



Transport for NSW

Responses to post-hearing questions

Portfolio Committee No 6 – Transport and
Customer Service

Inquiry into acquisition of land in relation to major
Transport projects

Hearing Date – 18 March 2022

QUESTIONS ON NOTICE

QUESTION 1: (page 53)

The Hon. DANIEL MOOKHEY: How many high-risk, high-value acquisitions were identified for that audit?

MARK SLATER: I would need to take the question on notice as to the exact number of total acquisitions that were investigated and how many of them were high risk and high value. But one of the elements was to ensure that high risk and high value were a key part of the audit.

ANSWER: 11 acquisitions.

QUESTION 2: (page 54)

The Hon. DANIEL MOOKHEY: There were two issues in Camellia. There was what we paid for it and then the cost of cleaning it up and why we did not know about the full cost of cleaning it up after we bought it. Did the audit touch on land remediation of required sites or was that beyond its scope?

MARK SLATER: I would need to take that question on notice, specifically covering what the scope was in relation to remediation of sites.

ANSWER: The audit scope covered, amongst other things, whether environmental surveys were undertaken to identify liabilities and ongoing environmental commitments, such as contaminated land, as part of acquisition planning.

QUESTION 3: (page 55)

MARK SLATER: There is now a Transport property acquisition policy, yes. But there is also a suite of artefacts and some process documents which ensure that the operatives that have to deliver this are really clear on what the minimum expectations are. The governance and assurance that has to be stepped through is very clear and also the checks and balances that you would expect us to have for that type of expenditure are now very clear.

The Hon. DANIEL MOOKHEY: Can you on notice perhaps table that policy and any of the other supporting documents that you just made reference to, to the extent of which is possible?

MARK SLATER: We will provide any documentation that we are able to, yes.

ANSWER: A copy of the Property Acquisition Policy has been provided to the Committee.

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QUESTION 4: (page 55)

The Hon. DANIEL MOOKHEY: How many acquisitions are afoot currently?

MARK SLATER: I can give you a general number now, but if I could take that on notice.

ANSWER: Transport for NSW currently has 639 acquisitions underway, this includes acquisitions of interests in land.

QUESTION 5: (page 55)

MARK SLATER: And there would be interests on top of that, correct.

The Hon. DANIEL MOOKHEY: Can you on notice give us the number of live interests, to the best you can?

MARK SLATER: Yes.

ANSWER: There are currently 142 live interests in land being acquired by Transport for NSW.

QUESTION 6: (page 56)

The Hon. DANIEL MOOKHEY: Predominantly road acquisitions though? Do you accept that?

MARK SLATER: We can give you the breakdown, but it would be a higher proportion of roads, yes, but there are others beyond that as well.

The Hon. DANIEL MOOKHEY: Can we get the breakdown between road and rail, and then also the geographical location information to the best that you possibly could that are live?

MARK SLATER: Yes.

ANSWER: All current Transport for NSW acquisitions relate to road acquisitions. Of the 639 acquisitions underway, 354 are in regional NSW and 285 are in the Greater Sydney region.

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QUESTION 7: (page 56)

MARK SLATER: Yes.

The Hon. DANIEL MOOKHEY: Then of that 10 per cent, do you know how many of them appealed or objections were lodged with the Land and Environment Court?

MARK SLATER: I do not believe I have that information with me but it is something that I can take away and come back to you on.

ANSWER: Between financial years 2017-2021, 19 compulsory acquisitions of private freehold land have been lodged with the Land and Environment Court.

QUESTION 8: (page 57)

JULIE GEE: Sorry, yes, that is right. I thought you were going back to the property numbers. Yes, six out of 10. That is of all the various property acquisitions that happen across the board. The Property Acquisition Standards support the Just Terms Act. There are a number of standards and one of them is—I can go through them if you like.

The Hon. DANIEL MOOKHEY: No, on notice if you do not mind.

ANSWER: The NSW Government Property Acquisition Standards are publicly available at <https://www.nsw.gov.au/sites/default/files/2022-03/property-acquisition-standards.pdf>.

QUESTION 9: (page 59)

MARK SLATER: Not specifically, no. I am not aware of an escalation in relation to Mulgoa Road.

The Hon. DANIEL MOOKHEY: You have not heard from a dental practice and a motorcycle business?

MARK SLATER: I can come back to you on the specifics, but I am not aware, no. There are a number of different matters that are going on.

The Hon. DANIEL MOOKHEY: Can you take it on notice and find out whether or not you are hearing objections or complaints in that respect?

ANSWER: Transport for NSW is aware of, and has been engaging with, multiple home and business owners impacted by the Mulgoa Road project.

Where an agreement on the terms and conditions for an acquisition cannot be reached with a home or business owner, the land may be compulsorily acquired in line with the *Land Acquisition (Just Terms Compensation) Act 1991*. In instances where the Valuer-General's determination is not accepted by a home or business owner they are able to lodge the matter with the Land and Environment Court for resolution.

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QUESTION 10: (page 62)

GEOFF CAHILL: I cannot answer that. As I said, our task is to protect the corridor: to identify it, get it gazetted and then make sure it is protected. Once the corridor is there, it is up to a subsequent government to work out the details of design and the timing of the infrastructure going in.

The Hon. DANIEL MOOKHEY: I appreciate, Mr Cahill, that it might not be within the remit of your team. Therefore, can I invite you, Mr Slater, Ms Gee or someone else to take it on notice to get a response? These 19 property owners in Narellan have not heard a word and they are a bit worried. Would we mind if we can get them an update as to what is going on, if anything? Particularly around—

GEOFF CAHILL: Yes.

ANSWER: Corridor preservation is the process of identifying and protecting land to build future transport infrastructure including roads or train lines in the future. Corridor preservation makes sure land is available when the infrastructure is needed, and is important when planning for the needs of growing communities and industries.

Transport for NSW has been in contact with affected landowners at Narellan since March 2018, and will continue to do so. Most of the land owners at Narellan were most recently contacted in September 2021. A further update will be provided in the coming weeks.

It is acknowledged that corridor preservation can impact the short and long term planning and property decisions of landowners, and Transport for NSW encourages landowners to discuss their personal circumstances at any time. A Corridor hotline to a Communications Officer and Personal Manager Acquisitions is publicised and available, and subject matter experts can be called in as required.

More broadly, Transport for NSW maintains a Corridor Projects website, which is kept up to date for the benefit of landowners and the community. This is publicly available at <https://www.transport.nsw.gov.au/corridors>. When land is required, all acquisitions will be under the Land Acquisition (Just Terms Compensation) Act 1991. The property valuation and acquisition process will be fair, consistent and transparent and a Personal Manager will be provided as a support person to all landowners.

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QUESTION 11: (page 65)

The Hon. DANIEL MOOKHEY: What was discussed?

GEOFF CAHILL: All our discussions with developers and any stakeholders are recorded in Consultation Manager, which is a secure database. I would have to refer to what was—

The Hon. DANIEL MOOKHEY: Would you like to take that on notice?

GEOFF CAHILL: I am happy to take that on notice and if it helps you, Mr Mookhey, I would be happy to get a copy of what you have in front of you.

ANSWER: In 2015, Transport for NSW met with Penrith City Council and Celestino. During the meeting Celestino advised they would soon lodge a Development Application. Celestino put forward the suggestion that the Outer Sydney Orbital go through the western portion of their site.

A number of corridors within a broad study area were investigated for the Outer Sydney Orbital. The final alignment provides connectivity and balances the range of issues and constraints relevant to the alignment.

QUESTION 12: (page 66)

The Hon. DANIEL MOOKHEY: I will try it; no-one has ever tried that before. To continue on with the narrative, Mr Cahill, the suggestion to move the corridor to what ends up being its alignment, was that raised in those direct meetings you were having with SSP as one potential solution to this?

GEOFF CAHILL: I would be very surprised if we spoke about what our plans were. Most discussions with developers, community, residential et cetera is to understand their views.

The Hon. DANIEL MOOKHEY: To be fair, I was not asking you whether or not you put that as a solution. I guess now I am asking you, did they put that as solution to you?

GEOFF CAHILL: I do not recall if they did or not.

The Hon. DANIEL MOOKHEY: Can you take that on notice and check the records that you referred to earlier to see if that is the case?

GEOFF CAHILL: Yes, certainly.

ANSWER: Celestino put forward the suggestion that the Outer Sydney Orbital go through the western portion of their site.

A number of corridors within a broad study area were investigated for the Outer Sydney Orbital. The final alignment provides connectivity and balances the range of issues and constraints relevant to the alignment.

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QUESTION 13: (page 70)

The Hon. DANIEL MOOKHEY: Can you, on notice, check whether you had any communications with any Minister or ministerial office about this matter?

GEOFF CAHILL: Yes, we can check our consultation manager database.

The Hon. DANIEL MOOKHEY: Thank you.

ANSWER: Transport for NSW regularly briefed the relevant Minister and their Office on the status of the Outer Sydney Orbital.

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