

**INQUIRY INTO IMPACT OF THE WESTCONNEX
PROJECT**

Name: Ms Kathryn Calman

Date Received: 12 November 2018

Partially
Confidential

Legislative Council – Public Accountability Committee

12 November 2018

Dear Honourable members

WestConnex Property Damage – and Elouera Street Beverly Hills

On 7 November 2018 we received a response to our formal complaint (10/10/2018) to the Secretary, Department of Planning and Environment, relating to the issue of our damaged homes from , Principle Manager Communications, WestConnex. The content is copied into the body of this letter to support our testimony at the WestConnex Parliamentary Inquiry.

Since day one, the RMS have unfairly put the onus of proof back onto the homeowner regarding construction damage to adjacent properties, yet they deny homeowners the evidence they need to complete this task. They expect to go unchallenged their assertion that causation could be due to possibilities like a “dripping garden tap”, whilst ignoring the most probable cause being nearby WestConnex construction.

We therefore find the RMS excuse for the continued concealment of the geotechnical documents and as-built drawings due to “security reasons” is inappropriate.

We challenge the unsubstantiated opinion regarding the below reference -13.5.5- that our homes at 25 and 30 metres from construction, downhill from deep excavation, de-watering and new drainage is “outside the zone of influence”. We would require from RMS factual evidence be supplied to us supporting such a claim.

We consider that the structure of the Inglis report was intended to obfuscate possible causations of changed soil moisture content with references to AS2870-2011 Clause 1.3.3(a) and the key clause AS2870-2011 Clause 1.3.3(b) hidden some 90 pages later, figure 1, is an example of irregularity.

As we have said many times, if the RMS have nothing to hide, there should be no issue in providing these documents to us, as well as providing vibration measurements to other complainants.

We urge the Accountability Committee review the inequitable advantage the proponent has over ordinary families. It is not fit nor proper that the RMS lay the burden of proof onto the homeowner, then deny us access to relevant documents.

No infrastructure project should leave families with significant repair bills. The RMS has failed in their duty of care to protect, mitigate and repair homes they have damaged.

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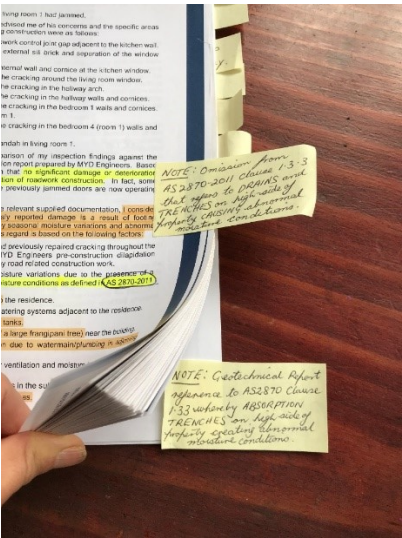


Figure 1 AS2870 ref (a) and (b) separated by 90 pages

We need your help.

Yours sincerely

Kathryn Calman and John English

Email from dated 7 November 2018:

I write regarding your email to the Department of Planning and Environment (DPE) dated Wednesday 22 August 2018. DPE forwarded this email for response and I apologise for RMS's delay in responding to your concerns.

Your email on 22 August 2018 to DPE references a request by yourself and Mr John English for reports from RMS and included in the chain is Mr English's email to DPE dated 22 August 2018 which references, "Structural Assessment Report obtained by the residents from Meinhardt Australia contained recommendations for documentation from the Department of Roads and Maritime".

RMS has not been provided with a copy of the report prepared by Meinhardt Australia, however as per your email dated 21 August 2018 to RMS, I understand this relates to a request for geotechnical data and as-built drawings for infrastructure installed as part of the King Georges Road Interchange Upgrade project? If so, RMS has

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considered this request and due to security concerns the organisation is unable to provide you and Mr English with geotechnical data and as-built drawing documents.

Regarding your request to RMS dated 21 August 2018, "that geotechnical investigation be conducted and a report be provided by a suitably qualified geotechnical engineer to determine the sub strata foundation material, classify the site and current water table level". RMS supports the assessment methodology and findings of the Structural Assessment Report, [redacted] Elouera Street, Beverly Hills, prepared by Ingliss Engineering on 19 July 2017 and provided to Mr English via email 4 August 2017 in which the report author, states, "I do not believe the observed damage to be the result of any construction activities related to the King Georges Road Interchange Upgrade." With reference to geotechnical investigation and ground water profile, the author also states:

"13.5.4. Referring to the supplied geotechnical information outlined in Section 11 of this report, the groundwater table was encountered at a depth of 6.4 to 7.4 m below ground level in the vicinity of the subject site. The level of groundwater was approximately coincident with the higher strength bedrock level and at a level coincident with the depth of roadworks excavation. It is likely groundwater was encountered at the base of the excavation for the roadworks and therefore the works may have caused some modification of the groundwater profile and modification of the subgrade moisture content in the zone of influence of the excavation.

13.5.5. In my opinion, the subject property lies outside of the zone of influence of the excavation and therefore any excavation related modification of the subgrade moisture content is secondary to the likely root cause of the damage, namely seasonal moisture variations and the abnormal moisture conditions discussed earlier."

On the basis of these findings, RMS does not consider further geotechnical investigation to be required to support these findings.

RMS have investigated your property damage claim and have taken measures to ensure you and Mr English have an opportunity to discuss your concerns. On 21 May 2018, RMS emailed Mr English to offer to arrange a meeting with RMS representatives and [redacted], Ingliss Engineering, the engineer who completed the structural assessment and authored the Structural Assessment Report, [redacted] Elouera Street, Beverly Hills. The purpose of the meeting was to provide an opportunity to ask questions about the structural assessment findings, methodology and the qualifications of the engineer who carried out the assessment. This offer was declined by Mr English on 27 May 2018.



Figure 2 - another sheet of plaster soon to collapse.