

Hon. Daniel Mookhey

Received by

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Resolved to publish Yes / No



Date	Event	Comment	Source
20 June 2007	Billbergia Group buys 1 Grand Ave, former James Hardie factory, for \$6.3m		Property records
2 June 2014	Premier announces Parramatta Light Rail feasibility study		<u>Daily Telegraph drop</u> ahead of public announcement
Mid 2014	4-6 Camellia identified as a potential site for a stabling yard	Only have two pages of PB report, otherwise references to it (such as June 2015 BN RS15109485)	BNs cite Parsons Brinkerhoff Feasibility Design Report; two pages of report REF AA
27 October 2014	Four shortlisted routes announced		According to <u>media release</u>
Late 2014	WestLine Partnership formed to fast-track delivery of light rail through Camellia (Olympic Park option)	Partnership chairman Christopher Brown bio later <u>states</u> the group "secured a light rail connection along the Olympic Corridor"	2015 <u>Deloitte report</u> commissioned by WestLine Partnership
March 2015	EOI commences for 4-6 Grand Avenue	The EOI wasn't advertised until 21 April and then again on 12 July, according to property records	March date cited in numerous briefing notes
26 March 2015	Report to FIC recommends up to \$30m plus \$4.75m in GST and costs to purchase 4-6 Grand Avenue based on an expected value of \$25m-\$30m	Negotiated contract was to include cost of remediation borne by the vendor with EPA audit signing off the site required before settlement	Business paper to FIC, ref 4126432 REF E Guardian email references this document REF QQ
9 April 2015	FIC approves \$30m plus GST to purchase 4-6 Grand Avenue, plus 250k in due diligence costs	Notes the outcome of the EOI "is to be brought back to FIC"	Acting Secretary Tim Reardon memo and attachment date stamped 17 April 2015 REF B
20 April 2015	Suitability of 6 Grand Ave assessed by Parsons Brinckerhoff	<u>Notes site contamination that may affect operation of the site, flags need for further investigation of this</u>	Parsons Brinckerhoff report REF N
23 April 2015	TfNSW makes Akzo Nobel offer for 4-6 Grand Ave	Original offer of \$19.84m	Letter to CBRE from James White REF FF; Email to James White from Liam Hannan REF FF
2-4 May 2015	TfNSW makes revised	Conditional offer of	Cover letter to CBRE

	offer to Akzo Nobel	\$22m plus GST	from Liam Hannan <b>REF II</b> and Letter of Offer from James White, both dated May 4
June 2015	Strategic Business Case to be completed by Planning Division	Indicative timeline	BN RS15109485 signed by Matthew McKibben LR Manager on 9 June and Jason Rogers, GM Major Project Transport Planning on 11 June <b>REF C</b>
9-11 June 2015	Approved \$250k in due diligence funds to be allocated to Transport Projects Delivery Office to lodge an EOI	Doc refers to paper to FIC being submitted and approved in April 2011 - typo?; the Project Property Services team within the TPO to coordinate and manage the EOI	BN RS15109485 signed by Matthew McKibben LR Manager on 9 June and Jason Rogers, GM Major Project Transport Planning on 11 June <b>REF C REF E</b>
8 June 2015	Public speculation that Olympic Park govt's preferred route		Daily Telegraph <u>report</u>
9 to 16 July 2015	Approval of a confidentiality agreement between TfNSW and vendor, Akzo Nobel Chemicals	Agreement to enable the release of environmental information to experts who would advise TfNSW how to manage risks; TfNSW required this info after making an initial offer "so a firm EOI with conditions can be made"	Significant issues paper, doc ref no 4451046 <b>REF D</b>
12 July 2015	4-6 Grand Ave Advertised through CBRE – Western Sydney		According to property records
16 July 2015	Confidentiality Agreement with Akzo	Copy sighted only signed by TfNSW	Attached 9 to 16 July BN ( <b>REF D</b> ), <b>REF F</b>
21 July 2015	Seeking access to due diligence docs	Available Site Audit Statements did not cover the full site	Emails between Liam Hannan and CBRE <b>REF MM</b>
28 July 2015	Email re access to "data room" for 6 Grand Avenue		Email to Liam Hannan from Tracey Lynch <b>REF GG</b>
11 August 2015	<u>Initial EOI closing date;</u> <u>TfNSW makes offer of</u> <u>\$28.25m plus GST</u>	Letter from TfNSW identifies "data gaps" in site audit statement that would need to be	CBRE EOI form with offer and audit attached <b>REF LL</b>

		resolved to confirm site is suitable for commercial/industrial use	
2 September 2015	Discussing re engaging an external lawyer re EOI	"To review the sale contract, recommend special conditions...in particular that the site is remediated and a site audit issued prior to settlement".	Emails between Liam Hannan et al. REF UU
18 September 2015	EOI closes, TfNSW makes final offer of \$28.25m GST	Agent notes in email "our client has a strong preference for an unconditional sale"; TfNSW offer made with environmental conditions	Emails between Liam Hannan, Acquisition Manager and CBRE agent Michael O'Neill REF BB; formal offer from TfNSW REF CC
7 October 2015	Awaiting outcome, email laying out other options	Email notes sale process "is becoming protracted"; other options canvassed include higher offer, unconditional offer ("high risk" of cost blowouts) or compulsory acquisition ("additional costs and cost risks")	Email from Liam Hannan to Matthew McKibben REF EE
14 to 28 October 2015	TfNSW considers pursuing a different site	No other sites had become available but refers to a new site "potentially ...coming to market next year"; option of a 3.2ha Grand Ave site owned Asciano	Emails between Liam Hannan and James White REF HH; Emails between Liam Hannan, James White and Charlotte Stanfield regarding Asciano REF VV
6 November 2015	Advised "off market" Asciano site had sold for \$14.8m	Or at 3.2ha, \$451/m2; James White: "Based on this sale we are already paying a premium based on our last offer to AKZO".	Emails between Liam Hannan, James White, Matthew McKibben, Charlotte Stanfield et al. REF SS
12 November 2015	Grand 4 Investments Pty Ltd, a subsidiary of Billbergia, reportedly established	"Records from the corporate regulator" cited by Guardian Australia	Guardian Australia email REF QQ
25 November 2015	Contract of sale for 4-6 Grand Ave to Grand4/Billbergia, which secured	Have not sighted property record with settlement date	According to BNs REF I

	unconditional sale for \$38.15m		
8 December 2015	The preferred light rail route announced		<u>Media release</u>
4 April 2016	Title search 4-6 Grand Ave, Camellia	Confirming Grand 4 ownership, includes mortgage to Akzo Nobel Chemicals	SAI Global search REF S
4 to 7 April 2016	Email to Parsons Brinkerhoff requesting assessment of depot configurations for part but not all of 4-6 Grand Ave	Response shows site "can only fit a reduced size of stabling yard"	Email from Raymond Ng, Acting Infrastructure Lead PLR REF NN
12 April 2016	TfNSW first approach to Billbergia re 4-6 Grand Ave?	A "conversation" between the parties	Referenced in 15 April 2016 email from Billbergia's Paul Addison REF PP
14 April 2016	Knight Frank values 2ha (a third) of the site for \$30m	Email notes Knight Frank "would be conflicted from providing valuation advice" as it had completed nearby valuations on behalf of Billbergia	Email between May Ly and Deidre Stewart REF KK
15 April 2016	Billbergia values site at between \$64.5m and \$90m	Refers to CBRE valuation sought by company, and proposes \$75m for the site	Email from Billbergia's Paul Addison REF PP
15 April 2016	"Billbergia Rationale"	Sets out that Billbergia wants \$75m for the site; cites prelim valuation advice to TfNSW from Knight Frank for \$30m for 2ha of the site, and what seems to be an internal TfNSW assessment that put the market value for the whole site at \$49.65m to \$55.83m (\$54.3m to 60.8m factoring disturbance)	Single folder page with reference to an email on this date from Paul Addison, and Frank Knight advice REF A
18 April 2016	Approval sought for \$142.2m in funding, which included \$80.1m to secure 4-6 Grand Ave	"Part of this funding will be used to acquire a site for a stabling facility for the Project (\$80.1m)"	Dep Sec briefing note drafted by James White, ref 5113558 "for approval by 21 April 2016" and endorsed by Tim Poole REF J
18 to 28 April 2016	Recommend	States construction at	Ministerial BN ref

	compulsory acquisition process commence as access to 4-6 Grand Ave required by 2018	the site due to commence in late 2018; states compulsory acquisition required as "it appears unlikely that an agreement on compensation will be achieved" and this would ensure a timely acquisition but that negotiations would nonetheless continue; states such acquisition would be on an "as is" basis; notes the mortgagee is former proprietor Akzo Nobel Chemicals; background refers to "several" offers made by TfNSW during EOI	5113558 drafted by James White who signed the background 18 April and approved by Peter Regan on 19 April REF K cc Tim Reardon, who signed 20 April.
19 April 2016	Phone conversation between James White and Paul Addison of Billbergia	TfNSW "could support a value in the low 50s"; Billbergia "won't accept less than the mid 60s for the site". James White: "I reiterated that we do have compulsory powers and he thought that once he'd leased up the site Baird wouldn't touch it". Discuss offering to buy only part of the site instead	Email from James White to Deirdre Stewart REF OO
20 April 2016	Meeting with John Kinsella	Minutes not sighted	James White email to John Kinsella, cc Paul Addison and Tim Poole REF G
21 April 2016	Email from James White to John Kinsella, of Grand 4/Billbergia	TfNSW "willing to increase" offer to \$53.5 million – no mention of previous offer value; states TfNSW would be provided all info/investigations that "enables Grand 4...the ability to develop the site for industrial use" rather than stipulate conditions for remediation	Email ref 5115877 cc'd to Paul Addison and Tim Poole REF G

27 April 2016	TfNSW letter to Colliers requesting valuation for 4-6 Grand Ave	To consider relevant heads of compensation and market value re short/medium term industrial use	TfNSW letter to Colliers, REF DD
28 April 2016	Minister approves the compulsory acquisition of 4-6 Grand Ave	This is the copy that is to be released to the Guardian. See notes of 18 to 28 April 2016	Ministerial BN drafted by James White and signed by Tim Reardon dated 20 April 2016 REF L
28 to 29 April 2016	Approval for purchase of 4-6 Grand Ave for \$53.5m	States site to be sold "as is" with TfNSW to undertake remediation; states compulsory acquisition would lead to "adversarial engagement with a major stakeholder"; states FIC paper "being finalised" to fund \$80.15m for purchase plus remediation; attachment includes a number of unsourced and unverified property valuations that are used to support assumptions about the value of property; states Grand 4 wanted \$75m based on "hypothetical" development options; notes BN has been prepared for minister to approve compulsory acquisition; attaches undated Deed as drafted by Swaab	BN ref 5113558 drafted by James White. John Karaboulis signs 9 April – Sandy Koo email states this was a typo REF P; Tim Poole signs 28 April REF I
29 April 2016	Recommends FIC approve the release of \$142.2m, including \$80.2m for "purchase and remediation" of Grand Ave site	Despite the \$80.2m reference, Attachment B states "TfNSW will negotiate a contract where the remediation and cost associated will be at the landowner's cost" and after signed off by EPA auditor	FIC Business Paper signed by Dep Director General REF M
4 May 2016	Approval for initial 10 per cent payment (\$5.35m), and allocation of	Note puts purchase plus remediation at \$80.15m; notes Grand 4 requires settlement by	BN 5130423 signed (and prepared by) James White, awaiting Stephen Fox

	settlement funds	30 June to avoid defaulting on Akzo mortgage; notes Swaab Attorneys drafted Deed and Contract for Sale on behalf of TfNSW	approval REF H
10 May 2016	Letter from Swaab regarding site acquisition	"We confirm your instructions that TfNSW is acquiring the property in its current state and will assume all liability for contamination and pollution in the property, both current and historical"; confirms Grand 4 indemnity; attached signed contract notes in pencil and post-it "DO NOT DATE"	Letter addressed to Deirdre Stewart, Principal Manager Property, Light Rail REF Q; Deed signed by William and John Kinsella and witnessed by James White and what appears to be Wes Heron REF R; contract signed by James White, Wes Heron and the Kinsellas REF T
11 May 2016	Payment Authorisation for \$5.35m	To Swaab Attorneys trust account	Payment Authorisation REF U
13 to 17 May 2016	Approval of Deed of Acquisition, Settlement and Release between TfNSW and Grand 4 and payment of \$53.5m	Notes the vendor is indemnified against risks associated with contamination	Significant Issues Paper ref no 5143259 drafted by Deidre Stewart and signed by James White, Tim Poole, Mark Paige and Wes Heron between 13 and 17 May REF O
16 May 2016	FIC approves \$53.5m for the purchase of 4-6 Grand Ave	Approved out of session due to urgency	FIC email to John Karaboulis dated 16 May 2016 REF V
19 May 2016	Deed of Acquisition, Compensation and Release and Contract of Sale signed		Tax invoice from Grand 4 dated June 15 2016 REF JJ
7 June 2016	FIC approves \$64m for PLR final business case	States that in May FIC approved separate \$53.5m for Grand Ave purchase; minutes note FIC did not approve \$24.7m for remediation, which would be the subject of further submission if required	Minutes from FIC meeting No. 50 REF W; Secretary Memo date stamped 16 June 2016 REF X
15 June 2016	Balance of funds (\$48.15m) due to be paid to Grand 4, based on Deed		13 May 2016 Significant Issues Paper drafted by Deidre Stewart; Tax

			invoice from Grand 4 <b>REF JJ</b>
15 June 2016	Written instructions to Colliers from Tim Poole	Notes valuation of "as is" state was undertaken for "compulsory acquisition purposes"; makes reference to "original instructions" -- of 27 April 2016?	Colliers International Valuation citing letter from Tim Poole <b>REF Y</b> ; Earlier correspondence with Colliers <b>REF DD</b>
8 July 2016	Formal valuation of the 4-6 Grand Ave puts "as is" value at \$25m; and a "highly subjective" redevelopment potential value of \$52m	"We strongly recommend a full suite of Due Diligence" re contamination, but separately notes "we have been specifically instructed to disregard any known (and unknown) site contamination"	Colliers International Valuation <b>REF Y</b>
2017	Sets out valuation and site inspection required before formal offer	"All acquisitions are to be supported by formal valuation", except in cases where property is low value and low risk; Policies pre 2017 not sighted	Land Acquisition Practice Note <b>REF Z</b>
2017	TfNSW commissioned PWC report that considered land values in Camellia	GA email states this doc describes "significant barriers" to value adding at the site due to contamination and puts its base case residual land value of \$nil (- \$3.05m). Haven't sourced/confirmed dollar amount cited by GA	Guardian Australia email, <b>REF QQ</b>
May 2017	PLR final business case due		FIC Business Paper, 29 April 2016 <b>REF M</b>
15 February to 29 March 2019	Guardian Australia GIPA	GIPA request and documents to be released on 29 March include <b>REF L</b>	Draft GIPA decision and documents marked for released (unredacted) <b>REF RR</b>
25 February 2019	Guardian Australia media enquiry	Also includes response from TfNSW	Guardian Australia email, response from TfNSW <b>REF QQ</b>
26 to 29 March 2019	Responses provided to TfNSW media team in preparation of holding lines	"We do not typically produce a formal internal valuation report" however do research; (JF later	Emails between Leesha McKenny and John Fisher <b>REF TT</b>

		clarified that we do get external reports)	
Mid 2020	Site remediation to be completed	Two-stage process, may be subject to further cost revisions	Fact sheet on remediation works sent to Guardian Australia REF QQ

## ISSUES:

- What acquisition policy was in place in 2015/2016?
- Changes in position re remediation, and approval for costs against this
- Colliers valuation

