

RAW's Introductory Statement.

RAW thanks the committee for the opportunity to make a submission and it is hoped that the findings of the committee will reflect the wishes of the landowners of this country who have had the ownership of their land negated by the use of the SSI legislation for the benefit of private companies. A use that is currently the subject of a court challenge.

It is universally held that land is owned from the boundary of the plot to the centre of the earth, but *not so* in some Australian States. With the simple stroke of a SSI pen, landowner's rights are vanquished.

It is particularly telling that even in a small South East Asian country such as Malaysia, the rights of individual landowners are respected.

In this regard we lag significantly behind what many would see as a third world country.

RAW contends that the NSW Government has failed its citizens in relation to items: 1 b (i), 1 b (iv), 1 (d), 1 (e), 1 (f), 1 (g) and 1 (i) in relation to the following;

- The construction of the controversial WestConnex project.
- The total cost will be around \$45.6 billion, not the \$16.8 billion quoted.
- As the business case is commercial in confidence the true cost may never be known.
- More than 400 homes in Sydney's inner-west were compulsorily acquired and destroyed.
- The sub stratum acquisitions by the State and then the privatisation of the underground by selling the projects to private investors.
- Land owning citizen's rights essentially ignored.
- The recognition of impacts only superficially explored.
- The diminution of land value has been completely ignored, *due to*
- The loss of market value of a property ~~due to~~ *because of* the tunnel(s) beneath it.

- The lack of payment of ANY, let alone adequate compensation for sub stratum acquisition by a private company, under the guise of SSI.
- The methods used to issue compulsory acquisition notices (often two security guards accompanying a person in a suit who issues the compulsory acquisition notice).
- The take it or leave it offer of payment of approximately 60% of the current market value of a property.
- The issuing of an EIS *prior* to the design of the project, which is a cart before the horse approach and an obvious denial of natural justice.
- The public consultation process that is designed to divide and conquer and proved to be simply a box ticking exercise, with no appreciable impact on the EIS design.
- Community information sessions staffed by marketing people who are unable to answer specific questions.
- The failure to hold public meetings.
- The unwillingness to even consider alternative solutions.
- The refusal of contractors to attend community organised public meetings unless resident spokespersons were denied a position at the table.
- The denial of genuine and well informed members of resident's groups to attend the compulsory community/contractor meetings, even though this remains a statutory requirement.

So who really owns the underground?

The Latin maxim;

Quee e. s. t. solum eeus e. s. t. s. quee add kylem e. t. add inferos

Simply means:

“For whoever owns the soil, it is theirs, up to heaven, and down to hell”

Again, who is actually entitled to subterranean access?

There has been an increased global tendency towards the privatising of subterranean spaces in cities. This is despite public monies often being used for underground infrastructure development.

Given their critical role in the liveability and function of cities, there is a strong argument to be made that underground urban space should be for the public good, not to benefit a private entity.

This is a key urban justice question, particularly given the aforementioned plethora of privatisation!

CONCLUSION

RAW is in total agreement with Low and Iveson 2016, who state *that mechanisms that allow much greater public input into how underground urban spaces are shaped, imagined and used are required.*

RAW agrees that we need governance practices that are not subject to the logics of accumulation that unevenly distribute access, based primarily on who can pay.

Garrett, Melo Zurita, and Iveson 2020, state that *by asking and engaging with these questions, urban scholarship can explore ways to move subterranean urban development away from a techno scientific tunnelling decision-making process to one that engages with the social, cultural, political and economic implications of urban infrastructural projects.*

FINALLY

RAW wishes to acknowledge the significant contribution made to our Parliamentary submission by the many campaigners against WestConnex and especially by **Dr Maria de Lourdes Melo Zurita (2020): Challenging sub terra nullius: a critical underground urbanism project, Australian Geographer**, and the **Environment and Society Group** at the University of New South Wales, Sydney.

Thank you.

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