

**INQUIRY INTO ACQUISITION OF LAND IN RELATION TO  
MAJOR TRANSPORT PROJECTS**

**Name:** Joe Rizzo  
**Date Received:** 1 July 2021

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Partially  
Confidential

# Submission to the Inquiry

## Acquisition of land in relation to major transport projects

### Our acquisition details

**Sydney Metro West Acquisition of Interest in Land**  
**Freehold Owner: Geraldina Rizzo**

**Title: X&Y/414325**

We are writing to you as our elderly mother's (Geraldina Rizzo) property is being acquired by Transport for NSW for the Sydney Metro West. The claim for stamp duty to be paid to our mother, to buy a replacement property, has been denied. Her property is a commercial shop in Five Dock. This is due to the Just Terms Act not allowing stamp duty to be paid unless the owner on title to the land has actual use of the land. The full legal position is set out in the **enclosed** letter to the Minister for Transport. We seek your support in bringing about a change to the wording of the Act which is required in the following simple terms to rectify this obvious injustice which was not the original intention of Parliament. If the changes being marked up below were made, then legally she would be entitled to more than just the market value, and stamp duty and miscellaneous costs such as conveyancing costs would also be allowed:

#### **59 Loss attributable to disturbance**

*(1) In this Act:*

*loss attributable to disturbance of land means any of the following:*

...

*(d) stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of **replacement** land ~~for relocation~~ (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land compulsorily acquired),*

...

*(f) any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the ~~actual use of the~~ land, as a direct and natural consequence of the acquisition.*

As our family has worked extremely hard for over 40 years in this community to form financial security to have firstly their property acquired now to be told they must pay out of the compensation stamp duty is a great injustice.

In addition, we then have to fight for fair market value. The low value put on our property by the Valuer General will force us into a worse financial position and to not be able to purchase back into an area which we know and love is devastating.

Further, the firm appointed by the Valuer General is the same firm that does work for the Government in many cases – including Transport whom we are fighting against in this matter. The Valuer General that has just determined our matter seems to be totally biased and their conservative mindset and

approach they took to our valuation just makes me now see that the system is totally wrong with this being allowed to happen.

To further add to our loss, the market value that we have been given is the value as of March 2021 and the market is rising rapidly. Metro are late in paying us the money, so we have yet more delays before we have the funds to buy another property. In that time we further lose out as we have to purchase in a market that is likely at least 10% above what it was in March.

This must be looked at, and how the acquisition process is, does not assist families in any way but drowns them in financial pressure. In my opinion, coming from someone who has gone thru 18 months and it still has no resolution in sight it is designed to break families down till they give up. My late father died at the doorstep of his beloved shops repairing the awing so his tenants and his old clients were not inconvenienced by workers, so in the morning they could trade as per normal, and this is the treatment our government has for hard-working citizens who have sacrificed their whole lives it is absolutely appalling. Our solicitor, \_\_\_\_\_, of FM Legal has also lobbied the Minister for Transport, Mr Andrew Constance and the Minister for Water, Property and Housing Melinda Pavey, for a change in the Act and we invite you to contact \_\_\_\_\_ to discuss this matter further if you require any further information. Please also contact the Minister and ask him to direct his department to offer stamp duty to all owners of land impacted by compulsory land acquisition. We would also suggest a full review of the biased Valuers who are said to be independent but as an experienced real estate agent myself, I can see that what has happened has been a totally disgraceful process where my elderly mother has **lost** now at least \$2 to \$3million because of the acquisition. We are willing to share our information on the file for further details should you wish.

We at least ask that the stamp duty issue be immediately fixed as that is a simple stroke of the pen and it would help many people just like us all over Sydney.

We look forward to the Inquiry immediately recommending that the stamp duty be given to every owner as an automatic right. After that, we suggest that the independent valuers must not be aligned to the Government so we have a fair and balanced system we can trust in.

Yours faithfully,

Joe Rizzo and Nerina Lahoud