

**Submission
No 373**

INQUIRY INTO IMPACT OF THE WESTCONNEX PROJECT

Organisation: Haberfield Public School P&C Association

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Submission by Haberfield Public School Parents and Citizens Association

To the Public Accountability Committee of the NSW Parliament's Upper House

This submission is made on behalf of the Haberfield Public School P&C Association, which represents the parents and carers of the 650+ students at Haberfield Public School and other members of the school community, including local residents.

The school is located on Bland St, Haberfield, only a few hundred metres from the three major construction sites at the eastern end of the M4 East stage (Wattle Street portals, Parramatta Road Ventilation Facility and Parramatta Road portals). It is also only about 150 metres from two sites – known as the Muirs sites on Parramatta Road - earmarked for use in the M4-M5 Link stage beginning later this year.

Our community has felt the impact of the WestConnex development since 2014, when compulsory acquisition notices were issued to families whose houses were to be demolished to make way for the massive road. Those families went through two years of immense mental and financial stress, and the rest of us have been suffering the consequences of noisy, dusty, dangerous construction since it began in 2016. We have held rallies, made submissions in response to Environmental Impact Statements and other documents, written numerous letters to Ministers and departments/authorities including the RMS, Planning, EPA, Department of Education and Sydney Local Health District, and sit on committees including the WestConnex Community Reference Group, Air Quality Community Consultative Committee and several others.

This submission puts forward our views on relevant issues within the committee's Terms of Reference and provides the committee with some insight into the lived experience of the Haberfield Public School community over the past four years. We would welcome the opportunity to appear before the committee if you would find it useful to hear more about our views and experiences.

Process, governance and structure

The Haberfield Public School Community is appalled and alarmed at the process and governance associated with the entire WestConnex development. We believe the process has lacked transparency and rigour since the day the development was announced, while community members have been ignored, treated with contempt and disempowered.

Here are just a handful of examples of how the process has been fundamentally flawed:

- In 2014, contracts with the M4 East contractors were signed and acquisition notices for Haberfield and other properties were issued before the M4 East EIS and full business case for the entire project were released.
- In 2015, the NSW government moved to shield the WestConnex project from public scrutiny by transferring control of the motorway to a "private corporation", taking it out of reach of freedom of information requests.
- Since construction began in 2016, the compliance process has been farcical. The Sydney Motorway Corporation and the contractors are largely in charge of monitoring their own compliance with the SEARS and other requirements. Residents who complain or inquire are regularly provided with statements that mitigation measures are in place, but that is not the same as mitigation measures actually being followed. Please see the story of the April 9 dust storm below for one example of our community's experience.



- Complaints processes are so time-consuming, dispiriting and ineffective that many residents have given up on raising issues. In our experience, people making complaints must first provide an enormous amount of personal detail before waiting a long time to actually speak to someone. Calls are frequently cut off, responses to emails can take weeks and the staff on the complaints line have often been rude or seem to have little knowledge of the situation. One issue that has vexed our community for years is parking - our Principal, parents and many residents have made regular complaints about WestConnex workers parking out the streets near the school since 2016, on the complaints phone line, by email, in phone calls to community engagement staff, directly to the M4 East Project Director and other senior staff in SMC and RMS and in community consultation forums. In two years, we have seen no evidence of any change in parking practice. However, we know that 'complaint fatigue' works in WestConnex's favour as it allows the project to promote that everything is going well because complaints have dropped off.
- Aligned with that is the issue of 'consultation fatigue'. Parents and residents feel the consultation process has been similarly ineffective and frustrating as we see little evidence that our views and experiences are taken into account or make any difference to the authorities' plans. There have been recent exceptions – for instance, the announcement that the Muirs sites will not be used for 24/7 tunnelling as originally proposed – but only after an enormous amount of community lobbying and stress.
- In 2017, the EIS released for the M4-M5 Link could be considered conceptual at best. We called on the Planning Minister/Department to reject the EIS on the grounds it did not provide any final details for significant elements of the project, including construction site layouts, access arrangements, traffic management plans and other elements of this significant infrastructure project. The uncertainty around the final design and details generated considerable anxiety for our community as the precise impacts of the proposal were unclear and had not been properly assessed. While a broad announcement has since been made about a change in plans for the proposed construction sites around the school (particularly the Muirs sites), we are still waiting for the details to be revealed in a new submission to Planning and will only have two weeks to respond when we see them.

Experience of living with WestConnex development

Since 2016, our community has suffered a wide range of negative consequences as a result of the construction activities associated with the M4 East development. Last year, we learnt the extent to which we would be subject to ongoing impacts as a result of the M4-M5 Link stage. In total, we will be feeling the impact of this project for nearly 10 years – from those first acquisition notices in 2014 through to end of M4-M5 construction in 2023. Over that time, more than 1200 students going through Haberfield Public School and their families will have been affected.

In brief, our community now lives with:

- constant construction noise – this includes daytime noise that makes backyards unusable and working from home difficult, and night-time noise - sometimes for more than one night in a row - which leaves children and their parents exhausted from disrupted sleep. Much of the night-time noise has arisen from utilities work, which in the M4 East stage has not had to abide by the same requirements as those applied to the work by the contractors (another significant process flaw).
- increased heavy and light vehicle traffic - an ongoing issue for the school is WestConnex workers parking out our streets, which has led to more erratic driving behaviour by parents as they try desperately to find a parking space or back up near the two-minute pick-up zones near the school.



There have also been incidents of ‘truck and dog trailers’ driving through residential streets, including right past the school on at least one occasion, in contravention of requirements.

- constantly changing road conditions – streets are blocked off with little notice and road conditions constantly change, making usual routes unavailable and leading to traffic blockages and longer journey times.
- pedestrian danger – trucks moving in and out of construction sites has led to an increase in pedestrian danger for students and their families walking to and from school. This has been a particular issue at the Brescia site, where many parents report near-misses with trucks using the Bland St driveway. It has been our experience that the contractors have not always assigned a traffic monitor to stand at that driveway, in breach of the requirements.
- high levels of dust and air pollution – poor air quality has created health problems for many families, with children and adults having to take medication for respiratory conditions that were not present before construction began (see Rachel Brittliff’s story). As mentioned above, many parents report that the contractors are not abiding by conditions of approval to mitigate dust, such as watering down dirt piles on the construction sites, leading to these health issues and layers of dust all over cars, outdoor furniture, washing etc. Indeed, the air quality monitoring station installed at Haberfield Public School shows our community suffers from some of the worst air quality in Sydney! For instance, the annual average rolling level of PM2.5 has stayed well above the ambient air quality goal almost since the day the station was switched on. And repeated requests to SMC and other authorities to provide an explanation have yielded no response.
- ongoing stress and frustration – people feel disempowered by the consultation and approval processes and are suffering greatly from the cumulative effects of WestConnex construction and ‘complaint fatigue’.

With the M4-M5 Link stage still to begin construction, our community will continue to bear the brunt of the WestConnex development for another five years. And there are many indicators that the negative impacts will not end when the final stage opens. For instance, planned motorway signage on local roads such as Dalhousie St and Wattle St suggests that the residential streets of Haberfield will become feeder roads for the tunnels, while modelling in the EIS indicates that traffic will not improve and may even worsen after WestConnex opens. If the traffic isn’t enough, an enormous and ugly ventilation stack at the corner of Parramatta Road and Wattle St will dominate the skyline, reminding us daily of the toll WestConnex has taken on our community.

Thank you for taking the time to read and consider our submission as part of the Public Accountability Committee’s inquiry into the impact of the WestConnex project. On the following pages, we have included more detail of the April 9 dust storm and two case studies of individual school families’ experiences, to further illustrate the negative impact of WestConnex on our community.

We would be pleased to elaborate on our situation and views if requested by the Committee. Please contact Sherrill Nixon, Haberfield Public School parent and P&C WestConnex subcommittee chair, if you would like to know more.

Sherrill Nixon

Member, Haberfield Public School P&C
Representative on the
WestConnex Community Reference Group

Vanessa Santoro

President
Haberfield Public School P&C



April 9 – the day of the dust storm

By Monday, April 9 2018, the Haberfield Public School community was already aware that air pollution in our neighbourhood was inexplicably high. The air quality monitoring station installed at the school in December showed levels of particulate matter – especially the smallest and most dangerous particles, PM2.5 - at Haberfield are regularly higher than at other sites along the WestConnex route or managed by the Office of Environment and Heritage.

Shortly before 3pm on that Monday, a cool change swept through Sydney. As parents made their way to the school to pick up their children, strong winds carried copious amounts of dust and turned the school grounds into a dustbowl. Parents reported being able to taste the dust and said it was so extreme, they needed goggles and face masks to deal with the pollution. Many locals attest to seeing the dust blowing off the construction sites. The air quality monitoring station at the school recorded PM10 levels at over 400 u/gm3 at the peak of the dust storm – eight times higher than the recommended air quality target. That night, several parents and residents complained to WestConnex about the dust and the failure to take mitigation measures such as wetting down the dirt piles.

The following day, WestConnex responded to those complaints. Its response included this reason: “Third parties, completely unrelated to the project, were witnessed by members of the project team undertaking dust generating activities with leaf blowers in the vicinity of the site between 2.45 – 3.00pm, seemingly around the time of the complaint.” This is such an insulting and unsatisfactory response - to think that the amount of dust created on that day was generated by two leaf blowers is beyond farcical!

On Wednesday morning, April 11, a small group of parents met with M4 East Project Director Terry Chapman and other WestConnex and RMS representatives at the school. The duststorm was front of mind for parents, particularly those whose children were still suffering the respiratory effects. Following the leaf-blower excuse, we were further affronted when Mr Chapman told us the contractors were meeting the requirement to wet down dirt on the construction sites and taking other mitigation measures. Parents who walked past those sites daily had seen no evidence of watering for weeks. When asked how he knew the site-watering was happening, Mr Chapman said ‘they [the contractors] told us they did it’. Relying on the contractors’ word is nowhere near an adequate compliance process for a \$17 billion transport project that has such significant and negative impacts on a community like ours.

At this meeting and through other forums and letters, we also requested that WestConnex improve its air quality reporting. There have been several fundamental flaws with the reporting:

- the station was installed in December 2017, more than a year after construction had begun and therefore too late to record pre-construction pollution levels for comparison
- until late May 2018, the station’s air quality data on the Ecotech website expired after 30 days, preventing residents from comparing data over longer periods of time and not in keeping with the approach taken by the Office of Environment and Heritage for the monitoring stations it oversees
- the contractors/SMC/RMS seem to have no responsibility to monitor air quality and alert the school/communities if pollution is high or if there have been issues with the equipment. When the nitrogen dioxide recordings spiked to alarming levels in May and then data disappeared from the Ecotech website, it was up to parents to notify the school and make inquiries of WestConnex – we would still be waiting if we thought WestConnex would be proactive in cases like this.
- the fact that WestConnex is not required to report any air quality breaches until after the tunnel is opened is also nonsensical and allows it to get away with breaching the requirements around dust mitigation as it did in April 2018.



The experience of Liz Slakey, Haberfield Public School parent and Haberfield resident

Liz and her family – husband Joe and children Luca, Declan and Pippi – had their Ramsay St house compulsorily acquired in 2016. For two years, they endured a frustrating process of negotiation that left them feeling powerless, disillusioned and about \$80,000 out of pocket. Here is Liz's story in her own words:

“It started when we got a letter – it didn't say we were affected, it said there was some information coming, that something was happening here. I called the inquiry number [and] when I told her my address she said: ‘Oh right, you are in the thick of it, aren't you?’. I asked what that meant and she said they'll be contacting people who are affected.

“I learnt later that ‘affected’ had a very specific meaning. Within a couple of days we got a phone call to tell us we were ‘affected’. I remember asking her what does that mean? I had this idea they might take a part of the land. It took a bit of back and forth; she wouldn't say we are taking your property, she used this sterile language about you're affected, legislation etc. It wasn't clear until I said ‘You're taking the whole house!’. And she said yes, and she apologised. I remember crying on the phone with her. We got the big fat envelope in the mail the next day.

“We got the ball rolling quite quickly to get our offer. A lot of people didn't contact them, they were just in denial, whereas I jumped right in. I didn't want to go but once I got over the initial shock, I just wanted the whole thing resolved as quickly as possible. In hindsight the people who didn't engage had a shorter, less painful process. We went through it for two years.

“We engaged a lawyer straight away. He said ‘Don't worry, we'll get your independent valuation’ and I had faith that that would work. But when the valuations came in, there was a \$600,000 difference [between the WestConnex and the Slakeys' valuations]. It was so ridiculous. The gap was enormous for most people [whose houses were acquired].

“I desperately wanted to stay in Haberfield but there was nothing freestanding going for what we were offered. So we started looking at semis and larger derelict homes. And we couldn't afford any of them! They all went for more than what we'd just been offered.

“It completely undermines your security. I was just really angry, it just felt so wrong to see things like all of the efforts that communities and governments go to when there's a natural disaster and people lose their homes, and then the government just takes your home. I watched one of our neighbours lose her mind, she was crying all the time. Another neighbour was a lovely Italian nonna two doors up from us, she didn't speak English, she used to give the kids biscuits all the time. She had the full fruit and veg thing, she had chickens, she spent all her time in the garden. They settled pretty quickly and she ended up in an apartment in Petersham. I suspect there were a few in our little pocket of 10 houses, at least one other older Italian lady. They'd been living there their whole lives.

“It was the valuers that were the most disgusting in the whole thing. I suspect they are working under direction. They reward the valuers with more work. [In one meeting between valuers] the valuer on the RMS side didn't budget, not even a dollar. He wouldn't engage, he wouldn't argue or explain his position and he wouldn't engage with the questions or the points my valuer brought up. That's when I started getting really panicky about it. Up until then I thought we just follow the steps in the game. Now I definitely think there are strategies about wearing people down and getting them emotional. Most people just want it to be over.



“You get to a point where you either take [the offer] or get into the compulsory acquisition part. It’s gazetted, they haven’t given you any money and yet you don’t own the house anymore. You have to go to the Valuer General and then to the Land and Environment Court.

“We went down that path but when it was gazetted and we got the package from the Valuer General and it was about 50k below our lowest acceptable point, we decided to take it. We thought we probably could get more if we go to court, but it’s another year of our life. We looked at it and we were 80k down (including lawyers’ fees). And I just thought it’s not worth 80k to keep going.

“We worked out that if we maxed out everything, we could stay in Haberfield. We went from being quite fiscally conservative, then we just completely changed. So we have more debt than we ever thought we would ever have. (The family purchased a house in Haberfield in late 2016.)

“The one thing I’d change about the whole process, the thing that gave us agony the whole time, was we wanted to stay in the neighbourhood. In NSW there’s no law that guarantees that. In other parts of Australia, there is and they guarantee that you get enough money to stay in the neighbourhood.

“One of the things we miss the most is the garden, the trees. Joe had planted 30 or 40 trees, all unusual fruit trees, a lot of them native. He had a food forest full of these really interesting plants and he spent a lot of time in the garden with the kids, they’d have some of this berry or that food. He was really nurturing their love of nature and food. But he just stopped when we moved. He couldn’t do it again. That really hurt when we moved. We were talking about taking the trees but in the end, he didn’t take any. The garden was a very emotional thing for Joe.”

The experience of Rachel Brittliff, Haberfield Public School parent and Ashfield resident

Rachel and her family – husband Peter and children Lily and Ethan – live in Ilford Ave, Ashfield. The rear of their property adjoins the small Muirs site at the south-western corner of Alt St and Parramatta Road, which has been earmarked for use in the M4-M5 Link stage.

Since construction began at the Parramatta Road Ventilation Facility site and the former Brescia site (corner Bland St/Parramatta Road Ashfield) in 2016, Rachel’s family has experienced a significant decrease in respiratory health. Both Rachel and her husband have had to increase medication for their asthma, and Ethan has been diagnosed with asthma and had to begin using Ventolin and steroid medication. The family has also been affected by construction noise that has inhibited the use of their home. Here is Rachel’s story in her own words:

“About two years ago, when everything [construction] started to kick up, Ethan developed asthma. He was 2 at the time. At the same time, Pete and I started to really experience breathing problems that we hadn’t experienced since living here, and we’ve been here for 10 years.

“We basically can’t control [Ethan’s asthma] without medication. In the first half of this year, I had him home on at least five occasions – I couldn’t send him to childcare for two days at a time because of breathing issues, and I had to take him to hospital twice. We had to give him oral steroids. It has a massive impact on behaviour for that period that you give it to him, they go crazy. They are not benign medications.

“After the day of the dust storm [April 9], I couldn’t go to work for the rest of the week because my son was sick. That has a really profound impact on people. If you’re constantly having to take time off work for a



child ... there's genuine fears about the stability of your job, all of that stuff that goes on with it as well. It has all these knock-on effects.

"While you can't say definitively it's construction, there's a really big coincidence there. I don't think they've been open with us about levels of pollution, I don't think they've been remotely compliant with their conditions about keeping dust levels down, I don't think there's been anywhere near enough monitoring. That really makes me angry, the lack of compliance and the glibness with which we've been treated. It's been all words and no action.

"We've also been affected by noise. The tunnelling, that was like having a freight train going right under your bedroom. It was stop-start ... and that drove me nuts. The other night, something woke me up again, it was the middle of the night. It was stop-start, you couldn't go back to sleep.

"The noise of the cranes [at the ventilation facility site] stopped us using our backyard for a while. The constant noise from 7am-5pm during the week wasn't so bad, but on the weekend when you wanted to use the backyard, the kids just couldn't play out there. It was so unpleasant, we deliberately left the house to go to parks because we couldn't use our backyard.

"It's tiring and insulting [dealing with WestConnex authorities]. The people on the phone are really polite, but it's just all care, no responsibility. If they'd just make concessions and say we're on to it, if you saw action after you'd had meetings or made phone calls, you'd think 'ok'. But it is always just lip service, they don't care.

"For instance, after the dust storm, they told us it was caused by leaf blowers. That was insulting! The combination of their profound disregard and their contempt. You can't be more contemptuous than telling an entire school community that had experienced a dust storm that it was leaf blowers. They openly flout their conditions, then provide answers that are nothing short of contemptuous, and then they don't do anything about things they could change.

"I think there's been a fundamental disregard for community comfort, community safety and that it's luck and not good planning that someone hasn't been injured."