Submission No 54

INQUIRY INTO ACQUISITION OF LAND IN RELATION TO MAJOR TRANSPORT PROJECTS

Name: Name suppressed

Date Received: 1 July 2021

SUBMISSION
RE: RMS/TfNSW and LAND ACQUISITION FOR THE NORTHERN ROAD REALIGNMENT
and the
AIRPORT/AEROTROPOLIS
30 June 2021

INTRODUCTION

Following the Commonwealth Government's announcement of the Second Sydney Airport at Badgery's Creek in 2014, the process to realign The Northern Road commenced in 2014/15 with community consultation on four possible options for the segment of Eaton Road to Elizabeth Drive, Luddenham.

We wish to submit to the Inquiry our experience of:

1. the consultation and acquisition process by NSW Roads and Maritime Services (RMS now Transport for NSW) of our family land for the purposes of realigning The Northern Road at Luddenham for the new Western Sydney airport; and

2. planning, consultation and acquisition processes by the NSW Department of Planning/Aerotropolis Planning Partnership regarding the new Western Sydney Aerotropolis and surrounding properties/precincts.

EXECUTIVE SUMMARY

The Northern Road Realignment

- Four options for the realignment of The Northern Road to bypass Luddenham were proposed.
  - Two options were clearly the favoured options: Eastern and Western.
  - While they appeared similarly weighted in terms of community views, the Eastern option was chosen by the RMS.

- The then Roads and Maritime Services (RMS), now Transport for NSW (TfNSW), advised they would be acquiring a component of our land for the Eastern option.

- The RMS commenced with exceptionally low offers for the parcel of our land (around 8% of our independent valuation).

- The second offer in February 2017 doubled the offer (16% of our independent valuation);
- The valuation by the Valuer-General's Department (VGD) in August 2018 was just over four times the initial offer (34% of our valuation).
- The zoning of the land prior to acquisition appeared not to be considered by TfNSW; and
- We deemed these offers as wholly insufficient.

- The matter proceeded to listing for the NSW Land and Environment Court.
  - Hearings were to commence in May 2020 but due to covid-19 were moved to October 2020 – February 2021 via teleconference and Microsoft Teams video conference.
  - At the time of writing this submission the judgement is yet to be received.
  - Litigation costs have been substantial on our side (well over $1 million) which necessitated the use of a large proportion of the funds received from TfNSW (based on the Valuer-General's valuation) to undertake such an action.
  - Our team comprised two barristers, two solicitors, 2 valuers, a town planner, a water and sewerage expert and various other support staff.
  - TfNSW had a similar team of legal and professional staff.
  - Through final closing submissions, TfNSW provided a final accepted value of 41% of our first valuation. Over the course of the mediation and conferencing processes our team has discounted our original valuation by 40%. Following this, TfNSW has accepted a value which is still only around 65% of the discounted value.

- The final outcome of the acquisition will be:
  - loss of approximately 1/3 of the property, which is the best land with respect to aspect, topography and therefore the most desirable,
  - loss of road frontage,
  - loss of a local historically important archaeological remnant site which was on the parcel acquired by TfNSW,
  - manifestly inadequate compensation which is not in any way equivalent to "market" rates or processes,
  - reduction in the capacity of the parcel of land for development or other uses
  - over $1 million in costs for our side alone and with the spectre of having to pay "costs" for TfNSW hanging over us,
  - five years of battling a government department; and
  - extreme stress imposed by the adversarial and intimidatory nature of the government department and the process.

- From experience of acquisition through the NSW Land Acquisition (**Just Terms Compensation**) **Act** 1991 (hereafter termed the Just Terms Acquisition Act) we would describe the process as extremely problematic, bureaucratic, intimidatory and as such weighted against owners.
- The system fails to discriminate between short term speculators and long-term residents whose lives, homes and in many cases livelihoods are detrimentally affected. Fair valuations need to be provided which are more appropriate to long-term owners and their

loss, rather than the current system of adversarial, long and costly processes to screw down the values in favour of the acquiring authority.
- The government authority is privy to information that has not been released in the public domain and can hasten or stall proceeding to their benefit.
- The VGD is a government department. Despite sale prices continuing to rise in our area, our valuation checked in the interval immediately prior to acquisition showed VGD valuations for rate-able purposes declining. This appeared to be a strategy immediately ahead of the acquisition processes.

The Aerotropolis

- The Western Sydney Airport Aerotropolis planning processes have been conducted through the NSW Department of Planning and the Planning Partnership.
- Information to affected locals on the Aerotropolis has largely been via newsletters.
    - Local "representatives" on these committees do not have knowledge of our individual situation nor have they liaised with affected residents and therefore cannot be said to adequately represent us.
- We have not received nor been offered one-on-one consultation in relation to proposed impacts on our property or the wider village in the lead-up to the (State Environmental Planning Policy (SEPP) and Draft Precinct Plans.
    - A thirty minute Zoom meeting appointment was offered to members of the community following media reports towards the end of the consultation period in March 2021. The number of these were limited and the booking process problematic due to high demand.

- On 1 October 2021 our land was re-zoned from Low Density Residential (LDR) to Agribusiness with an Agri-Park "overlay", with a museum, bike paths and a public road to be included on our land;
    - No individual contact was made with us regarding this change;
    - No consideration has been given to the huge negative financial impacts of this down-grading of our zoning;
        - No compensation has been offered for the downgrading of zoning;
        - No consideration has been made to acquiring any of the land for the proposed public purposes (museum, parkland, bike-paths and roads);
        - No consideration has been given to the loss of two dwellings for the proposed widening of the road;
        - No information has been provided on the effect this will have on ongoing costs such as Council Rates; and
        - Existing usage rights were set at the time of this zoning implementation which severely limits people's ongoing domestic and commercial arrangements

    - Time frames for the fruition of the "Aerotropolis vision" have been put at between 5 and 30 years.
        - There are only limited plans to acquire small amounts of land for public purposes;
        - Advice from one of the planners was that the way the parkland "vision" would/could be realised is by developers purchasing the property in the future and offering it up as parkland in order to offset development contributions. This

compromises the Aerotropolis vision and means it could be fragmented and unsuccessful.
    - There is a lack of government pro-activity to implement a voluntary acquisition option of properties at a time to suit owners.
    - The lack of certainty regarding the future and the inability to deal with our property to suit our own life-cycle issues means the value of our properties is severely compromised.

- Submission processes have been problematic.
    - Despite the planners agreement to accept our original 2020 submission on the Aerotropolis SEPP (following a technical outage at the consultant's company office), we discovered in 2021 that it was not accepted and did not form part of the deliberations.
    - Our 2021 submission on the Precinct Plans was not originally published due to a misunderstanding about anonymity versus confidentiality and after several weeks of intervention, the wrong submission was published, which had to be removed until the correct submission (with identifying redactions) was published.

1.b.iii THE CONDUCT OF AGENCIES IN ACQUIRING LAND FOR ANY PROJECT RELATED TO THE WESTERN SYDNEY AIRPORT

THE NORTHERN ROAD REALIGNMENT

The Subject Land

The subject land comprised a portion of Road (also known as Road) Luddenham being approximately 3.482 hectares of a 12 hectare parcel of land.

It was acquired for The Northern Road Realignment, Eastern option. It was adjoining, and of a piece to, and Road Luddenham. For the purposes of the acquisitior Road was the "parent parcel including one house, with Road being a separate residential house lot owned within the same family.

SUMMARY

The process has been long, very difficult and extremely costly. Offers from RMS/TfNSW were exceptionally low.

The process commenced in **2015/16**. It has been long, arduous and very costly financially and personally (over $1 million in legal and professional fees for our side alone) and it is still yet to be resolved.

Valuations/Offers

The RMS/TfNSW valuations and offers were a fraction of the value, especially given that the subject land was the last englobo land, ripe for residential development and of a significant size in the area.

The parent parcel made up the last 1/3 of the original Luddenham village footprint. This footprint had been in place since the plan for the township of Luddenham was drawn up and the associated zoning was put in place. The zoning of the subject land has been Low Density Residential (LDR) under the Liverpool Council Local Environment Plan (LEP) up to 30 September 2020.

The initial RMS/TfNSW offer was very low and was not accepted (around 8% of our independent valuation).

The second offer was subsequently doubled some months later. Both offers were considered to be far too low. As a result the Valuer Generals' Department became involved as per the Just Terms Acquisition Act process.

The VGD valued the land at 4 times the original offer (and double the RMS second offer). The VGD offer represented only about 34% of our independent valuation.

Gazettal of Land Acquisition

The gazettal of the land was on 23 February 2018, along with other local parcels.

Within 2 weeks of that date (in early March 2018) there were announcements by both the NSW and Commonwealth Governments regarding the Aerotropolis and associated works. It appeared that these gazettals were made ahead of the announcements.

The Just Terms Acquisition Act is clear that what is known on or before the date of the acquisition is the crucial cut-off date for valuation in terms of compensation. The subsequent announcements were not taken into account, which could have affected the valuations. Given the lead time for government announcements and coordination between levels of government, including the office of the then Prime Minister, Malcolm Turnbull, it appears this timing was important as it had the effect of precluding the effect of these announcements on the value of land.

Land and Environment Court

As a result of the inadequate offers, the matter was listed for hearing before the Land and Environment Court.

Unfortunately the May 2020 date for hearing was deferred due to Covid-19 and when it was finally heard it was listed over several dates between October 2020 and February 2021 via Teleconference and Teams video conferences, rather than in court.

The Just Terms Acquisition Act refers to the process in terms of keen but not anxious vendors/buyers.

In reality this compulsory acquisition has meant that we have been forced to accept whatever the acquirer (TfNSW) has decided to pay and not what the property is worth. In our case that is less than half of our independent valuation.

If this situation was truly just, a "market" process and one in our control, we would not have put this parcel of land up for sale. Or if we did, we would have done so at a time of our choosing and,

given our valuations, we would never have accepted offers as low as those of the NSW government department's offers. We would have waited for a buyer offering much more and closer to our valuation.

This fact was later demonstrated by a local family whose land had not yet been acquired but went to the open market at which TfNSW had to bid in the commercial arena. The outcome of this was grossly different to the offers received by those undergoing acquisition. The details of this purchase were not provided by TfNSW during the mediation process and we had to subpoena documents with respect to this and other purchases during the L&E court hearing.

Essentially, we will have ended up with less than half the funds of our original valuation and that means we have been forced to lose or "donate" half the value of our land for the RMS/TfNSW road works through what is a forced acquisition.

There is also no account taken for generational owners such as our family who have been resident in Luddenham since the 1850s and on this particular land since the 1920s. It is totally unacceptable that these forced acquisitions result in such bad outcomes for long- term landowners like us. This results in the loss of a key part of our treasured and long-held property, of approximately 100 years in the same family.

The new Northern Road realignment opened on 13 December 2020 but as at June 30, 2021, the judgement has yet to be delivered. We have been advised the judgement is not appealable. So despite the nature of the judgement, that will be final.

Other Consequences

There are other consequences of the acquisition. For example, the part compensation payment made by the NSW Government of the VGD valuation has allowed us to fund our Land and Environment Court legal and professional costs. However, we have been advised throughout the protracted process that we would need to repay some of the compensation should the matter go against us and costs could be awarded against us. In addition, despite the absolute requirement of a town planner to act on our behalf, during both the mediation and court process, TfNSW have refused to include the costs of our town planner in the process.

Given the ongoing situation we have not been in a position to buy an alternate property with the proceeds. According to tax regulations, as we understand them, the purchase of a similar property with the proceeds within a year or so, would mean there would be no tax liability.

This means when this process is finally finished, we will also likely be subject to taxation on any compensation funds, as well as on income earned from the compensation funds which were invested to pay ongoing costs. This will be a "double-whammy".

The inability to use funds to purchase an alternate property within the same real estate market (2018) also means that by the time the matter is finally settled, the market has moved on substantially in 2021 and we will not be in a position to re-enter the market to buy like for like within the area or region.

The loss of the 3.482 hectares to the road acquisition, also adversely affects the future viability of the remaining land for agricultural and other uses as it is now 30% smaller than its original size.

All of these are adverse effects.

We didn't wish to have our land acquired and we will end up being losers on many fronts. This includes heavy financial loss, reduced property size, reduced flexibility for future use, tax liability, not to mention the huge and prolonged levels of anxiety and stress, which has been relentless for 5 years.

1.d How government agencies conduct direct negotiations with landholders in relation to purchasing land/properties prior to, or in parallel with, the compulsory acquisition process, and the extent to which such process is fair, unbiased and equitable.

Subject Land

Being family land, the subject land has 1 sole owner of s Road who also has a ½ share of Road. The two remaining quarter shares of Road are owned by near relatives of the owner of Road.

Road Options and Consultation Process

It was clear the proposed option for the re-alignment of The Northern Road was really not negotiable, including the route through our land, which took the most scenic and highest land of the parcel and the loss of a local historic remnant archaeological site (

Four possible options were floated at the preliminary consultation phase. the Western, Campbell St, Central and Eastern options. In reality only the Western and Eastern Options appeared feasible. For example, the Central option proposed a route through the centre of Luddenham, which was clearly inappropriate given the need to demolish historic buildings, incursion into the Anglican cemetery and/or demolition of houses.

A western route to join to Elizabeth Drive via the rear of the historic churches and through Park Road would have been viable.

However, the Eastern route (through our land) and requiring the demolition of a neighbouring house, and other houses closer to Elizabeth Drive seemed to have been the preferred option from the outset.

A less intrusive route could have been adopted even in this Eastern option which would have made less impact on people and properties. A clear disregard of the human landscape appeared to be in play.

In the space of a few hundred metres:

- 1 house and agricultural sheds were demolished along with a significant proportion of land acquired
- our best land was taken at
- the new road came to within several metres of the house and cut their land in two, with, we understand, a refusal to issue a separate DP number for the remnant land across the road; and
- the house on the opposite side of Road) had the road running very close to their home in preference to moving the road closer to a phone tower.

That is not to mention the loss of 2 or 3 other homes and properties closer to Elizabeth Drive.

We have been told that one family who lost their home and half of their 5 acre property from which they ran their business did not receive sufficient funds to purchase a house (circa 1980's) on a house block in the housing estate of Luddenham village. They had to get a $200,000 mortgage to do so and as elderly 1st generation migrants it appears the process was severely unfair to them and took advantage of their vulnerability. All in all a very destructive, disruptive and stressful situation for the elderly owners, with court cases still ongoing for at least two property holdings.

The information we received from TfNSW regarding the plan for our land changed without our knowledge during construction and subsequently again during the L&E court proceedings.

For instance, the tract of land earmarked to be taken from us had a high elevation running south to north and sloping to the east. This was ostensibly so the road would run along the elevated section, with a 9m high embankment and bridge across Road, continuing through the properties across the Road.

During the mediation process it became apparent that contrary to the plans we had been shown that the road was in cut and this cut was dramatically increased. Soil had been piled up along the new fence line which we were told would be removed for the fill sections of the road. Two days prior to the court visit of the subject land a mound was constructed and formed up. The following day a team was seen installing drainage and planting at either end.

If the original plan had been for the road to be in cut, the property which was acquired next to ours ( ) could have been used entirely for the road (as it sloped/undulated south to north) without the need to acquire our property. It would have also meant the neighbouring property at Road would have possibly not had to have their land acquired and split in two.

Process for Acquisition

The process for the acquisition was as follows:

- Consultation re: options for the new Northern Road Realignment with submissions and community consultation, including letter box drops.
- One-on-one home visit – by the Engineer and community liaison officer.
- Valuation processes occurred. We had two separate independent valuations.
- First letter of offer – exceptionally low at around 8% of our independent valuations. Not accepted.

- Second letter of offer – doubled the first offer, around 16% of our independent valuation. Not accepted.
- Third offer – required a site visit and discussion with valuers acting on behalf of the VGD to assess and provide a valuation. Their valuation was four times the original offer but still only 34% of our valuations.

Meanwhile the acquisition was gazetted on 23 February 2018, work commenced and the proceedings were listed for the Land and Environment Court.

RMS/TfNSW Staff

It is important to note that individual RMS/TfNSW officers were professional and helpful, within the scope of their roles.

It was very useful to have one-on-one meetings with the engineers and customer liaison staff at the commencement of the acquisition as well as to be able to contact them through the early days of the process up to the finalisation of the acquisition. The Customer Liaison officer was very helpful.

In our submissions on the options for the road realignment, and in conversations with various officers at consultations, we advised there was a historic archaeological site of . We always understood they were on our land . In negotiations with RMS/TfNSW, an archaeological dig was undertaken and the two lined wells (faced with dressed stone), a hearth, brick paths and foundations were uncovered. There were colonial era dressed stones and early sandstock bricks uncovered.

These sites were lost through the road construction. However, we were able to retain some of the stone and brick matter in consultation with RMS/TfNSW prior to the destruction of the site.

Building the Road

The original plan was for the road to be on the surface of our land with a bridge across Road. There was to be around 9 metres of fill to raise the bridge above the existing Road level.

At the commencement of the construction through our previously owned land, and when asked about visual and noise abatement measures in the design, we were advised, on several occasions, that there would not be any form of "screening" and the mound would not remain in place, as it was there to store the material during construction and until it was used as fill..

During the Land and Environment Court matter and at mediation, our town planning expert's evidence and documents were provided which showed a need for a mound and buffer area within our remnant land for any residential development (the highest and best use of the land) this being best practice, as at the date of acquisition.

The subsequent release of the TfNSW Landscape plans and follow-up communication, showed the road through our land would subsequently be "in cut" and with traffic lights and an intersection at the original road level, i.e no bridge across Road.

In the week the L&E hearing was to proceed we observed work on the mound, the installation of drainage and planting occurred. This appeared to be evidence of the mound remaining and with the legal teams' site visit the following week, this was confirmed. This was contrary to the original plan and the communicated information that we had received.

Making Good the Remaining Parcel

The offers to "make good" the area of the remaining land which abutted the new road was also problematic. It appears along the length of The Northern Road upgrade that the definition of "stock" fencing varies greatly. In addition, the fencing offered on our parcel of land was initially inadequate for livestock fronting onto a busy 4-6 lane highway. This also had to be negotiated.

There was also no thought, consideration nor compensation by TFNSW regarding our loss of a 20+ metre road frontage and access to the property from the remaining road These items had to be continuously negotiated and we were only able to retain a gateway off a cul de sac, the access to which we do not own or control. The fencing was subsequently improved to largely comply with our specifications (which were those used by a professional contractor to replace part of the parent parcel fencing in 2015). However, the solution for an access gateway does not in any way compensate us for the loss of 20+ metres of road frontage.

Land and Environment Court

The preparation and process through the Land and Environment Court has been very gruelling. The adversarial and combative nature of the process and the TfNSW Legal and expert team, even in mediation, was very onerous and stressful.

The cost to date of proceeding through the Land and Environment Court to seek more realistic compensation has been over $1 million for our side alone. This has been emotionally and financially difficult for the owners and their families, who are all over 65,. The cost of the court proceedings were not readily available to the owners and the part payment made by TfNSW based on the V-Gs valuation has had to be used to fund the process.

The costs have been for 2 barristers (junior and senior counsel) and instructing solicitors each on both sides, expert witnesses – valuers and planners, sewerage and water experts on both sides,. At mediation at one stage there were 15 professionals in the room, not counting the Commissioner, judge or clerks.

The TfNSW final valuation is still only around 40-60% of our independent valuations. Hence our continued concern that we are not going to see a good outcome for our family despite this hugely difficult and costly process. Should costs be awarded against us, we will be even more deeply financially aggrieved.

The only winners in this matter are RMS/TfNSW and the legal and expert professionals.

Our legal counsel advised us the RMS/TfNSW would want to take the matter as far as possible, once court action was commenced, in order to use our case as a deterrent to others from seeking redress in the Land and Environment Court.

Whilst the Land and Environment Court process is there for affected people to "test" their case and the acquisition process in court, every aspect is aimed at deterring the common person from pursuing this course of action. It appears to us to be a very expensive "gamble" that most people would not subject themselves to and this is used by the acquiring authority to their advantage.

Other Issues

We are very concerned to ensure that, in making this submission to the Inquiry, we do not adversely affect the outcome of the Land and Environment Court case.

Conclusions

If RMS/TfNSW had made appropriate and realistic offers based on the true value of our Low Density Residential zoned land at market rates (for residential development) and been less adversarial, we may have been in a better position to accept an offer. This would have avoided 5 years of stress and huge expense. Clearly, RMS/TfNSW considered it in their interests to expend more than $1m each in legal and professional fees in order to avoid paying the LDR development value of the land.

It is not fair that long-term, small landowners are disenfranchised financially and via the loss of their land. In effect, our family will have paid/donated around 50% of the value of our land to the State Government to contribute to the construction of the road, and to add insult to injury have been stymied in purchasing elsewhere.

This process has not been just or fair to long-term owners, who have kept the land in the family for more than 100 years and have a great sense of connection to the property and the Luddenham area, with immediate ancestors settling here in 1857.

We have not only effectively lost around 50% of the value of the land, but also the use of the acquired land and the viability of the remaining parcel is lessened.

WESTERN SYDNEY AEROTROPOLIS

We would like to advise the Inquiry that there is also the matter of the processes being undertaken by the NSW Department of Planning and the Planning Partnership in relation to the Western Sydney Airport Aerotropolis.

Unlike the airport site itself, where relevant properties were acquired in the mid 1980s, minimal land has been acquired for the Aerotropolis, surrounding precincts and "public purposes", leaving many owners, ourselves included, with an uncertain situation and potentially extra-long lead times before a satisfactory resolution.

Zoning and Devaluation

On 1 October 2020 our land was downgraded from Low Density Residential zoning (as per the Liverpool Council LEP 2008) to Agribusiness with an Agribusiness Park overlay.

We contend that our land should continue to be zoned as Low Density Residential despite proximity to the airport, in order to provide much-needed housing in an area of expanding housing need/demand. With the advance in flight technology, the Australian Standards for dwellings/buildings close to an airport and the lack of flight path information there remains a strong argument that accommodation close to the airport would be in demand.

This Draft Precinct Plan has our land being made into a park, with bike paths, a museum and the loss of our two residences through road-widening.

Many other properties in the area have been zoned environmental and other zoning which also do not allow them to maximise the value/use of their properties into the future.

We have been told by one of the planners that we were able to object to this park overlay which would mean we would still be disenfranchised to Agribusiness zoning and the loss of the ability to develop the land or sell to a developer in future (for 600sq metre residential blocks of land at a retail value of $500,000 per block at 2018 prices)

This has the appearance of "sterilising" the value of the land and extinguished our ability to sell it for its pre-October 2020 values. It would, however, allow the relevant government agencies to acquire land in the future for a minimal price. Alternatively we have been advised by the DPIE Planners that we may have to wait an extended period of time for a developer to buy it to offer it up to offset development contributions. This period of time has been estimated at up to 30 years.

This re-zoning has the effect of not only significantly reducing, or expunging, the value of the land, but our flexibility for current and future options on what has been an important family asset.

Submissions/Consultation

Documents around the Aerotropolis SEPP and the Draft Precinct Plans have been exhibited.

The original closing date for the Draft Precinct Plan submissions was 1 month, just prior to Christmas 2020. This was totally inadequate for the consideration of a huge number of, often, technical documents, some running into hundreds of pages. This was further extended until 13 March 2021.

We provided a submission via a consultant but had issues with the anonymity/confidentiality and finally had it published in June, with identifying details redacted.

The previous submission process for the SEPP in March 2020 was also problematic, with issues surrounding acceptance of our submission (which was disrupted by technical outages at the

consultant's company) and denial by the Planners that they had received it, despite an email trail showing they both received it and agreed to lodge it on our behalf. It was not until 1 year later, via ministerial correspondence, that we found they had not accepted it and, therefore, it had not been considered in that round of consultation.

Consultation on this major transport infrastructure project has been inadequate. There have been no one-on-one meetings with affected landowners prior to the publication of the Draft Precinct Plans. Just prior to the closing date for submission, thirty minute zoom meetings with a planner were offered following media attention and local meetings held with politicians.

Obviously, that was a totally inadequate amount of time to tease out all our issues and to have the planners across our concerns. It was an important way to bookmark our issues but it appeared to be just another way of "ticking the consultation box" for the agency and the government.

The appointment Professor Roberta Ryan, the Independent Community Commissioner for landowner concerns about the impact of land-use changes for the Aerotropolis also appears to have been an afterthought. We are hopeful her contact with landowners will be more than another "tick box" on consultation and the NSW Government will take on board the landowner issues and concerns raised with her.

Conclusions

There have been a number of significant effects on long-term owners of the second Sydney airport Aerotropolis, some of which include:

- lack of consultation with affected long-term owners on the Aerotropolis SEPP and Draft Precinct Plans;
- the re-zoning of land which has been significantly de-valued as a result;
- the significant reduction in flexibility in future use of the affected land following the re-zoning;
- the inability to sell or realise the asset at a time suitable to the owners; and
- the 30 year horizon.

If this situation is allowed to continue, it means that we will be effectively forced to "donate" our land to the Aerotropolis, with no hope of fair or just compensation at the previous Low Density Residential zoning value or possibility of sale at a time of our choosing. This is a very stressful and totally inappropriate situation for us, as well as other owners in similar situations.

We recommend that the NSW Government

- provide owners, such as ourselves, with the opportunity to be compensated for the loss of value associated with the re-zoning and at the previous zoning level, where it has been downgraded through the Aerotropolis re-zoning process.
- Provide owners of land identified as parkland or environmental zoning, for example, with the opportunity for their land to be acquired (at their convenience) for a fair, market value.

We appreciate the opportunity to provide this submission to the Inquiry and hope the contents will be taken into consideration by the Committee.

30 June 2021

APPENDIX

Relevant Terms of Reference of the Inquiry

Inquiry into the acquisition of land in relation to major transport projects

TERMS OF REFERENCE

1. That Portfolio Committee No. 6 – Transport and Customer Service inquire into and report on the acquisition of land by Transport for New South Wales and related agencies in relation to major transport projects, with particular reference to:

1.b.the conduct of agencies in acquiring:
iii. land for any project related to the Western Sydney Airport,
vii. any other specific land acquisitions that may give rise to community concerns about current government process

c. how government agencies identify land for acquisition and the extent to which the price of the land and the identity of landowners are taken into account when determining the route and sites for such projects,

d. how government agencies conduct direct negotiations with landholders in relation to purchasing land/properties prior to, or in parallel with, the compulsory acquisition process, and the extent to which such process is fair, unbiased and equitable,