

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

**Name:** Ms Julia Finn MP

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# Julia Finn MP Member for Granville

Portfolio Committee 6  
Legislative Council  
Parliament House  
SYDNEY NSW 2000

Dear Chair

## **Re: Inquiry into Acquisition of land in relation to major transport projects**

I am driven by the poor experiences of many of my constituents to make a submission to the Committee's Inquiry into Acquisition of land in relation to major transport projects.

I thank Members for the opportunity to provide this submission and request that I be afforded the opportunity to provide further evidence to the hearing of the Committee in July 2021.

I have spoken on behalf of many of my constituents about acquisitions and spoken in the Legislative Assembly on their behalf.

In 2016 former Roads Minister Duncan Gay told channel 9 that his "*Department is not doing the right thing*" on WestConnex acquisitions.

As Members would recall, former Premier Mike Baird was advised by his Property Minister Dominic Perrottet in December 2016 to keep the Russell Review secret, because the report's recommendations on how to create a fairer process for families forced to sell their homes could lead to delays in a raft of major infrastructure projects such as WestConnex.<sup>1</sup>

The Government's response to the 20 recommendations was to increase compensation for the disruption and upset for home owners being forced to relocate was increased by \$50,000 dollars to \$75,000; a fixed negotiation period of six

<sup>1</sup> Daily Telegraph 24/8/16m <https://www.dailytelegraph.com.au/news/damning-report-on-nsw-government-using-acquisitions-marked-never-to-be-released-documents-reveal/news-bd7db776b6ac9667c9daf71d69c5a00b>



months; home owners who stay in their house after it has been acquired would no longer have to pay rent for the first three months; each home owner will be appointed a personal manager.

The NSW Government also established the NSW Centre for Property Acquisition. It may have a nice website ([www.propertyacquisition.nsw.gov.au](http://www.propertyacquisition.nsw.gov.au)) but the problems the contributed to the establishment of the agency still remain.

The Treasurer said in October 2016 "Never again will someone find out that there homes will be acquired through receiving a letter in the mail."<sup>2</sup> Yet constituents involved in compulsory acquisitions are still being treated appallingly by the NSW Government, with an absolute lack of good faith negotiation and lowball offers.

Since my election in 2015, I have written to the Ministers responsible for WestConnex and Sydney West Metro to request a meetings with my constituents concerning acquisitions.

On the occasions when the Ministers have bothered to reply, me meeting requests have been refused.

One of the first meeting requests I made concerned a constituent who lived at Albert St, Granville. Had the Minister agreed to meeting me and my constituent I would have told the Minister the following.

My constituent worked at Clyde for 20 years and took on a mortgage for a home nearby in Granville.

He had a long association with the area and knew Granville well.

It came as a surprise to him when in July 2015 RMS advised him he should write to them to voluntarily acquire his home for the WestConnex M4 Widening Project.

While his property was not required for the construction of the M4 Widening, the project's overshadowing report showed he would be left with just three hours of sunlight a day in the warmer months and none in winter.

He came to see me and in November 2015 I wrote to the then-Minister for Roads, Maritime and Freight advising that WestConnex could not meet any of their

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<sup>2</sup> ABC, 18/10/16, <https://www.abc.net.au/news/2016-10-18/nsw-government-announces-compulsory-land-acquisition-reform/7943628>

requirements for overshadowing and asked that he receive appropriate compensation under the Land Acquisition (Just Terms Compensation Act).

The Minister replied in December 2016 that *"Compulsory acquisition is only available when a property is needed for construction of the motorway. I understand that this does not apply to ... [the] property."*

The difference between voluntary and compulsory acquisition is important. In determining the amount of compensation to which a person whose property is compulsorily acquired, the following matters are considered:

- Market value of the land on the date of its acquisition
- Any special value of the land to the person on the date of its acquisition
- Any loss attributable to severance
- Any loss attributable to disturbance
- Solatium
- Any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.

It also meant that RMS would not pay his moving expenses and he was concerned about finding a new home after expenses such as NSW stamp duty.

It is not fair that a homeowner should have his home purchased for a state significant project and then be unable to purchase an equivalent property nearby.

I wrote again the then-Minister in February 2016. Condition B31 of the M4 Widening State Significant Infrastructure Approval Solar Access and Overshadowing Report required the proponent to make an acquisition offer within three months to the affected landowners if appropriate mitigation measures could not be agreed.

The then-Minister replied in March 2016 advising *"Properties found to be impacted by overshadowing are offered mitigation measures of the option of having their properties voluntarily acquired. In line with the Act, this does not include additional benefits offered to those compulsorily acquired."*

On 27 July 2016 Channel 9 news highlighted the hidden impact of the WestConnex project and the way the NSW Government is treating my constituents and other

residents along the construction route. The then-Minister admitted that his *"Department is not doing the right thing."*

In response I requested a meeting between the Minister and my constituents.

Months went past without a response. It shouldn't take three months to get a response from a Minister to a meeting request and it shows the contempt the NSW Government has for residents directly affected by the M4 Widening project. A decent Minister would at least have had the courtesy to reply one way or another to a meeting request.

I was so disappointed that I put down a question on notice about this. On 20 September 2016 I asked the then-Minister *"Will the Minister agree to meet me and my constituents who I wrote to the Minister about on 28 July 2016 concerning the WestConnex M4 Widening Project?"*

On 25 October 2016 the-then Minister answered *"From 2014 the Sydney Motorway Corporation has had extensive consultation with the constituent, one on one meeting with key project team members, phone calls, notifications and written correspondence."*

Then my constituent's lawyer contacted him to let him know RMS had made an offer and sent a letter of offer for voluntary acquisition, 15 months after their initial contact with my constituent.

My constituent was put in the untenable position of being left with just three hours of sunlight a day in warmer months and none in winter – through a decision of the NSW Government.

The choice he faced was to either put up with it or ask RMS to voluntarily acquire his property and be out of pocket, be inconvenienced and be forced out of suburb he had lived in for 20 years.

He was angry that he will be worse off through no fault of his own and that nobody in the Government from the Minister down to staff in RMS seemed to care.

Over time I got to know my constituent well. I could see the emotional toll the process was taking on him. He wasn't asking to be treated differently to anybody else. He wasn't asking for anything that was unreasonable. He just wanted to be treated fairly. If a Government wants to build infrastructure which leaves someone

worse off then the Government should do the right thing and ensure that person is compensated on just terms.

In relation the Sydney Metro West project, many constituents have been affected by the Government's plans on both sides of my electorate – on the western side near Westmead station and on the eastern side near the Clyde industrial area.

One concern relates to the minimal time given for residents to evaluate a negotiated offer. In November 2019 residents were contacted via correspondence advising them of the compulsory acquisition of their properties and indicating a six-month timeframe for negotiations. First and final offers were received by my constituents in May, at the end of this six month negotiation period (which included the NSW Government shutdown over Christmas, as well as COVID-19 related restrictions from March 2020).

Obviously, this short timeframe limited the capacity to actually negotiate - which was unfortunate given that many residents are extremely disappointed with the offers made. Many also felt that given the impact of COVID-19 they thought that an extension of time for the Proposed Acquisition Notices, which were due in August would be afforded to them. The lowball offers made by TfNSW at the time of the bottom of the property market, as compared to the peak of the market we are nearing now makes the process adopted by TfNSW not just unfair but also unjust.

Another critical concern related to the lack of explanation provided by Transport for NSW justifying the choice of location of the Westmead Station Box. My constituents did not understand why the construction of the Westmead Station Box was occurring on the southern side of the Westmead Metro West site, rather than on the northern side where there is a suitable development site. They told me that their preference would be for TfNSW to acquire the development site on the northern side of the site. Again their reasonable request fell on deaf ears.

Small businesses have also been affected by the Government's plans. I am aware of small businesses which have attempted to engage with TfNSW in good faith, only to have their legitimate concerns for their businesses and employees to be rebuffed.

For example, one proposal suggested that the Westmead Metro Station be located immediately to the north of Westmead Railway Station and that it act as an

interchange for heavy rail trains, metro trains, Parramatta Light Rail trams and buses.

Though not a constituent of mine, the small business owner who suggested it owns and runs a small business in Westmead and understands the needs of the Westmead community very well. He was concerned that his submission to government would not be treated fairly by TfNSW. Despite me forwarding the submission directly to the Minister for Transport and Infrastructure it appeared the Government was not open to considering reasonable alternatives which reduced impacts and were more likely to gain the support of the local community.

At the other side of my electorate, Sydney Helicopters was based in Granville and was unique in NSW. It is the only privately owned helipad in Sydney, providing specialised services to many organisations, particularly NSW Government agencies. Along with their commercial work, I understand that the company performed 4,200 flight hours fighting fires during the 2019/20 devastating bushfire season and that they regularly assist NSW Government agencies such as the NSW Rural Fire Service, National Parks & Wildlife Service and NSW State Emergency Service.

Sydney Helicopter's operation was put at risk because of the forced acquisition of the site in which it operates due to the Sydney Metro West rail project. Initially TfNSW failed to appreciate that a viable alternative location was required for the helipad to relocate to. Then they suggested that Bankstown Airport. With aircraft approaching 350,000 annually, Bankstown Airport is the busiest airport in Australia by a long way and about the thirtieth busiest in the world. For rapid response to emergencies, Bankstown airport was never a legitimate alternative option for Sydney Helicopters. Their ability to take off and land without needing to queue without other aircraft is hugely beneficial to them and their clients. I have included further information on Sydney Helicopters in the case studies below.

To further assist the Committee in its deliberations I have reproduced some of my parliamentary contributions in the case studies below.



### Case study one

**Matter accorded priority, 3 August 2016<sup>3</sup>**

**Ms JULIA FINN (Granville) (16:11):** I oppose the motion moved by the member for Seven Hills for many reasons. The cost of WestConnex has blown out from \$10 billion to \$17 billion. The business case has been kept secret, so the \$20 billion in benefits is probably fanciful. I would not be surprised if most of the 10,000 jobs predicted to accompany the construction of WestConnex were at all the tyre repairers around town, because at the moment the road is a goat track. The M4 is awful to drive on at the moment. To add insult to injury, the Government is bringing back the tolls. The M4 toll was removed in 2010; it is being reinstated from next year. The tollgates were the first part of the widening project to be finished. That was a lovely Christmas present last year: as drivers came off James Ruse Drive the tollgate was there, waiting to take money out of our wallets every time we used that road.

The member for Seven Hills said that he will not listen to anything the Opposition has to say on WestConnex. That has been the Government's attitude every time I have raised in this House, or directly with the Minister for Roads, Maritime and Freight, the appalling treatment of Granville residents who live near the M4 widening project. Those people found asbestos dumped next to their houses. A sign saying, "Warning: dangerous asbestos" was placed facing into the site. Residents received no notification. When the asbestos was finally removed, workers did not bother to hose it down. They arrived before 6 a.m., waking everybody up with the enormous trucks that took the asbestos away. Workers also woke residents at 2 a.m. when using chainsaws and a mulcher to chop down trees right next to a house.

The company then had the hide to advise the Minister that the work had been done a kilometre away from the house. It was not; it was right next to the fence, as was seen on ABC television. People whose houses have been overshadowed by the huge overpass have been refused compulsory acquisition of their properties. They have been told to apply for voluntary acquisition. They have been told to agree to something that has not been put in writing. They have also been told that they will have to pay all moving expenses. This is despite the fact that their houses will be uninhabitable for anything except mushrooms. Other residents whose houses are being acquired have been told to pay a \$10,000 bond to stay in their house.

**Ms Jodi McKay:** And the Minister agreed that he stuffed up.

**Ms JULIA FINN:** That is true. People have been asked to pay a \$10,000 bond to stay in a \$500 a week house where the vibrations are so bad that every time a resident leaves the house they come back to find that paintings have fallen off the walls and cracks have become worse. It is an absolute disgrace. [*Time expired.*]

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<sup>3</sup> <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-91308/link/126>



### Case study two

#### **Sydney Metro West, Sydney Helicopters, 22 October 2020<sup>4</sup>**

**Ms JULIA FINN (Granville) (15:14:02):** I draw to the attention of the House concerns expressed by a number of residents in my electorate and people who own properties in my electorate and immediately outside it who are affected by the compulsory acquisition process for the Sydney Metro West project. I support the Sydney Metro West project. I think it is a fantastic project, although I think it should have an additional stop in western Sydney between Parramatta and Sydney Olympic Park—which was part of the original proposal. The Government was considering turning the Camellia peninsula into a residential suburb but Camellia cannot be a residential suburb without improved public transport. The area is already traffic constrained as a sparsely populated industrial area with very few people working there; yet every single day there is traffic chaos on the very narrow roads in and out of the area.

The people in my electorate who have received compulsory acquisition notices have been stuffed around no end by this Government. In June this year I had a Zoom meeting—a virtual town hall-style meeting—with all the residents in Westmead who have been affected by this proposal. The Government's approach to the process is most interesting. I am very familiar with compulsory acquisition processes. A few years ago I supported residents of my electorate when they dealt with Roads and Maritime Services [RMS] in relation to the M4 widening and a number of years ago when I was a councillor on City of Parramatta Council when there was a challenge to the council's compulsory acquisition of properties proposal all the way to the High Court in relation to Parramatta Square. The manner in which Transport for NSW is handling the compulsory acquisition of properties in relation to the Sydney Metro West project is not just and not fair.

### Case study three

#### **Transport Administration Amendment (Sydney Metro) Bill 2018, 2 May 2018<sup>5</sup>**

**Ms JULIA FINN (Granville) (11:04):** I speak in opposition to the Transport Administration Amendment (Sydney Metro) Bill 2018 and I do so, as my colleagues illustrated earlier, because this bill is purely a vehicle for the establishment of a statutory corporation which can later readily be privatised. This bill is also about property development and facilitating the process by which the statutory corporation will run a property development arm, dressed up as the redevelopment of a rail line. The proposal will make the Sydney to Bankstown corridor a metro line and, in the process, facilitate the redevelopment of the land around it to build 90,000 homes that no-one wants. This is a disgrace. It is being set up—just as WestConnex was—to make sure it cannot be subject to the Government Information (Public Access) Act. The bill is all about secrecy and property development—and that is what this Government is about. It is not about public transport.

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<sup>4</sup> <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-113837/link/126>

<sup>5</sup> <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-101592/link/126>

The Sydney Metro Northwest, which will be part of this, is currently being built. It is 33 kilometres long, which will be a very long trip to do standing up—and most of the passengers will be standing up. If passengers are travelling further into the city, they will be standing up for up to 40 kilometres. It will not be a very comfortable trip. To think this rail line will inspire people in their thousands to use public transport to justify the huge increase in development yield around the metro system is a furphy. This is a vehicle for property development, pure and simple. It is clear that this Government is committed to the privatisation of public transport. That is evident in Newcastle and in the inner west with the buses.

We were told the need for privatisation of the buses in the inner west was because the performance was lacklustre, but in fact there are many parts of Sydney where the buses are far less popular with patrons than in the inner west. There are private buses in my area, and people do not like them either. The on-time running for the buses that use Parramatta Road has deteriorated enormously since the Government put the toll on the M4 and filled Parramatta Road with a lot more cars. Dozens and dozens of bus stops have been ripped out on the Parramatta to Hurstville route so that the buses can try to meet their timetable—it is not about meeting passengers where they want to get on or off the bus; it is about the timetable. It serves the timetable, not the passengers. The bill's proposal for the Sydney Metro as a statutory corporation will not serve passengers either; it is about serving property developers and their interests in building tens of thousands of units across Sydney.

The independent board of Sydney Metro will be required to report annually and prepare a corporate plan, which will be subject to consultation, but I do not think people spend a lot of time reading corporate plans. The information people want to know will be hidden by the Government through the process of setting this up. The Government is trying to hide any information anyone wants to know—as with the Sydney Motorway Corporation—by ensuring most of the activities are considered commercial-in-confidence and beyond the scope of the Government Information (Public Access) Act. This bill is a disgrace. It is setting Sydney Metro up to be a separate part of the network which can be more easily sold off in its entirety. The Sydney Metro itself is being run with driverless trains. This Government is obsessed with reducing staff at every possible step before privatisation, reducing the ongoing liabilities to purchasers to pay a fair wage to people for the work they do. In this case it is through having trains without drivers on them.

There are some benefits to the metro regarding the number of services they can run, which will be good. There will also be services where people are required to stand and services with few overheads in terms of staffing. That is how the Government will sell it off. It has been clear from the outset that the Sydney Metro is the first step towards the privatisation of the Sydney rail network. It will slowly break up the network, bit by bit, for privatisation. I have concerns that in my area the west metro will be treated the same way and be subject to the same threat of privatisation. But I am not concerned that it will happen while this Government is in power because it is not planned to be built for decades. Labor will build it sooner and it will remain in public ownership. Government plans are focused on freeing land for development, identifying routes and corridors for up-zonings and maybe getting improvements in public transport down the track—but it will be public transport operated by the private sector for profit, not for passengers.

People received letters in November last year advising them that their property would be compulsorily acquired and that there was a six-month time frame for negotiations. It was not until March that valuers visited their properties. In May, at the end of the negotiation period, they received their final offer from the Government. That is entirely inappropriate. The offers they received do not allow people to buy like for like in Westmead. People who own single dwellings should receive an offer at the maximum developable value of the land but the offer they received was on the basis of a single dwelling, despite all single-dwelling properties having development potential. When this Government's Sydney Metro West project is completed, there will be very high apartment blocks built on those former single-dwelling sites.

The people who live in units were given very stingy valuations on the basis of the age of their building—so stingy that there is no way they can buy in Westmead a unit of the same size, such as a two-bedroom unit for a two-bedroom unit and a three-bedroom unit for a three-bedroom unit. That is incredibly unfair. Since May I have been in contact with property investors who own property in a block and who have been told that they will not be given compensation for the stamp duty costs of moving their investment. The Government is making that offer only to those people who are owner-occupiers. As far as I am concerned, that is not a just term.

I now address the problems faced by Sydney Helicopters, which is a very longstanding business that operates just outside my electorate of Granville. Last year the company totalled 4,200 flying hours when fighting bushfires for the Government—it does contract work for the Government all the time. The company has waited over a year for support from the Government to relocate. Sydney Helicopters is the only standalone heliport in the Sydney Basin but it has to vacate the premises by the middle of next year. The company has a longstanding lease with the Government that will be terminated in August next year and it is getting next to zero help from the Government to relocate. It is important that residents and businesses are supported under the Land Acquisition (Just Terms Compensation) Act.

#### Case study four

#### **Land Acquisition (Just Terms Compensation) Bill 2016, 9 November 2016<sup>6</sup>**

**Ms JULIA FINN (Granville) (21:41):** I support the Land Acquisition (Just Terms Compensation) Bill 2016, which will address many of the concerns raised by local residents affected by infrastructure projects like the M4 widening project, which resulted in the compulsory acquisition of 10 homes in the Granville electorate and created significant hardship for many more families who own homes being acquired through agreement under the Roads and Maritime Service's [RMS] hardship policies. The bill vests responsibility for compulsory acquisitions with the Minister for Finance, Services and Property instead of the portfolio Ministers. It guarantees a more consistent approach. I am not sure this will always be better, but certainly the Minister for Finance, Services and Property has, to date, been more interested in hearing the concerns of my constituents about these processes than has the Minister for Roads, Maritime and Freight, who has been ignoring repeated requests for meetings about various aspects of the M4 widening project, including acquisitions.

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<sup>6</sup> <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-106214/link/126>

This bill is being introduced as a result of the findings of the Russell report, which this Government sat on for over two years. During that time, hundreds of homes across Sydney were compulsorily acquired for WestConnex and other projects, 1,700 homes in the last 12 months for WestConnex alone. Knowing the shortcomings of the process, the Government chose to ignore the report for as long as it could and instead subjected people to a process it knew was unjust, confusing and detrimental to the wellbeing of families across New South Wales. Most of the people who have contacted me about the appalling treatment they have received during the M4 widening process have allowed their homes to be voluntarily acquired and, unfortunately, the improvements in this bill do nothing to help them. I hope the RMS hardship processes will be updated also in light of these findings because there is nothing particularly voluntary or mutually agreed about these acquisitions.

All these homes have become so compromised by the M4 widening project that they are almost unliveable. That is how they qualify. They were not immediately in the path of the new parts of the M4 but are right next to it and significantly overshadowed by it. I believe these homes should have been compulsorily acquired or if not the residents should have access to appeal to the review panel for compensation, rectification or acquisition. One of the families whose home was compulsorily acquired was the Hussein family, who lived on Onslow Street, Granville. Theirs was one of the homes acquired after the Government received the Russell report and so after the Government knew it needed to change the way it dealt with people.

The Hussein family's three bedroom home was acquired for a sum they and everyone else thought was a rip-off but they could not afford to contest it. They relocated to South Granville, which is generally much cheaper than the area where they had lived for years, but it was all they could afford after the ridiculous offer from WestConnex was accepted. They knew their home was identified for possible road widening and had known this for years. In fact, a few years before, they submitted a development application to Parramatta City Council for a granny flat to better accommodate their six children. The only objector was the RMS. Its grounds for objection? That it would increase its future liability in the event of the road widening.

How utterly selfish to oppose a granny flat for a family struggling in an overcrowded home because it would increase the value of their land. It is utterly cruel. To add further insult, when the Hussein family finally found their new home and sought settlement on both houses on the same day the RMS insisted that they vacate that day or pay rent at about 25 per cent above market value. It was only after the Hussein family appeared on Seven News that the RMS backed down. I am pleased that many of the changes contained in this bill will be applied retrospectively and families like the Husseins whose homes were acquired after February 2014—the date on which the Government received the Russell report—will be paid additional compensation.

The bill improves compensation for non-financial disadvantage from solatium to disadvantage resulting from relocation. This increases the maximum payment from \$27,235 to \$75,000. Labor believes it should be set at 10 per cent of the property value, as it is in Victoria. Even in the Granville electorate, which has much lower average property values than places such as Haberfield, \$75,000 is much less than 10 per cent of property value. There are not that many places in Sydney where that is not the case. The bill legislates a six-month period for negotiations to acquire a property by agreement before the landowner is given a property acquisition notice.

This is usually the case, but it addresses some awful situations where the process has been dragged out. The M4 widening project has been far worse with respect to properties that were subject to voluntary acquisition. Time and again I have heard of delays in making offers, delays in receiving those offers in writing and sometimes threats to withdraw offers if they are not accepted even if they have not yet been put in writing. There needs to be clarification about when the six-month period starts to make sure these unfair delays cease. It should be from the date of an offer in writing.

The bill provides a review mechanism for claims of hardship for landowners whose property has been identified for future acquisition for a public purpose. This is welcome and is certainly the opposite approach to the appalling objections the RMS made to the Hussein family building a granny flat to accommodate their large family. But the devil is in the detail and it is not clear who the reviewer of hardship will be. The reviewer needs to be independent of the acquiring authority. Thankfully, the bill removes the possibility of the former landowner being charged rent for a three-month period after compulsory acquisition. This would have helped the Hussein family to relocate without the added stress of needing to pay rent while they were moving.

It acknowledges that not all landowners are in a position to take out bridging finance or a mortgage when their properties are compulsorily acquired, and they should not be expected to be. This is much fairer but makes no mention of a bond. After Sharon Murphy, who was subjected to voluntary acquisition, was requested to pay a \$10,000 bond to live in a \$500 per week home, I am suspicious. The bond must be addressed. It should not be required. Why a bond is needed on a house that is to be demolished or will probably suffer significant cracking and dilapidation from construction works if it is not to be demolished is unfathomable. The bill includes a provision that land acquired for a public purpose but not ultimately required for that purpose be first offered to the former owner within a 10-year period at market value. This is also welcome; however, I hope former owners are easy to locate and all reasonable efforts are made to make this offer to them.

The bill requires acquisition authorities to provide the Valuer General with issues relevant to a determination of compensation within seven days. This is an improvement as often agencies have been slow to address this and it has caused much distress for affected landowners on many occasions. It also allows landowners to submit the claim for compensation to the Valuer General instead of through the acquiring agency and for the Valuer General to provide the compensation determination directly to the landowner together with the full rationale for the determination. This will remove much of the distress that acquiring agencies have caused in recent years and is an important step forward.

What is missing from the bill is a formalisation of the role of case managers, which the Government had announced. Dedicated case managers would certainly be an improvement on the current process of buck passing and "good cop-bad cop" routines and the constant disarray that has characterised the dealings my constituents have had with the RMS and the WestConnex Delivery Authority. This bill is a significant improvement and is supported, although it could be further improved with amendments. It is only a pity that the Government sat on the Russell report for 1,000 days and is only now implementing its recommendations.

During that 1,000 days hundreds of homes were compulsorily acquired through processes that we know, and the Russell report confirmed, were unfair, unjust and

unnecessarily stressful for families. They include the Hussein family, whom I mentioned, whose mistreatment by the RMS started long before the acquisition process, as their property had been earmarked for future acquisition. They did not deserve that. Hopefully these changes will make sure in future that people will receive just compensation for their property value and the inconvenience and disadvantage they suffer if their homes are compulsorily acquired.

#### Case study five

#### **Compulsory land acquisitions, 18 March 2021<sup>7</sup>**

**Ms JULIA FINN (Granville) (15:25):** Today I speak about the very vexed issue of compulsory acquisitions. I welcome the imminent inquiry that will be conducted into the issue and I look forward to speaking to that inquiry. I raise some of the issues that face people in my electorate. I know that further west around the new airport huge swathes of properties have been acquired. People have also been put into planning limbo that may continue for decades. The Sydney Metro West project has acquired properties from people who live in my electorate. While it is necessary for the project—unlike for those who live further west—it has caused enormous disruption locally. And it is not only that project; there is also the Parramatta Road strategy and the creation of parks under that project.

Sydney Helicopters in Granville is in limbo because of the compulsory acquisition plans for its site. Founded in 1985, Sydney Helicopters is the longest-running commercial helicopter operator in Sydney. The company owns its entire fleet of aircraft. In addition, it has its own dedicated helicopter maintenance facility with licensed helicopter engineers on staff. The assessment for Sydney Metro West indicates that there will be full acquisition of 154 properties and partial acquisition of one property. My electorate is affected by construction on the Westmead metro station and the Clyde stabling yard. The assessment report notes that as part of stage one it is required to acquire the heliport facility that is operated by Sydney Helicopters and that, "The private transport company provides a variety of commercial helicopter services, including tourist flights, assistance to emergency services such as the NSW RFS and aerial pest control from this location."

It has been suggested to Sydney Helicopters that it use Bankstown Airport as an alternative, but that is just not commercially viable. Its commercial advantage is that it does not have to wait for clearance while other aircraft take off and land, and it does not have to pass on those charges to its customers. It wants, and deserves, a standalone heliport like it has at the moment. The Australian Helicopter Industry Association said:

The loss of this unique heliport is a significant loss to the local helicopter industry and to the community it has been serving for twenty-five years. In addition, the Parramatta Heliport is well known nationally and has been able to assist helicopters travelling to Sydney, as well as those transiting to other destinations ... The AHIA strongly encourages the NSW Government to consider the full ramifications of the loss of the unique Parramatta Heliport, and reconsider the benefits of replication. The Association stresses again that aviation

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<sup>7</sup> <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-116158/link/126>

infrastructure, once lost, is almost never replaced. Given the strong community service roles that helicopters play, heliport replication is a far better option.

On 27 February 2020 the RFS endorsed the important role played by Sydney Helicopters during the bushfires. It said:

The NSW Rural Fire Service engages Sydney Helicopters to provide helicopter services through contractual arrangements for firefighting support across NSW. Since 1 July 2019—

and this statement was made in February last year—

the NSW RFS State Air Desk has tasked Sydney Helicopters 75 times to respond to fires across NSW ... Sydney Helicopters Parramatta Heliport is strategically positioned within the Greater Sydney area and they have been able to provide a rapid response to bush fires that are located in some of the most populated areas in NSW.

One can imagine how much slower it would be to wait for clearance at Bankstown Airport. The statement continues:

Access to a suitable landing area located within a close vicinity to Sydney Olympic Park is highly desirable so the NSW RFS can quickly access helicopters.

There is a similar situation in Westmead. Local resident Andrew told me that his parents were:

... soon facing Compulsory Acquisition of their home of 48 years ... due to the Sydney Metro West project. Transport NSW do not seem to be providing fair market valuation for my parent's home in prime location and choose to display a level of ignorance related to the uplift in the Westmead market and the appreciation of property prices as evidenced in recent sales ... Of great concern is the below market price Metro are offering ...

And they have done that through a very strange process. Transport for NSW sent people a letter saying that within the next six months of negotiations they would receive the plan, but it did not actually start negotiations until the fifth month and it sent out offers that were equivalent to unit prices in Mount Druitt. For those who live in single dwellings, that did not reflect the fact that there is development potential to build units on those properties and in no way did it reflect the superior position of being in Westmead, which is close to medical precincts, transport, shops and Parramatta. The process has been an absolute disgrace.



The former Minister for Roads, Maritime and Freight is on the public record admitting that his "*Department is not doing the right thing.*"

It is time the Minister and relevant NSW Government agencies start doing the right thing by the people of Western Sydney who are left worse off by their construction projects.

I thank the committee for the opportunity to make this submission and I look forward to attending the July hearings to further assist Committee members in this Inquiry.

Yours sincerely

**Julia Finn MP**  
**State Member for Granville**

24 June 2021