

**Submission  
No 272**

## **INQUIRY INTO IMPACT OF THE WESTCONNEX PROJECT**

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Dr Jacinta Green and Mr Gregory Davis

## Submission to the Westconnex Inquiry

Dear Committee,

I thank you for your efforts in instigating this inquiry and for reading the submissions of affected residents, of which I am one. There will be many submissions covering many different issues and I would like to add my voice and support to the submissions that have been made by Westconnex Action Group, Inner West Council and Wendy Bacon.

I witnessed first hand the emotional and financial burden on those who lost their house and were forced into extended and cruel processes in order to obtain reasonable (but not necessarily fair) recompense. I have also seen the emotional and financial burden on those who simply could not mentally cope with challenging their valuations in court. I would like to add to their stories by drawing attention to those in the grey zone through my story and the 4+ years of uncertainty and undue anxiety.

### **Background (documents supporting this submission are available on request).**

We purchased our house in 2000, we were aware of the road reservation and it concerned us. Through the sale negotiation process, the seller obtained a letter from the then RTA that outlined that the road reservation was for a 4 lane road only and that our house would not be within an acquisition zone. We would not have purchased our property if the road reservation was for a 6-8 lane road.

In 2009 it became apparent that we needed to undertake significant repairs to our property to ensure it remained habitable. We decided a cautious approach was best and we had a conversation with the then RTA about likelihood of the road reservation being activated and upon their advice and a copy of the road reservation map had significant renovations drawn up (our plan for was a high tech, high end sustainable house). We submitted these plans to the then RTA and received approval before even approaching Council for a DA.

In 2014 we were doorknocked by Westconnex Community relations staff and given a letter informing us that our house will be compulsory acquired and demolished as part of the project. In the package we received, there was a copy of the road reservation map. The road reservation map supplied by Westconnex was significantly different from the road reservation map previously supplied by the then RTA and Marrickville Council. We would not have purchased our property nor commence renovations if the road reservation map we were given was the same as supplied by Westconnex.

By this stage our renovation was well underway and the rear of our property was completely demolished. The staff who had doorknocked us advised us to cease renovations as our house was going to be demolished anyway. We were later informed that we had never been given such advice (because obviously that is something we would misinterpret).

Subsequently we were advised that as we were under a construction certificate, that unless we finished the renovation and obtained an occupation certificate that we would be eligible for nothing but land value and that any money we had spent on the renovation would not be recognised.

We then spent the next year continuing to renovate simply to ensure that we would at least receive a reasonable level of compensation. This is not an ideal situation to be in for an extended period of time.

Late 2015 several of our neighbours received letters categorically removing them from the acquisition list. We, along with a few other homes, received a wishy washy, “not at this time” non-committal letter. Over the next 3 years we wrote, rang and spoke to Westconnex and the RMS asking for written confirmation removing us from the acquisition list on multiple occasions. This was constantly refused and while everyone was happy to verbally confirm that our house was safe, they constantly refused to deliver that in writing. I even on several occasions provided copies of the two different letters that had been received by residents and they were ignored. The different treatment meted out to residents is baffling and adds to the anxiety levels.

It wasn't until February 2018 (just 6 months ago) that we finally received confirmation in writing that our house would not be required for the project. For the past 4 years we have been living in uncertainty and double guessing every penny or minute we have spent on the renovation. Constantly torn between creating a house with integrity or a house that is as cheap as possible to ensure we in some way recoup costs.

Interestingly the letter we received had been backdated to February 2017, for what reason I can only guess (particularly since this was later than the *Desane v RMS* judgement where the backdating of documents was criticised). I kept the envelope to prove the stamp date, and have copies of emails between February 2017 and February 2018 that contradicts their verbal statements that I had been sent the letter earlier.

Finally, our 4 year turmoil looked like it was at an end. However, no more than 6 weeks later, we received notification from Inner West Council that they were acceding to a request from RMS to rezone our house into an Infrastructure zone. We had been reassured several times, and there had been media statements by SMC, that once the project was over the road reservation would be lifted and our property value would subsequently increase. We have now been left in an untenable situation. No bank will offer a mortgage on a property within an infrastructure zone, therefore the chances of us ever selling is slim.

We have spent the last 4 years working on a property in a location that for us has turned into a living hell, and that we are now apparently stuck in forever. While we were happy to buy into an area with a road reservation for a 4 lane road, we would have never purchased a property in an infrastructure zone.

Throughout this whole process we have been left with zero options or control and no way out. We have been locked into a nightmare for 4 years now and throughout the process have been treated with nothing but utter contempt, and now apparently have no option but to sit and watch our house being devalued by hundreds of thousands of dollars.

### **Noise stress**

On top of the stress documented above, over the past year we have been bombarded with excessive relentless noise that has had a critical impact on not only our physical and mental health, but also effected our pets to the point whereby our dog was scared to leave the house, even to pee, without us being with him.

Apart from the ongoing day noise (I work from home several days a week) that is often punctuated by loud and unexpected bangs (which terrified our dog) the destruction of houses on Campbell St,

left our bedroom directly exposed to the Campbell Street/Princes Hwy intersection. We were never exposed to this noise before. It has now been almost two years since I have had an uninterrupted nights sleep. Even on nights where there is no nightwork, the noise from the intersection funnels directly into our bedroom, cars breaking, accelerating and the beeps of the pedestrian crossing. I raised with several times with the contractors to be told, that I must have exceptional hearing and that no-one else has complained about the beeps of the pedestrian crossing. I have since found out that this is untrue, as neighbours further away had also lodged complaints about now been exposed to the intersection noise including the pedestrian crossing beeps. It is very difficult to function on inadequate sleep, indeed the NSW police caution people about the dangers of driving tired.

This ongoing continual lack of sleep has lead to declines in work performance, increased anxiety and mental health issues. On one occasion, I rang the mental health line as I wanted advice on early warning signs of a mental breakdown so I would know when I should seek medical advice. Upon hearing that my sleeplessness and stress was caused by Westconnex works, the person on the other end of the phone advised me to “get use to it” and then hung up on me. I subsequently received professional help through a workplace program. Despite this, I still find myself constantly on edge and often over react to situations and regularly feel out of control.

And then we get to “nightworks”. Nightworks started about 18 months ago. The first problem was the lack of notification. Despite being on a mailing list and occasionally (at this stage) receiving notifications in the letterbox, nightworks within 100 m and in direct line of sight from our bedrooms started occurring without any notification at all. Upon complaining I was informed that I wasn’t notified because the modelling said I wouldn’t be affected. After about three week of phone calls and emails requesting the noise modelling so I could understand how on earth modelling could possible suggest that works happening outside my bedroom wouldn’t affect me, I was sent a copy of the Renzo Tonin Construction Noise and Vibration Plan. Upon reading this considerable weighty document I discovered several things of interest.

- My house was listed as requiring full noise treatment prior to deal with construction noise.
- Maps denoting Noise Catchment Areas (table 3.1 and subsequent figures)
- Figure 7: Circumstances under which OOHV may be undertaken

### **Noise Treatment**

It has taken over a year and intervention by Inner West Council for SMC to commit to providing noise mitigation as outlined in the Renzo Tonin Construction Noise and Vibration Plan as required by the EIS. During this period our neighbours (further away and less affected) were fully fitted with Type 2 Noise treatment, without any apparent disagreement by the contractors. We were informed that we had been offered the same treatment at the same time and turned it down. I informed Ken Reynolds that his staff must be deceiving him, as the day our neighbours received their offer, they bought it over to us to check (Gregory Davis is licenced builder), our response was to then immediately write to the contractors and ask why we were still waiting. The response at that time was that we were not entitled to Type 2 treatment as we were not considered affected. The inconsistent treatment between neighbours obviously extends to noise treated. It appears that some residents are randomly picked to be showcases of how good residents are treated while everyone else has to fight to be treated with any level of compassion. I have since had sound proofed windows installed (at SMC expense) however it must be noted that this has only occurred as I independently managed the process. I would still be waiting for the SMC installation.



View from Master bedroom, SMC still insisting that updated modelling indicates this façade is not impacted.





View from upper bedroom (originally considered not impacted, now only façade considered impacted).

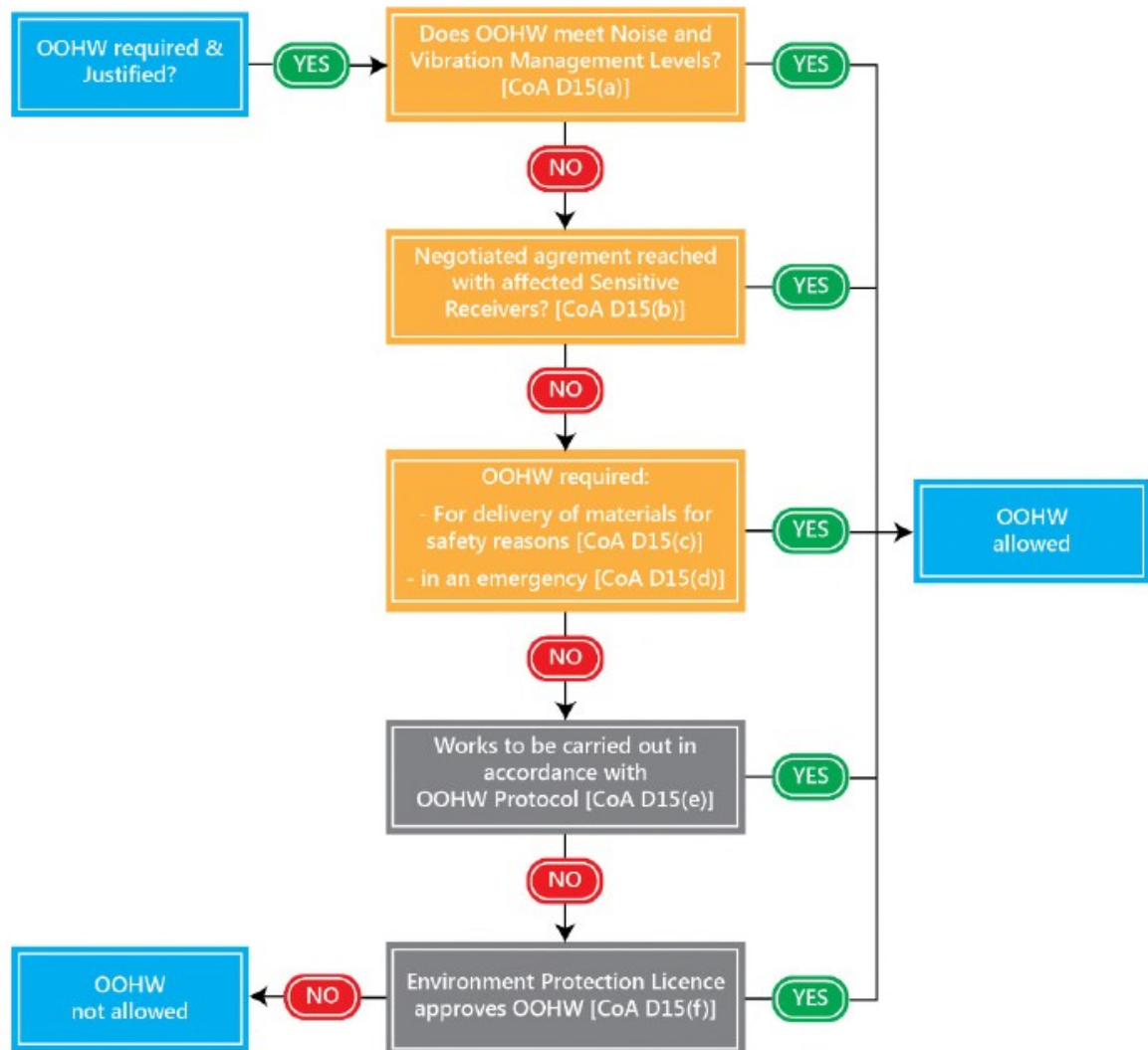
It wasn't until 4 months ago that I finally began to be offered respite through alternative accommodation.

### **Noise Catchment Areas (NCA)**

The noise catchment areas, delineate areas of similar noise profile, which on the surface appears to be a sound methodology for understanding what noises an area is likely to be subjected to pre-construction. However, these maps were developed before 70 houses in the immediate area were demolished, obviously the noise profile of many of those houses – particularly houses on the boundaries of the destruction zone will be significantly different. In a subsequent meeting I was verbally informed that these maps were also the maps used to determine if you were impacted by nightworks (and whether or not you were informed). 79 Church St is on the boundary of three different zones, therefore by the logic explained in a face to face meeting, nightworks occurring the adjacent zone, even if less than 20 metres away from our bedroom were considered not to impact us. Apparently the concept that noise can cross map boundaries was never considered.

It took 2 months to start get notifications for nightworks in the adjacent zones and another 4 months and a house visit for the contractors to recognise that I was also affected by works occurring west of Church Street. (several months later, when still arguing the case for the noise mitigation treatment as outlined in the EIS document, I was informed that only the western face of the house was considered impacted, the 180 degree change has never been explained.)

### **Figure 7: Circumstances under which OOHW may be undertaken**



On one occasion after a period of particularly distressing nightworks I asked for evidence that the above flowchart had been followed. I asked specifically about “Negotiated agreement reached with affected Sensitive Receivers”. I never received any documentation about the process being followed and I was informed that “negotiation means something very different to us than it does to you”. This sentence was uttered unchallenged in the presence of the Department of Planning Compliance Officers.

This is only a summary of issues and outlines the appalling way we have been treated, in addition to the above problems we also had issues with our fence line being moved, the laneway fence swapping from colourbond to timber fencing as it crosses our boundary (again picking winners and losers in the neighbourhood). Westconnex staff entering our property and going through our belongings. Being unable to access our property. Being abused by contractors. Staff lying to us on a number of issues. At one stage it was so bad that I used my phone and/or helmet cam to record the leaving or returning home after abuse by contractors). Having alternative accommodation cancelled at the last minute despite nightworks going ahead. One on occasion I was sent an email threatening to have offers of alternative accommodation cease if I told any other neighbours that I was being relocated. I have kept this email.

But its not over, I am dreading and steeling myself to commence attempting to negotiate with the contractors over the damage caused to my house caused by vibration damage. I am scared about how hard and how mentally distressing this process will be, but perhaps that's is what they are relying on to stop people attempting to hold them accountable.

People who lost their houses should not have been treated the way they were, the people who were left behind should not be treated this way either. Westconnex has destroyed my life, I am unable to work as the lack of sleep is debilitating, and I vacillate between being too scared to leave my house (in case something happens to it while I am away) and being too scared to come home (to see what has happened in my absence).

Thank you for reading.

Jacinta Green