

## **INQUIRY INTO IMPACT OF THE CBD AND SOUTH EAST LIGHT RAIL PROJECT**

**Name:** Jenny Leong MP

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**JENNY LEONG MP**

**MEMBER FOR NEWTOWN**

**THE  
GREENS**

The Director  
Standing Committee on Public Accountability  
Parliament House  
Macquarie St  
Sydney NSW 2000

To the Director,

**Submission to the Inquiry into the impact of the CBD and South East Light Rail  
Project from Office of Jenny Leong MP, Greens Member for Newtown**

The electorate of Newtown covers parts of Surry Hills, including the Devonshire St section of the CBD and South East Light Rail Project. As such, many local issues have been raised with us relating to the impact that this project has had on our community. The overarching problem appears to be a result of a lack of transparency about decision making, failure to consult meaningfully or address concerns raised by locals, as well as a constant blame-shifting between Government departments and private contractors with no-one taking overall responsibility for resolving the problems.

The good people who live and work in the electorate of Newtown, including the suburb of Surry Hills, are strong advocates for public transport. However, 'public' transport delivered by private contractors which prioritises private interests over community needs is not acceptable to us. The real financial and emotional impact of the NSW Government's privatisation obsession has been felt by the people who live and work in Surry Hills.

We have encouraged people living in Surry Hills to make individual submissions to the inquiry, however we felt it was important to share a snapshot of the concerns raised over the years with us and the Government's response, or lack thereof..

It is clear from the interactions our office has had with residents and business owners in Surry Hills that the delivery of the Light Rail has had a significant negative impact. Reports received by our office strongly suggest that the Government's response to impacts has been inadequate, the compensation process is deeply flawed and communication with residents and business owners has been lacking.

Many of the complaints our office has received have centred around the refusal of contractors or agencies involved to take any responsibility for resolving issues raised. Residents who contacted TfNSW with concerns were invariably directed to ALTRAC or Acciona, before being sent back to TfNSW. Attempts by our office to assist residents were met with this same kind of blame-shifting.

By way of example, in a letter to Transport Minister, Andrew Constance dated 31 March 2017 (Attachment A), our office summarised concerns that had been raised with us and urged the Minister to address them. The letter outlined significant issues with pedestrian safety, parking, chaotic traffic conditions, construction noise and impacts on businesses. At that time, many were deeply concerned that businesses on Devonshire St would not survive and implored the Minister to intervene.

We received a response from Mark Coure MP on behalf of Minister Constance two months later (Attachment B) which explained that TfNSW was “working with business owners to minimise impacts”. It is our understanding that many of these businesses were indeed forced to close down at a significant loss to the owners. The response also directed residents concerned about noise, dust and safety to an ALTRAC hotline. We later received reports that concerns raised via this channel were never responded to.

On a number of other occasions, our office wrote letters to Minister Constance on behalf of individual constituents who were severely impacted by the construction. One such resident reported that since construction had begun, large cracks had opened up in the walls throughout her house. The resident said that ALTRAC and TfNSW had both refused to take responsibility for the damage. The response, again from Mr Coure and not Minister Constance, implied that the matter was resolved and did not offer any assistance. When we contacted the resident to confirm, we were told that no one had contacted her at all. A copy of the original letter and response from Mr Coure is included for the Committee’s information (Attachment C).

In November 2017 our office invited residents to a meeting with representatives from TfNSW, after receiving a growing number of reports from locals that their concerns were being ignored and that no-one was taking responsibility for the impacts of construction. Most of the residents present had long running personal dealings with TfNSW, ALTRAC and Acciona and had attended the public information forums. Some described being totally ignored while others characterised the information and assistance they had received at best as “useless and generic” and at worst as “convoluted”, “nonsensical” and “propaganda”.

At this meeting it became apparent that there was a seriously lack of accountability when it came to how contractors were obliged to share details of complaints or report on how they were handled. In fact, it was unclear whether there was any way for TfNSW to even know if complaints were made and what action, if any, had been taken to address them.

This lack of oversight was evident in many of the stories shared by residents on that day. Several locals said that they had noticed clear OH&S breaches at the construction sites that were fixed when reported, only to appear again the next week. One resident described discovering that barriers that been erected in front of her door overnight, trapping her inside. When she reported this to TfNSW, they told her there were no barriers in her section of the street.

Another key theme from the residents was that while they had been told that compensation for damage or disruption was available, they had found it to be purely hypothetical and impossible to access without taking legal action. Many residents



described situations where inspectors had arrived to assess damage, dust or noise levels, only to assert that there was either not a problem, or that it was not the result of the Light Rail construction. None of these residents felt that inspections had been conducted in good faith, but escalation to TfNSW only resulted in advice that they could dispute the findings in the Land and Environment Court.

After the meeting, our office agreed to collate the residents' concerns which we then presented to a project director at TfNSW. The Committee can view the full document in Attachment E, but we have highlighted a few particularly telling comments below.

Resident 1:

"My house sustained damage in September/October 2016. The damage was caused by heavy vibrations caused by compacting work at the Olivia Gardens site. When I contacted Acciona they sent a team to inspect the damage and I was told the damage is only cosmetic, not structural. I then requested Acciona to organise the repair, but after numerous chasing over many months, I received a letter with convoluted and illogical statements rejecting any responsibility for the damage."

Resident 2:

"My property has damage and is cracked from all the demolition and compacting. I'd like this repaired. There is dust constantly coming into the house from the construction site. We've been living with construction for years now".

Resident 3:

"For some reason (there was no consultation with residents) the solid fence (which was providing us with some protection from site noise and dust) was removed and an open mesh fence put in its place. As a result our properties are constantly covered in dust and also there is no protection from the constant noise (heavy machinery) coming from the site. I note that noise blankets had been erected on the northern, eastern and western sides of the site, but that these were taken down by Acciona as soon as we lodged a complaint."

Resident 4:

"The standards which Acciona used to judge when compensation was due to resident were unreasonably high. On maybe 2 occasions over 2 years we received letters offering alternate accommodation. In fact, extremely loud road works occurred overnight almost weekly for the entire period."

Our office has also been contacted by several local businesses on Devonshire St who were unhappy with responses to their concerns from TfNSW and its contractors. As has been widely reported in the media, many business have suffered severe loss in revenue due to construction noise, dust and lack of access to their venues. It is our understanding that risk mitigation offered by TfNSW was insufficient, and financial compensation has been either inadequate or non-existent. The Committee can see a letter our office wrote to Minister Constance on behalf of one such business in



Attachment F, and Mr Coure's response in Attachment G. We have received reports that the measures promised in Mr Coure's letter were rarely adhered to.

One final issue that warrants highlighting to the Committee is the failure to adequately communicate with residents, particularly public housing tenants about the availability of noise mitigation measures. Our office attended several Neighbourhood Advisory Board meetings where TfNSW staff explained the available measures to public housing residents on Devonshire St. It was our understanding from those meetings (and that of the tenants) that noise mitigation products would be fitted to windows before the construction began. When this did not happen, our office followed up and was informed that these products would only be fitted once the Light Rail was in operation.

These are just a snap shot of some of the concerns that relate to the scope of the Committee's Inquiry. Many broader questions about the original design of the route (why it would go down Devonshire St rather than Oxford St), the length of the carriages, the access for emergency service vehicles and the locations of the stops (why future proof for a second stop at Wimbo Park instead of incorporating it in to the initial construction to minimise the impact and make the completed light rail more accessible?) also remain.

Throughout the delivery of the Light Rail Project, our office has participated in regular roundtable meetings with TfNSW and ALTRAC staff and other stakeholders. We thank TfNSW for facilitating these meetings and allowing our office to represent our constituents directly to project directors. We also acknowledge the hard work of the individual public service staff, who understood the concerns but due to the outsourcing of so many elements to private companies, were often unable to resolve the issues.

I encourage the Committee to listen carefully to the concerns raised by locals and hear from as many of those directly impacted as they can. Thank you for considering this submission and please do not hesitate to get in touch should you have further questions.

Yours sincerely,

**Jenny Leong MP**  
**Greens Member for Newtown**

