undertake disability engagement when embarking on major Sydney Metro construction projects.

3. Making it a requirement that the TfNSW's DIAP refers to consultation with people with disability, which the department undertakes via its Accessible Transport Advisory Committee to include consultation with people with lived experience, lining with a disability in close proximity to Sydney Metro construction sites.

4. The Department of Planning and Environment (DPE) has a DIAP.

DPE is the agency which is responsible for approving major works.

a) Making it a requirement as part of the DPE conditions of approval for Sydney Metro to develop a formal disability inclusion plan.

b) Making a requirement for the DPE DIAP to formally consult and secure feedback from people living with disability in close proximity to Sydney Metro construction from the beginning when designing and or updating systems or processes.

5. Request and arrange a meeting between Vanessa together and or separately with the Minister for Transport, and the Minister for Planning and Public Spaces.

To discuss my lived experience and to personally ask them to consider my recommendation for a requirement of a Disability Engagement Plan for major works including Sydney Metro as part of their departments' disability inclusion policies and plans.

6. Request for Sydney Metro [REDACTED] or senior manager responsible to urgently meet with Vanessa and her advocate / support person to develop a formal disability inclusion plan which includes reasonable and necessary accommodations

to assist in mitigating the psychological suffering and adverse impacts she and her family continue to suffer.

7. Sydney Metro place manager to arrange meetings on a pre determined, mutually agreeable set time and day each week either in person, online, or by phone to communicate, engage and consult with Vanessa and her family regarding the upcoming construction for that week, including any out of hours work and review the reasonable and necessary adjustments in place

8. Sydney Metro to implement mandatory training for staff working of proponent and contractors with Vanessa and other families that are close to construction sites. The aim of such training is to provide trauma informed, neurodiverse, accessible and inclusive support when communicating with vulnerable adversely impacted residents living in close proximity to Sydney Metro construction sites minimise the trauma, stress of the current reactive communication.

9. Engagement, consultation and communication with Vanessa and other affected residents in Five Dock to be proactive not reactive.

a) Information to be provided in more ways than just letter box drops.

b) Sydney Metro communications team and place manger to seek feedback from Vanessa and other residents relating to the adverse impacts from construction.

c) Proper engagement of disrupted residents and business owners is still not happening – why and confirmation if Sydney Metro is agreeable to a convene a community forum town hall meeting(minimum of 4 town hall meeting with the Five Dock community per year for the duration of the Sydney Metro construction) to discuss the community members shared adverse impacts and re occurring complaints with Sydney Metro.

10. Sydney Metro agree to review the complaints procedure to expand methods of registering complaints. Methods other than 1800 number or email should be offered to register complaints.

a) There is still little transparency of the complaints handling process – how are complaints captured, evaluated, and closed out – outline who is involved and what is their role – why doesn't this process factor the satisfaction of the complainant?

b) Sydney Metro agree to make the complaints register publicly available di identified to address privacy concerns. Ensuring transparency, accountability and independent oversight to the resolutions and the response provided by Sydney Metro to complaints.

11. Sydney Metro to provide best information of construction activity and likely impact in the near and mid future (next 6 months AND next 1 to 2 years) to Vanessa.

12. Discussion of ideas and options to resolve issues raised by the discussions to ameliorate impact on Vanessa and her family in the future and until the end of construction.

13. Providing Vanessa with the direct work phone number and email address of the Sydney Metro place manager responsible for communicating and consulting with Vanessa.

14. Sydney Metro to arrange a meeting between Metro Property personnel and Vanessa to discuss how a long-term relocation might be achieved,

15. Sydney Metro to provide Vanessa with financial compensation for the unreasonable interference.

a) agreement by Sydney Metro to expedite this matter internally and advise of what's the next step and timeline for this compensation.

16. Formal acknowledgement from Sydney Metro relating to the unrelenting disruption caused to Vanessa and her family since construction began in NOV 2021

17. Formal acknowledgement of the misunderstanding in the way current and previous Sydney Metro communications staff have mishandled Vanessa's particular and legitimate concerns. Noting this experience has traumatised Vanessa, and she has lost 'trust' in Sydney Metro.

18. Formal acknowledgement that the mediation process undertaken by Sydney Metro to resolve my reoccurring complaints was a painful mess and highly stressful to Vanessa

19. Appropriately address the conflict of interest as the contractor (AFJV) is self-reporting on complaints. Ensure community complaints are taken seriously, managed and responded to by Sydney Metro or by an independent auditor.

20. Discuss there are matters relating to 'compliance' and 'non-compliance' that remain unresolved – even though an issue may be considered 'compliant' by Sydney Metro it can also remain highly disruptive to residents and individuals living with a disability. There is a gap that needs to be addressed i.e. if highly disruptive to residents

I have included a copy of my recent complaint just to show you that Sydney Metro are not complying with their own complaints policy and they appear to do so as there is clearly no accountability or independent oversight of their behaviour.

The complaint register is not public due to privacy I am told and this is not in the public interest.

I have advocated to Sydney Metro that on other Metro projects their compl register is public and if there are privacy concerns you can make the register de identified and still have it publicly available.

Good Morning Sydney Metro

I am so distressed that Sydney Metro and not taking this formal complaint seriously and not complying with your construction complaints management system policies.

I refer you to this document titled Sydney Metro construction complaints management system dated the 5 February 2022.

Section 1.4.2 Responsiveness.

Our responsibility to complaint handling include:

An immediate call to the complaint when received by phone.

Provide an initial response to all complaints in 2 hours of the complaint being received.

Keep the complainant informed about the progress of the complaint.

Section 4 Responding to complaints

The complainant should be informed in general terms of

The complaints process and procedures that Sydney Metro will follow

The likely time frames for competing tasks related to complaints.

Section 5 Complaints escalation process

Complaints may be subject to an internal escalation process in circumstances when

The complaint cannot be resolved using procedures in section 4 within a reasonable time frame agreed by the complainant.

There is clear evidence that Sydney Metro are not complying with your own complaints policies.

If you disagree can you kindly advise as the evidence is clear I haven't been contacted regarding agreement of reasonable time frames nor did I receive an immediate call when I made the complaint on the 1 August not did I receive acknowledgment within 2 hours.

Apologies for the early morning complaints, however my family have been suffering unreasonably interference and sleep disturbances from the 24/7 tunnelling under our home.

I am becoming quite distressed as it has been 15 days since I made my serious formal complaint above reference regarding bullying, gaslighting and intimidation by a Metro staff member which is designed to discredit and scare me and is absolutely unacceptable behaviour.

This unacceptable behaviour occurred in a meeting on the 20 July with my Disability Advocate from Disability Advocacy NSW in attendance and which I made a formal complaint on the 1 August to Sydney Metro.

I am of the view that Sydney Metro are not taking this formal complaint seriously and the Sydney Metro complaints policy is not fit for purpose as there appears to be no independent oversight, transparency or accountability of how Sydney Metro are investigating and responding to fair and reasonable complaints.

As such can you kindly provide a response to the following questions.

1. Given that 15 days have now past and I am yet to receive any formal correspondence regarding time specific details as to how Sydney is investigating and responding to my formal complaint.

Can you reply if this a reasonable response that complies with Sydney Metro complaints policy to this serious formal complaint?

If not why is my formal complaint not being complied with Sydney Metro complaints policy?

2. Can you kindly provide me with the full name, position and contact details of the person investigating me formal complaint?

If not why not?

3. Can you kindly explain what Sydney Metro complaints policy?

Who is this complaint escalated to?

If this person is on leave, (as appears to be the case) why is there no one else in Sydney Metro available in their absence to respond in a timely manner to my serious formal complaint?

4. When exactly (time specific) can I expect to receive a formal written reply to my formal complaint which caused me significant distress, trauma and which was unfair and unacceptable?

5. Can you kindly advise given that 15 days that have passed and the clear evidence of the lack of communication regarding how my complaint is being investigated and being provided with time specific information as to when I will receive a formal written response from and by whom?

Given the valid ongoing concerns I have regarding Sydney Metro not complying with their own complaints policy.

Can you advise whom I escalate this complaint to seek an independent review of how Sydney Metro have investigated and responded to my serious formal complaint?

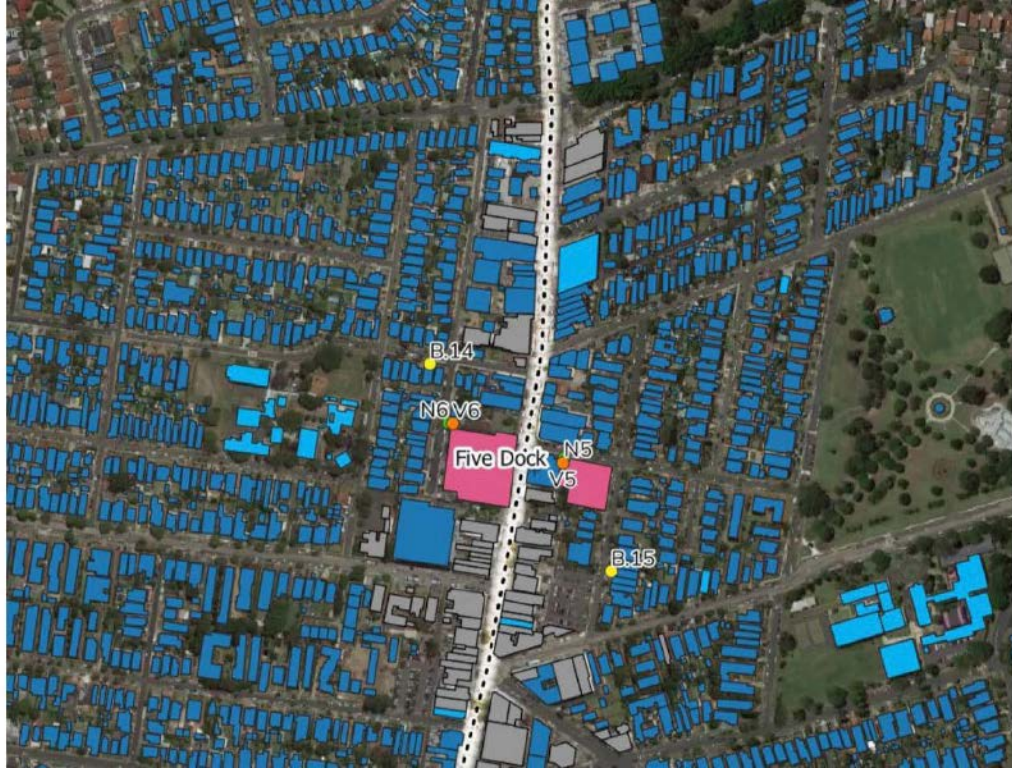
6. If I am not satisfied with the outcome of this review of my serious formal complaint.

Can you kindly provide me with details of the independent third party available such as the NSW Ombudsman or other independent third party who I can escalate this serious formal complaint to ensuring transparency and accountability of Sydney Metro complaints?

I kindly appreciate your timely response to the above formal complaint.

Kind Regards

Vanessa McDonald Costa



B.14

N6 V6

Five Dock

N5

V5

B.15