

**Submission  
No 547**

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

**Name:** Ms Sharon Laura  
**Date Received:** 14 September 2018

---

**TITLE**

The cumulative impacts of the Westconnex projects on Inner Western Sydney residents:

Mitigation & Remediation Issues for consideration by the Public Accountability Committee of the NSW Legislative Council Inquiry into the Impact of the Westconnex project

**ISSUE:**

Cumulative Impacts of WestConnex and related projects on residents within Inner western Sydney (Terms of reference "g", *any other related matter*)

**Recommendation:**

That the Upper House Inquiry committee note the issues raised and consider the following recommendations:

1. Advise the Premier, Minister for Planning, Minister for WestConnex, Minister for Roads, and Minister for Transport and Infrastructure, of the ongoing and unresolved problems experienced by residents and give specific examples (all of which have been registered as complaints, of which many remain unresolved), listed in Part A.
2. Suggest additional appropriate mitigation and remediation measures to the Premier, Minister for Planning, Minister for WestConnex, Minister for Roads, and Minister for Transport and Infrastructure, that would improve the living situation of affected residents, listed in Part B. Most notably,
3. Recommend that all conditions of approval identified as mitigating impacts for residents by the M4-M5 project, be applied retrospectively to M4 East and New M5 WestConnex projects immediately.
4. Seek remedy for residents from extended cumulative periods of construction, due to overlapping projects in Ashfield/Haberfield; St Peters/Newtown & Rozelle/Lilyfield.
5. Independently review the review the Conditions of Approval (CoA) for the M4E, new M5 and M4-5 link and note how conditions have been tightened for each project. (Part C)
6. Seek advice from the Central and Eastern Sydney Primary Health Network (CESPHN), the NSW Ministry of Health & the Sydney Local Health District (SLHD) and the Ministry of Education, local schools & relevant child care centres to establish if there have been adverse health impacts to pockets of residents, living, working or attending child care or school in proximity to construction sites.
7. Recommend that Health and Education Ministries, Departments and services have earlier and greater input into the development and approval process of transport and infrastructure projects.

**KEY ISSUES:**

The WestConnex projects are Australia's largest single urban engineering infra-structure project. They involve major mining/tunnelling and above ground construction across a large part of inner urban Sydney within urban residential and commercial areas. In some areas, residents will be subjected to a decade or more of disruption and uncertainty, notably in Haberfield/Ashfield, Newtown/St Peters and Rozelle/Lilyfield.

- Essentially the requirements of RMS, the project proponent, and contracted project builders, for a speedy and efficient build and early start of operations, are in conflict with the needs of local residents and businesses - (adversely impacting the ability to function on a daily basis and causing major sleep disturbance on a regular basis). To date, approvals for this project have tended to favour the interests of the proponent and constructors ahead of the needs of local residents and businesses. Mitigation, management and remediation measures have been inadequate for a project of this scope and duration.
- The CoA for the M4-5 link has stronger conditions and makes increased compliance demands on the proponent and the successful contractor, than those imposed on the M4E and New M5 project.
- However, the 2017 M4-M5 Link EIS proposed 2 options for tunnelling and construction in Haberfield/Ashfield, Options A & B.
- It should be noted that a 3<sup>rd</sup> or Hybrid Option for Haberfield/Ashfield, was not identified in the M4-M5 Environmental Impact Statement (EIS) also known as the Environmental Assessment Report (EAR).
- Option A was identified as the superior option, by the Department of Planning and Environment (DPE) in the EAR/EIS, and it was also identified that if Option B was used and new tunnelling and above ground construction sites in Ashfield/Haberfield were implemented, Option B would extend the cumulative impact on residents from the current 4 to at least 8 years.
- Haberfield and Ashfield residents, and parents of pupils of the Haberfield Public School were bewildered and concerned that despite the Department of Planning's assessment that Option A was superior to Option B, that the Minister for Planning approved both options and then left it up to the contractor to decide which option to use.
- The Minister for Planning signed the approval for the M4-5 Link (WestConnex Stage 3) on April 17. On April 27, the approval was made public and along with the Conditions of Approval (CoA), the Department of Planning's (DPE) Environment Assessment Report (EAR) was also released with its own analysis.
- The NSW government announced in June 2018 that there will be no additional tunnelling sites in Haberfield and that the Darley Road site would not be required.
- The RMS submitted a modification proposal on September 12, 2018 for exhibition and public comment by September 26. This modification proposal does not satisfactorily address all the requirements of the Ministry of Planning in relation to construction sites and local resident impact (C20-21). The modification notes that by not using the Darley Rd site, an increased

construction impact burden has been shifted onto residents around other sites, notably Haberfield/Ashfield and St Peters. No proposals for enhanced mitigation have been made.

- The Modification of Approval (MoA) is for:
  - Change of use from Northcote Street civil site (C3a) to civil and tunnel site. Two spoil haulage routes nominated.
  - Parramatta Road West and Parramatta Road East civil sites (C1b and C3b) would be used as civil sites in accordance with CoA C19
  - A temporary pedestrian walkway connection constructed above Parramatta Road to connect the Parramatta Road East and Parramatta Road West civil sites.
  - Removal of the Darley Road civil and tunnel site (C4) and deletion of related CoA.
  - Relocation of the operational WTP from Darley Road MOC to Campbell Road MOC at SPI.
- Instead of the Haberfield Option A or Option B being chosen for construction sites in Haberfield, as nominated in the EAR (also known as EIS), a third construction Option has been proposed – the Hybrid Option – which will now have significant ongoing implications for the residents of Haberfield, Ashfield and Five Dock.
- The CoA for M4-M5 also placed a number of requirements (C19-21) on the proponent (RMS), to address about the proposals for Haberfield /Ashfield
- But the MoA for M4-M5 only addresses approval condition C19. The MoA fails to address approval conditions C20 and C21. The MoA omits a comparative analysis of construction sites in Haberfield - Option A and Option B, - and does not compare impacts of these with the Hybrid Option, now proposed by the project builder. Further, the MoA fails to provide a detailed report based upon a Comparative Analysis, of how the project will mitigate and manage new construction impacts, -including 2 new spoil haulage routes - of the Hybrid Option, upon Haberfield, Ashfield (and now Five Dock).

## **September 2018**

Reference below to PARTS A, B & C.

## Part A

### **SPECIFIC EXAMPLES OF PROBLEMS EXPERIENCED TO DATE BY LOCAL RESIDENTS (many problems remain unresolved):**

1. Multiple episodes of a lack planning for the needs of blind or physically disabled residents, despite direct briefings to M4E team of the locations and addresses of individuals. Changes would be implemented to pedestrian access, without adequate notice to local residents. This leaves people with mobility problems or visual impairments at significant risk of falls or worse.
2. The Ramsay St crossing at Wattle St remains dangerous and inadequate for such people. It requires individuals to cross two (and in the future three) distinct road corridors to complete the crossing. There are no tactile markers to warn of the crossings and the pedestrian pram ramps are angled incorrectly. The M4E Project Builder state they have done these crossings to RMS requirements, although they acknowledge that they did not consult with any disability groups on what would be required.
3. Noise from Exhaust Jet Extractor Fans. At both the Northcote Tunnelling site in 2016 and the Parramatta Road Civil site in 2017, Exhaust Fans were installed and commenced operation without appropriate acoustic shielding. It was only after specific and multiple complaints about this noise that acoustic cover was constructed around the fans. However ongoing noise problems occurred during after-hours operation at the Northcote Tunnelling site, and the response was that it was permitted within Licence Approval. In the case of the Parramatta Road Civil site the fan was left operating after hours on several occasions, when staff simply neglected to turn it off, when the day's work was finished.
4. Noise from Sucker (Vacuum) Trucks. These giant industrial vacuum cleaners suck up dust, dirt or dirt slurry from bore and conduit tunnels. They can operate in either a dry or wet mode. The wet mode of operation is much quieter than the dry mode. Residents were subjected to a significant noise intrusion from the Parramatta Road Civil site, until the site engineer, made a local decision to order all operations to be conducted in the wet mode, to reduce the noise burden on neighbouring residents.
5. Poor consultative processes around noise walls and lack of equal mitigation. Residents of Dobroyd Parade and Walker Avenue, Haberfield are distressed by the lack of informed consultation about design impacts of proposed noise walls. Design has been signed off and approved, without, what appears to many residents, a satisfactory resolution of their concerns. It appears many decisions are made without adequate or appropriate community engagement or input.
6. Residents of Loftus St and Chandos St Ashfield, who now abut Parramatta Road between Orpington St and Bland St cannot understand why there has been no sound barrier erected between the new relocated westbound surface lanes of Parramatta Rd and their homes. Prior to WestConnex, most lived 60-70 metres away from Parramatta Road, with large buildings shielding their homes from the noise.

- 7.** Similarly, residents along Dobroyd Parade between Waratah and Ramsay St Haberfield, who now live adjacent to the new Wattle St interchange, do not understand why they live with inadequate acoustic shielding, when residents to their north from Waratah, and south from Ramsay will have a 5 metre acoustic wall. This lack of acoustic shielding, impacts significantly on a number of aged and ill individuals in Department of Housing accommodation between Dobroyd Parade, Martin St and Alt St. As well, residents who live along Wattle St and Dobroyd Parade, Haberfield (western side) between Martin St and Parramatta Rd, will have no noise wall and believe they have been offered inadequate 'at property' acoustic treatments.
- 8.** Residents along Parramatta Rd, Ashfield, between Orpington St and Bland St, are distressed and significantly disadvantaged by the absence of a noise wall - and inadequate 'at property' treatments,- in their homes or investment properties, which now back onto the realigned west bound surface road, and both entry and exit ramps from the Parramatta Rd tunnel portals.
- 9.** Poor Worker Traffic Management. Ashfield and Haberfield residents are constantly finding their local streets parked out by WestConnex construction workers. This also impacts upon the Haberfield Public School community, particularly at school and out school care, drop-off and pick-up times.
- 10.** WestConnex subcontractors, in heavy and light vehicles, are often driving around local streets because of an inability to deliver to local construction sites. When complaints are made about these problems, the M4E communications team, rather than simply say that they will investigate, often initially respond by denial of any accountability or responsibility.
- 11.** Lack of water trucks on site. Dust pollution has been a continuous problem. Often when there have been major wind events, the control of dust pollution has been grossly inadequate. The explanation for the inadequate control has been that the water trucks have been located at Homebush and were not available to the Haberfield/Ashfield sites. The contractors must have adequate numbers of water trucks in all facilities.
- 12.** Alternative Accommodation Options. The option to relocate residents living adjacent to construction zones, particularly during after-hours work, appears to be applied with varying consistency across the various projects. A consistent and transparent approach is required for this relief measure to be equitably provided..
- 13.** Utilities Work associated with projects. The M4E project has been characterised by poor coordination of after-hours work by the project builder and various utility companies. Residents have often been subjected to three nights of after-hours work in a week, from the project builder, only to discover that on supposedly 'off nights', water or electricity utility company performs more work after hours.
- 14.** Security of Construction sites. The fencing around the project sites is often poorly secured. There have been numerous instances of fences falling over, because they have been inadequately secured. This has occurred at times of high winds, but has posed a hazard to pedestrians when this has occurred on a number of occasions.

15. Who takes responsibility? Residents find the multi-layered complexity of the project a challenge to negotiate. To successfully lodge a complaint requires multiple communications with various agencies. It should not require a degree in organisational management in order to lodge a complaint. There needs to be one independent body to coordinate and review the problems.

## Part B

**ACTIONS THAT WOULD MAKE A DIFFERENCE TO RESIDENTS IF IMPLEMENTED NOW: These points have all been raised with the Premier, Ministers, SMC and Project Joint Venture builders.**

1. Recommend that Roads and Maritime Service (RMS) strengthens M4 East and New M5 Conditions of Approval (CoA) and protocols by Department of Planning (DPE), given the stronger conditions imposed for the M4-M5 Link. The M4-5 link CoA conditions should be retrospectively applied to both the M4 E and new M5 projects because of identified deficiencies in their current CoA.
2. Expand the M4 East, New M5 & M-5 Link projects impact boundary beyond current Conditions of Approval (CoA), from 50 metres to 100 metres for property mitigation and remediation treatments (construction & operation).
3. Expand the M4 East and the New M5 & M4-5 Link noise and vibration control areas and offers to residents because pre construction 'desktop' predictions have proven incorrect.
4. Recommend that there should be no new above ground construction sites in Haberfield and Ashfield for the proposed M4-M5 Link. Recommend that the promise made to Haberfield/Ashfield residents, on approval of the M4E that no above ground construction sites would be required for the M4-5 link, is honoured by the NSW Government
5. Recommend that there should be no Hybrid Option above ground construction sites in Haberfield and Ashfield for the M4-M5 Link.
6. Inquire as to why a 3<sup>rd</sup> Hybrid Option (for construction sites) is now proposed, given that Haberfield and Ashfield residents were promised that upon approval of the M4 East, there would be no more WestConnex above ground construction sites in our community after the completion of the Homebush to Haberfield tunnel.
7. Recognise the breach of promise and lack of trust in Government, as a direct result of the broken promise made to the Haberfield and Ashfield community, that all above ground WestConnex construction would be finished in 2019.
8. Inquire as to why it is now feasible to use the M4East tunnel site (Northcote St), as a M4-M5 Link tunnelling site, given that the community was repeatedly told during the M4-M5 information and consultation sessions, that this was technically impossible. What has changed technically, to make this site now technically feasible?

9. No Ashfield or Haberfield locations should be used as worker car or construction parking for 'out of area' M4-M5 link construction.
10. Improve noise, dust and lighting disturbances with more on-site water carts, better acoustic shielding of off-road diesel generators, arc and traffic control lighting, ventilation fans and mechanical equipment.
11. Review road traffic control contracts and management of road and pedestrian detours. Engage properly qualified agencies to work with RMS and builders to design and deliver safer pedestrian paths and detours.
12. Implement better traffic management of project heavy and light construction vehicles. RMS to install cameras and monitor construction sites and routes. Registration numbers of all trucks, trailers and construction vehicles to be available to an independent agency for tracking and compliance.
13. Limit the hours of operation of heavy truck movements. Spoil removal should not occur before 7am, or after 6 pm - or outside standard construction hours. The Traffic Management Centre (TMC) should be directed to permit road occupancy licenses (ROL) during daytime off peak period. If essential night work required, RMS standard (approved for King St, Newtown) be implemented of no more than maximum of 6 nights of work per month, in any one location, and that each location be at least 500 metres apart.
14. Investigate further, and adopt world best practice mitigation and remediation measures used on similar large infrastructure projects (e.g. London Cross Rail).
15. More, and better temporary noise barriers and standard use of road and path plates to minimise opening and closing of pedestrian and road trenches.
16. Implement regular construction free periods, in addition to current weekend, public holidays and out of hours limits, scheduled in advance to provide respite and recovery time for residents.
17. Review and improve offers to residents & businesses regards property treatments, alternative accommodation offsets and support. Review rejection or offers to purchase properties 'left behind', upon project approval in 2015 – especially those close to portals, EIS predicted failed intersections and localised surface road pollution hot spots.
18. Commit to further off set measures to compensate Haberfield and Ashfield for significant loss of heritage homes, businesses, vegetation, and street canopy.
19. Direct the proponent collaborate with Sydney Water to renew and revitalise Reg Coady Reserve and naturalisation of the Iron Cove Creek Canal. Above and beyond current Urban Design and Landscape Plan (UDLP), support the greening of the Wattle St/Dobroyd Pde and Parramatta Rd corridors.
20. Seek further opportunities to creatively use residual lands and purchase/lease private lands. Support protection and enhancements of Yasmar Heritage House and gardens, and Haberfield Village, as part of a local community compensation package.



## Part C

### KEY Changes in Conditions of Approval for M4-5 Project compared with M4E Project

The Conditions of Approval documents for the 2 projects differ in layout. Apart from the first Section (A), the remaining 4 sections (B to E) differ from each other. There are quite a number of conditions for the M4-5 link that are required for the first time on a WestConnex project. Many others have been strengthened, with stricter reporting requirements and accountabilities, when compared with earlier conditions imposed on WestConnex projects.

- **The M4E CoA of 60 pages had 183 conditions.**
- Section A, Administrative Condition, had 17 conditions;
- Section B, Environmental Performance had 58 conditions
- Section C, Community Information and Reporting had 5 conditions
- Section D, Construction Environmental Management, Reporting and Auditing had 57 conditions
- Section E, Operational Environmental Management, Reporting and Auditing had 46 conditions
- **The M4-5 Project CoA of 76 pages has 310 conditions.**
- Section A, Administrative Conditions, has 43 conditions
- Section B, Community Information and Reporting, has 17 conditions
- Section C, Construction Environmental Management, has 26 conditions
- Section D, Operational Environmental Management, has 18 conditions
- Section E, Key Issue Conditions, has 204 conditions

**In section A, “Administrative Conditions”, the number of conditions has increased from 17 in the M4E CoA to 43 in the M4-5 Link CoA.**

- Notably Condition A6 strengthens the requirements for evidence of community consultation.
- Condition A17 requires the appointment of an Environmental Representative (ER), approved by the secretary.
- Conditions A18-23 detail the requirements of this officer(s).

- Condition A24 is new. It requires the appointment of an independent Acoustics Advisor (AA), approved by the Secretary.
- Conditions A25 & A25 are also new. They outline key components of the role, which include collaboration with the ER & the newly mandated Community Complaints Mediator (see B13).
- Condition A44 is new. It requires all spoil haulage vehicles to be identified within 50 metres of the vehicle.

**M4-5 Link CoA Section B, “Communication Information and Reporting”, has 17 conditions.**

- Conditions B1-5 detail the expanded requirements of the Communication strategy, which include proper processes for resolution and/or mediation on environmental management and delivery of the project. This expands on the *one requirement (C1) in the M4E CoA*.
- Condition B6 requires a Public Liaison Officer to be available at all times work is occurring. (*We believe that a Public Liaison Officer ought to be on duty and on site at all times when work is underway*)
- Conditions B8-12 details 5 conditions of complaint management, which expand on the 2 conditions (C3-4) from the M4E CoA.
- Conditions B13-16 are all new. They outline 4 new requirements for the appointment of an independent Community Complaints Mediator and the role they play

**M4-5 Link CoA Section C, “Construction Environmental Management”, has 26 conditions.**

- Conditions C10-18 details specific requirements of each Construction Monitoring Program
- Condition C11, the Noise and Vibration Monitoring Program adds a condition for real time noise and monitoring data, which must be readily available to key staff and monitors (ER & AA). Access to the EPA must also be available on request.
- Conditions C19-21 detail specific requirements about Constructions Ancillary Facilities- Options A&B in Haberfield. The Department in its EAR specified that Option A was superior to Option B for a number of reasons. If the Option B is still preferred by the Contractor, they must submit a comparative analysis for approval at least one month prior to any construction of ancillary facilities, including a report on Management and Mitigation measures.

**M4-5 Link CoA Section D, “Operational Environmental Management”, has 18 conditions.**

**M4-5 Link CoA Section E, “Key Issue Conditions”, has 204 conditions. These are much more specific and require greater degrees of compliance from both the proponent and project contractor.**

- Conditions E1-42 detail requirements into standards of air quality, monitoring of air quality, notification on reporting on air quality, air quality auditing and quality assurance.
- Condition E33 requires notification to the Ministry of Health and the EPA of adverse Air Quality levels above set goals in E6
- Condition E42 is new. It sets out requirements for local and subregional air quality, as it relates planning and building approvals for buildings that may be impacted by exhaust ventilation plumes.
- Conditions E43-65 detail requirements for Traffic, Transport and Access.
- Condition E49 is new. It specifies that spoil haulage movements on local roads are not permitted within one kilometre of construction works and ancillary facilities unless approved by the Secretary of DPE.
- Condition E51 specifies that any local road usage must not compromise the safety of the public and have minimal amenity impact.
- Condition E 52 is new. It specifies management responsibility of construction and staff vehicles within a Traffic and Transport CEMP.
- Condition E53 is new. It confirms the responsibility for monitoring the location of all spoil haulage vehicles in real time and that all vehicles be identifiable (cf A44)
- Conditions E55-56 identify responsibilities for road safety and that an independent Road Safety Audit is undertaken. Audit findings and recommendations must be actioned prior to construction.
- Conditions E57-60 identify responsibilities for Pedestrian and Cyclist access.
- Conditions E66-100 detail conditions associated with the impacts of Noise and Vibration
- Condition E66 is new. It identifies the need for a detailed land use survey, to confirm sensitive receivers and this work must be undertaken prior to any impacting work taking place that generates construction or operational noise and/or vibration
- Condition E67 is new. It requires that assessment, management and mitigation of noise and vibration issues consider cumulative impacts of such intrusions not only from Westconnex related projects but also any other ambient or background intrusions.
- *Condition E68 defines normal work hours, only to be over-ridden by E69 which extends “normal” work hours to Saturday afternoon and section E70 which specifies what can occur 24 hours/day, including 24 hour haulage of spoil.*
- Condition E73 specifies requirements of an out of hours works protocol, for works not subject to an EPL.

- Condition E77 details the requirements for the out of hours works protocol mentioned in E73
- Condition E78 details the requirement to coordinate all out of hours work, including third party work.
- Conditions E86-93 detail noise mitigation and noise insulation requirements and procedures
- Conditions E125-137 outline conditions for Design Review and Urban Design and Landscape plans
- Conditions E140-141 are new. They outline conditions for a strategy of Utilities management and the appointment of a Utilities Coordination Manager to advise the PLOs and CCM