

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

Name: Name suppressed

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Partially
Confidential

I write this submission as testimony to my negative experience with TfNSW in relation to a corridor that was proposed to cross our property.

We were caught completely unawares that a corridor was even being considered in our area. We were completely unaware of any investigations or community consultation that had taken place and were stunned when a stranger arrived on our doorstep to hand us a white envelope advising that the government was able to acquire our land.

The corridor, once gazetted, would have imposed additional restrictions upon how we were able to use our land (eg development proposals on rezoned corridor land that have capital investment value over \$200,000 would need approval from both TfNSW and the relevant consent authority), however there was to be no offer to buy us out of the property until years down the track when the infrastructure might be required. They constantly reiterated that the property could only be acquired under the 'hardship clause in the Just Term legislation.

My husband and I then took the time to read Land Acquisition (Just Terms Compensation) Act 1991 and were horrified with what we discovered. 'Hardship' was definitely not a pathway out of being trapped in a property that effectively now had no buyers. We requested a valuation from local real estate agents - who apologised for the situation we were in and sadly confirmed that the property was now worthless unless they could find a property speculator who was willing to gamble on making some money further down the track.

We acquainted ourselves with the Russell Review, the Governments Response to the Russell Review, the legislative changes of 2017. We visited the Westconnex inquiry, we discovered alarming statistics in the e-Brief Issue 6/2016 (<https://www.parliament.nsw.gov.au/researchpapers/Documents/Compulsory%20acquisition%20e-brief.pdf>). We read the PASG (<https://arp.nsw.gov.au/dfsi-2019-03-property-acquisition-standards>) and the CPA (<https://www.propertyacquisition.nsw.gov.au/property-acquisition-process>) documents and we spoke to many people who had been through the acquisition process.

We were terrified about the prospect of being prisoners on our own land for 25+ years and dreaded the thought of going through a property acquisition - whether that meant via hardship terms, agreed terms or forced acquisition.

We were one of the lucky ones though as, after much community outcry and with the support of our local MP, the corridor was relinquished. However the feeling of distrust of government authorities will never be extinguished.

So we now have a short list of changes that should be addressed as a matter of urgency within the Just Terms Legislation:

1. Reinstatement - in a property market such as the Sydney Metropolitan area it is almost impossible to find like for like property in the suburb you currently reside in. To put it simply, the legislation does not provide a safety net for people who, for example, may have the worst house in

the best street and have plans to renovate. The legislation is written in such a way that these people will only get (if they are lucky) the exact value for their property as it is, not taking into account that they will more likely than not want to continue to reside within the same neighbourhood;

2. Remove capital gains tax on privately owned land from all acquisitions - whether that be hardship, forced or agreed acquisitions;

3. Provide an affordable and accessible review and appeals process. Instead of the land owner being forced into the legal system with their grievance, consider an ombudsman as the first step in resolving differences such as valuation. This would no doubt result in considerable cost savings to the public purse via reduced legal fees;

4. Equal rights for those facing long and short term acquisitions. If the government places a gazetted corridor over your property, then they must be willing to start the forced acquisition process at the request of the land owner. Land Owners should not have a such a burden over their properties without access to adequate compensation;

5. Recognise the right for a property owner to use the Land Acquisition (Just Terms Legislation Act) 1991 when their property has been affected by 'blight' from projects built by acquiring authorities. As an example, the Richmond Bridge Duplication project is currently at the community consultation stage and there has been outrage that new roads will negatively impact on what are currently quiet suburban streets, or no roads nearby at all. If the government were willing to acknowledge blight and a financial payment resulted, projects such as this may be less likely to be delayed due to public backlash.

6. Separation of the valuing and acquisition process from the Acquiring Authority to prevent very obvious conflict of interest - and that includes removing the VG dept fro this process. It goes without saying that the land owner will be very suspicious of valuers employed by, or contracted to, an acquiring authority. There needs to be a clear separation of powers when it comes to valuations.

Lastly I would request that the information gathered and discussed in the e-Brief Issue 6/2016 be reproduced in the same format for the period 2015 to date. That would surely give an instant comparison of data and proof as to whether the process is still broken.

Our lives changed irreversibly on 26th March 2018 and we feel so deeply sorry for any land owner in NSW that is facing the acquisition process now or in the future.

Reasonable people will understand that property will be required for infrastructure projects, however the Land Acquisition (Just Terms Compensation) Act 1991 does not serve to benefit the land owner - it serves to benefit the government. Therefore, if the government is the ultimate beneficiary of privately owned land, they have a duty to ensure that a land owner is not left out of pocket along with the emotional distress that will be caused by the upheaval in their lives. If anything, the land owner should be better off financially as an acknowledgment of the grief that they have suffered for the 'greater good' of their community.