

**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 writing to follow up my earlier letter to the committee dated 21 April 2021 concerning the terms of reference for the inquiry.

On seeking preliminary advice I was advised that *“Council acquisitions of land connected with major transport projects would not qualify under the TOR, unless the acquisition was undertaken on behalf of Transport for NSW or a related agency.”*

In my previous correspondence I noted that the NSW Government provided funding in relation to projects in the Parramatta Road Urban Transformation Strategy to councils to implement.

I further noted that to ensure Members appreciate all of the concern around land acquisitions for the WestConnex project that I believed that all acquisitions connected with major transport projects should be admissible under the terms of reference of the inquiry.

Accordingly I sought the advice of the committee about this matter so that I could ensure my submission can provide useful information on these matters for your consideration.

In the absence of any reply to my earlier correspondence, I have prepared this supplementary submission. My earlier submission relates to the WestConnex and Sydney Metro West projects and this submission will cover the matter about which I wrote to the Committee on 21 April 2021.



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City of Parramatta Council and proposed new local park in Granville

Concurrently with decisions to reintroduce tolls on the M4 motorway due to the commencement of the M4 the NSW Government created the Greater Parramatta Priority Growth Area. The area includes three precincts covered by UrbanGrowth NSW's Parramatta Road Urban Transformation Strategy (Granville, Auburn and Homebush).

The Strategy was released in November 2016 as *"the NSW Government's 30-year plan to drive and inform land use planning and development decisions as well as long-term infrastructure delivery programs in the Parramatta Road Corridor."*¹

The Strategy was is implemented by a Ministerial Direction under Section 9.1 of the *Environmental Planning and Assessment Act 1979*².

In addition, the NSW Government determined that

*"To improve Granville's liveability, the NSW Government has awarded City of Parramatta \$13 million to improve public spaces in Granville and rejuvenate it as a place to live, shop and do business. This grant is part of a wider program to revitalise public spaces along the Parramatta Road corridor. Parramatta Road Urban Amenity Improvement Program (PRUAIP) provides funding to Local Councils to develop open spaces and plazas, cycle paths, playing fields and streetscape improvements along the Parramatta Road Corridor."*³

The PRUAIP was developed in 2013 and *"identified the North Granville Masterplan site and its community facilities as key projects to improve North Granville's resident's liveability. The Masterplan is a strategic document that provides a long term vision to plan for community facilities that support North Granville resident's wellbeing and liveability."*⁴

¹ <https://www.landcom.com.au/organisation/publications/parramatta-road-urban-transformation-strategy-2016/>

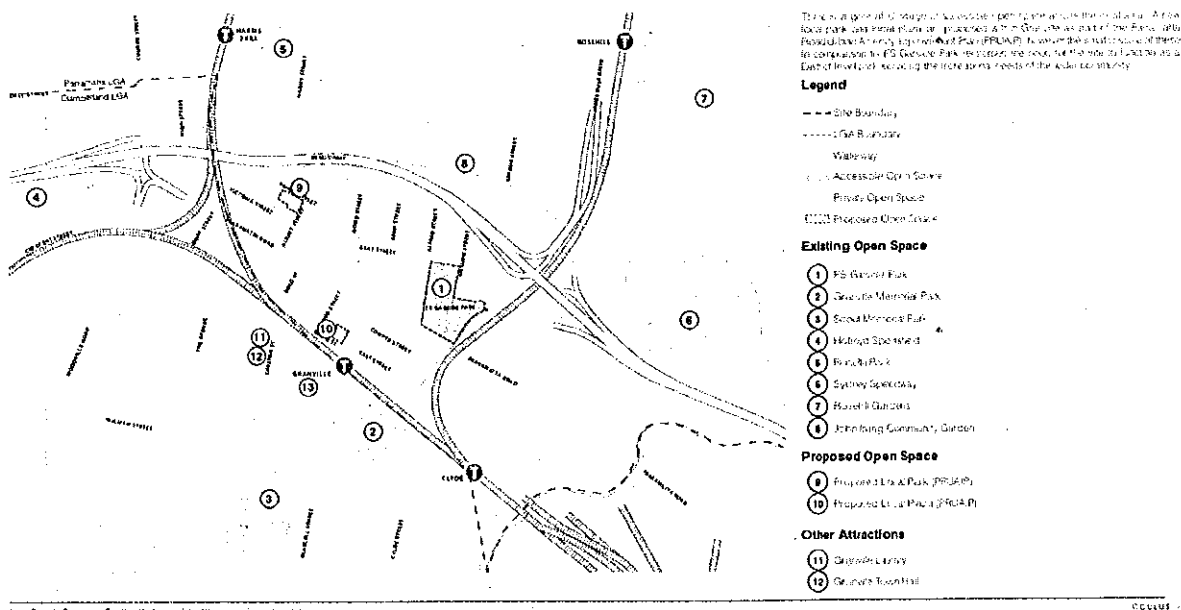
² https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Greater-Parramatta-Growth-Area/~/_link.aspx?id=CA759B357CEC4748AEC885E8819CC69A&z=z

³ <https://participate.cityofparramatta.nsw.gov.au/parramatta-road-urban-amenity-improvement-program>

⁴ <https://participate.cityofparramatta.nsw.gov.au/north-granville-community-facilities-masterplan>

The 2019 Masterplan identified a “proposed local park (PRUAIP)” marked as number 9 on the following excerpt⁵:

Open Space and Attractions



Funding was to be provided to City of Parramatta Council from the Department of Planning, Industry and Environment for the purchase of land for the above new local park to the north of Parramatta Road at the intersection of Albert and Prince Streets, Granville.

The City of Parramatta Council identified property to be acquired.

However a disagreement arose between landholders and the Council about the value of the land in question – primarily around the issue of the floor space ratio.

Council advised the landholders’ valuation experts that the sole reason why a certain FSR was chosen was that the NSW Government’s Parramatta Road Transport Report had not been completed to support a FSR higher than that provided in the Parramatta Road Corridor Urban Transport Strategy (2016).

At a meeting between landowners and Council, the landowners’ experts made it clear that it was an unreasonable excuse since there were numerous examples of approvals that were still happening despite the 2016 Guidelines that Council and their external Town Planner were adamant needed to be strictly adhered to. In

⁵ https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.pcc-participate.files/5015/9226/4898/north_granville_community_facilities_masterplan.pdf

addition, further evidence was provided which alleged that others were operating outside of these guidelines and obtaining the higher FSR approval from the City of Parramatta Council. Despite all the examples and evidence Council refused to move from its FSR position and maintained that the NSW Government's Parramatta Road Transport Report/Study prevented anything more being granted at this stage in terms of FSR uplift.

Council then advised the land owners they were free to go and obtain further evidence and advice and submit it to Council although it was unlikely that Council's position would change before the NSW Government's Parramatta Road Transport Report / Study was completed. The other sites which had benefitted from a FSR uplift had submitted independent traffic reports, rather than wait for the NSW Government's one.

The landowners engaged a town planner who found multiple examples of where in the Granville area, Council had recently approved developments for greater FSRs and building heights that fall outside of the 2016 Guidelines, and, in a several instances, those properties were subsequently gazetted by the State Government for FSR uplift.

Throughout this process the landowners believed they had done all the things Council told them to do including abiding by obligations in the sharing of information and evidence as required under the *Land Acquisition (Just Terms Compensation) Act 1991*, yet they did not feel this was being reciprocated by Council and the NSW Government.

In the months that followed several of the land owners being elderly began suffering great anxiety and poor health about how they felt they were being consistently ignored. A representative of the landowners wrote to Council on behalf of 4 of the 6 land owners and made in good faith a "one off without prejudice offer" whereby they advised Council of a discounted offer. This offer also meant that they would not be relying on them responding to our latest Town Planning evidence which Council had not yet formally responded to.

Council claimed also that based on all of Council's available professional advice and having regard to the prudent and responsible expenditure of public funds, the landowners' counteroffer could not be supported or justified. Of course, government

bodies should be accountable and transparent in financial matters however the landowners continue to disagree because:

1. It is clear from the 2016 Parramatta Road Corridor Urban Transport Strategy guidelines that the NSW Government is funding the acquisition of the properties however at one stage a Council officer advised them that Council had spent all their budget and that is why they couldn't pay a higher amount anymore.
2. Secondly, the Council's claim that their counteroffer could not be supported or justified if the issue of FSR is finally addressed and resolved. They believe that Council would quite easily see that the properties would be worth well in excess of Council's current estimate even if Council applied their own land valuer's per square metre rate as per their original valuation and subsequent peer valuation.

The landowners were surprised to receive a letter from Council re-affirming their offer to acquire the properties based on their letter dated 8 December 2020 but confirmed that this was their final offer and it would remain open for acceptance until 5pm, Friday 12 February 2021 and should the landowners not accept the offer, it would be withdrawn whilst Council pursued other alternatives to establish the open space requirements within the area. This offer made a 'good faith' increased offer of 10%. Nowhere did it stipulate that this further offer meant that Council had withdrawn from the compulsory acquisition process, however during my February meetings with the affected landholders and City of Parramatta Council, this was divulged. In essence, they were told that it was a 'take it or leave it' offer and the option to challenge the valuation through the Valuer General or other avenues was withdrawn.

The landowners always believed that the parties were meant to openly share information and reports to reach a mutual agreement. They believe that they have always done that and always acted on Council's previous invitations to go away and obtain their own advice and then share it with Council and the Government for them to review and potentially revisit their original budget.

The landowners spent four years negotiating with Council. During that time, they saw adjoining neighbours sell to developers but believed they were unable to sell, as this was the advice given by the Department of Planning and Council. To be told on the

final day of the process that acquisition was no longer compulsory came as a shock to everyone. To then be threatened with withdrawing the 'good faith' offer and not proceeding with the park was distressing. Some didn't want to fight anymore and others decided to support their neighbours so they agreed to sell.

As I noted in my primary submission, the former Minister for Roads, Maritime and Freight was on the public record admitting that his "*Department is not doing the right thing*" in relation to the WestConnex project.

However I believe that the example to which I have referred in this submission points towards a more systemic problem concerning acquisitions in other state government agencies and local government authorities.

It is time the 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 supplementary 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

1 July 2021