

**Submission  
No 360**

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

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# **Submission to the Parliamentary Inquiry into the Impacts of the Westconnex Project**

**Our submission is relevant to three of the terms of reference and relates to the M4-M5 Stage 3 component of the Westconnex project.**

**Terms of reference considered -**

**c) consideration of the governance and structure of the WestConnex project including the relationship between Sydney Motorway Corporation, Roads and Maritime Services, the Treasury and its shareholding Ministers**

**(d) the compulsory acquisition of property for the project**

**j) any other related impacts**

**Our submission concerns the exclusion of public transport from the Westconnex project, and the compulsory acquisition of property.**

**We are particularly concerned with the threat of dilapidation and the inadequate consultation and information provided by the project, which calls into question how the project has communicated and continues to communicate with residents, and the lack of accountability for actions caused by the project and related entities.**

**We include attachments from the Environmental Impact Statement (EIS) into the M4-M5 link.**

## **Key Points**

- Investigation into the decision to exclude other transport options, such as public transport, from the project which gave a very small group of people, such as the tollways lobby, a very large financial gain, and to investigate all the entities and individuals who stand to gain from this decision.
- No tunnelling under residences that is less than 35m in depth from the crown of a tunnel (ie the top) to the surface should be undertaken
- No tunnelling should be undertaken under sensitive sites such as schools, pre-schools, nursing homes, historically significant buildings etc.
- An end to the secrecy surrounding the project, the release of geotechnical information

## **Exclusion of Public Transport from the Project**

From its outset the Westconnex project actively excluded other transport options from its traffic modelling, so in its aim to solve Sydney's traffic problems no useful comparison could be made between the flexibility of public transport and tollways.

**This decision clearly gave a very small group of people, such as the tollways lobby, a very large financial gain.**

**One must question the reasons for this and we urge the Committee to investigate this issue and all the entities and individuals who stand to benefit from this decision.**

## **Compulsory Acquisition and Unfair Compensation**

Since the Westconnex construction began we have watched the compulsory acquisition of homes with horror compounded by the unjust terms by which they were acquired.

We personally know of a young family forced out of their gracious Federation home by compulsory purchase who told us they could not counter the powerful forces arrayed against them and finally had to accept the below market value compensation offered. In order to remain in the area for schooling and work commitments they were forced to move into a unit since that was all they could afford which has proved grossly inadequate for young children. This is a blatant misuse of power.

Homelessness and dislocation from long-standing community networks caused by this project is a very real possibility for some.

## **Shallow Tunnels and the Threat of Dilapidation**

The Inner West Subsurface Interchange (Inner West Interchange), planned as part of Stage 1, linking the 2 mainline tunnels with the Rozelle Interchange and the Iron Cove link, is of concern to ourselves and our neighbours (EIS Vol 2B Appendix E p 1)

There has been very little information about the Inner West Interchange, its construction or exactly what streets it would affect.

The EIS states that the risk of ground settlement which can lead to dilapidation is lessened where tunnelling depth is more than 35m (EIS Vol 2B App E p1).

Tunnelling near the proposed Inner West Interchange under Annandale, Leichhardt and Lilyfield, as well as the Rozelle Interchange impacting Rozelle and Balmain, is extremely shallow in parts. Some far less than 35m in depth, see map in EIS Vol 1A Chap 5 Part 1 p11. John St, Leichhardt at 22m is one such example, see attachment.

Map 2 in the EIS Vol 1A Chap 5 Pt 1 shows the Inner West Interchange with four intersecting tunnels, each 3 lanes wide, with four toll locations, apparently converging under Mayes, Young, Ferris, Moore, Catherine, Hill, John, Emma, Styles, Ilka, Paling streets and many others up as far as Pioneer Park, Leichhardt.

Where tunnels intersect they are particularly shallow. Tunnels at varying depths in a 'spaghetti junction' network such as this would exacerbate ground settlement and vibrations, and cause homes, most of which are heritage, to be seriously impacted.

With drilling and the danger of subsidence homes in these streets would indisputably sustain damage or cracking. Inner West houses were constructed using old foundation techniques, typically set on brick piles and are susceptible to vibration and ground movement.

These are heritage suburbs and the villas, terraces and cottages of the Inner West tell the story of Australia's urban history and deserve to be protected.

## **Inadequate Consultation and Lack of Information**

During the EIS consultation process in 2017 conflicting advice from the Westconnex public information sessions and the Westconnex Information Hotline on the total height of tunnels and from which point the depths are measured to the surface raised questions about the actual tunnel depths.

In response to our questions at various Westconnex Information sessions held in Sept 2017 staff stated the path of the tunnels and the Interchange are 'indicative only' and subject to change.

In fact, the Information sessions created even more uncertainty and confusion, with residents being met with the inevitable responses - 'it is just a concept' or 'indicative only'.

For instance, tunnel depths could be of greater or lesser than indicated, or they and their route 'could all be changed by the contractors'. In some instances staff themselves appeared confused and were unable to answer specific questions particularly in relation to tunnel depths.

Furthermore, geotechnical information has been withheld from residents making it impossible to assess the likelihood and extent of damage to their homes.

What kind of accountability is this which fails to provide accurate information on a matter which affects residents' most important financial asset, their home?

**Significantly, there was nothing in the EIS to ensure that tunnelling would be at a sufficient depth so as not to endanger the integrity of homes, including vibration, and noise impacts. Indeed, owing to the shallowness of tunnels they will endanger homes if the M4-M5 Stage 3 goes ahead.**

**In view of the above the Government should ensure that no tunnelling less than 35m in depth from the crown of a tunnel (ie the top) to the surface should be undertaken under residences. And no tunnelling should be undertaken under sensitive sites such as schools, pre-schools, nursing homes, historical sites etc.**

Despite the short period allowed, 60 days and the multi-volumes to be analysed, the EIS received thousands of submissions from concerned residents, councils and businesses on these issues and many others related to dangers to health caused by unfiltered stacks, inadequate traffic modelling, disruption, compulsory acquisition and loss of trees and parks, yet none were heeded. On the subject of unfiltered stacks, we note that it is OK for proposed stacks in the northern suburbs to be filtered but not in the Inner West, are our lives worth less?

We urge the Committee to look into the inadequate consultation process and the complete lack of transparency.

### **Dilapidation**

Recent experience tells us that numbers of people in the construction of Stages 1 and 2 have suffered extensive damage to their homes caused by vibration, tunnelling activities, and changed soil moisture content costing thousands of dollars to rectify. Although they followed all the elected procedures their claims have not been settled. Insurance policies will not cover this type of damage.

**The onus has been on residents to prove that damage to their homes was caused by Westconnex construction and Roads & Maritime Services (RMS) routinely disputes their claims.**

This is borne out by a resident at Kingsgrove who states -

"RMS says it will fix all homes damaged by construction.

FACT: RMS will NOT fix homes damaged by construction. The full risk, of at times very expensive repairs, falls on the homeowner! They refuse to engage in an honest manner. They jeer at us to 'prove it' yet refuse to hand over geotechnical information and the detailed designs of drainage to engineers engaged by families. Their 'independent' assessments are conducted by small operators that rely on Westconnex for gigs. There are now 3 homes in my street at Kingsgrove that are experiencing damage. Two definitely need the foundations re-pinned before internal damage can be

repaired. The third one only just started to show signs of cracking in the bathroom so an engineer will need to be sent in to view. We are looking at \$200,000 at least to repair. We are now engaging lawyers to take the matter to court. “

A similar experience concerning the M5 construction at King George's Rd ('Families Reveal the Shocking Cause of the Huge Cracks in Their Walls') was aired on Channel 7 News on 30 March 2018.

It follows that suburbs in the path of the proposed M4-M5 Stage 3 will be facing identical scenarios if the project goes ahead.

**Furthermore, without provision for full compensation for damage sustained to homes there is no incentive for contractors, or RMS, to minimise damage, or indeed to have any concern or care for dilapidation incurred.**

The Governance Institute of Australia defines governance as follows:

*Governance encompasses the system by which an organisation is controlled and operates, and the mechanisms by which it, and its people, are held to account. Ethics, risk management, compliance and administration are all elements of governance.*

Therefore, in terms of how the project operates we ask what kind of 'consultation' process was this? And where is the accountability?

Kind regards,

Rose Gates and Sean Ferns

30 August 2018