

Submission
No 89

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

Name: Name suppressed

Date Received: 19 July 2021

Partially
Confidential

Orchard Hills
NSW 2748

1/7/2021

To Whom it may concern,

Attention: - Members of the Parliamentary Committee on the Compulsory Acquisition Process and the 'Just Terms Act'

This whole process has been going on for over 5 years now. We first heard that a rail line from Badgerys Creek Airport to St Mary's would be built via the media. Then there was a series of community information events at Caddens. Only very broad maps were ever given, and the line could have been anywhere in a 5 to 10km path, so it was difficult to see which properties would have been affected. However, we were always fearful that our property would be affected.

Many proposals were highlighted and the threat of the line coming through our property was always there. The not knowing was one of the worst parts.

I obtained a DA for a Farm business to build some sheds however due to the uncertainty I could not commit to building them and the cost of obtaining the DA was wasted.

As my family and I live with my mother and father most of the money to buy the property came from my father who has worked hard all his life working 3 jobs at ones sometimes. Our plans were to build a large family home on the property and keep the rest of the land as an investment for the future. Sydney is a growing city it would have been only a matter of time before Orchard Hills was developed. The rail line was then put on hold, and we thought we would not hear about it for a very long time again.

We made plans for a house and obtained the DA, then started building. However, once we had completed the whole slab and granny flat the rail line topic again resurfaced. We again put a stop to the building as we were unsure if the rail line would come too close to the house and we then would not be able to sell it if we needed to as no one would want to buy a large house so close to a rail line.

At first, they sent us a letter stating that the corridor is proposed to come straight through the middle of our property. As we have a small tree lined creek running through our property, we made a submission for the corridor be on the Eastern Side of the creek behind the trees so as to have a lesser impact on the rest of my property. A few years went by, and we heard nothing more. Then last year in June we received a letter stating that the corridor had been finalised and that the alignment was nearly that same as the original plan. Through out this time there was no one to contact and we could not speak one anyone directly. I had to request a meeting with the transport department however during the meeting there was no new information and most of the questions that I asked were no answered satisfactorily.

We understood that Sydney had to grow, and that infrastructure was needed for this growth and accepted that the corridor was a necessity however the lack of one-on-one consultation with landowners was frustrating. Luckily, we had a large parcel of land (almost 90 acres) and we thought that a corridor that affected around 6 of these acres was not the end of the world as long as we could have access under the proposed viaduct to the rest of our property to the East.

In October 2020 we received another letter stating that it was not only 6 acres that would be acquired but a total of 47 acres. I tried to ask the acquisition managers why they need so much land however every time I asked them this, they said they need it for construction purposes.

We needed information on how the infrastructure would affect the rest of the property that would be left to me. We were told that all the information was in the EIS. In order to complete a valuation, I needed to have noise information and flooding information. As the noise from the rail line and the stabling and maintenance facilities would adversely affect the residual property. The EIS does not have detailed information on how it will affect my property and I asked for more information in October. However, till this date I have not been given any more useful information despite me requesting it directly and the lawyers requesting this through official channels.

When I repeatedly asked as to why so much land was needed, they then responded and said that they needed it for the stabling yards. However, when I looked at all the information and plans in the EIS on the stabling yards none of my land was to be affected. When my lawyers wrote to Metro asking can they provide a reason as to why they need to take so much land they replied that the fact that they need it for temporary construction purposes is enough and they do not need to justify it any further.

When we asked for public meetings with the Metro they refused. We wrote to many of the liberal MP's including the transport minister, but no one replied. When we persisted and went to the media, they then offered private meetings. A transport minister's representative did reply to me approximately three months after I wrote to him and after the story went to the media.

At the private meeting with Metro they said we need most of the land for possible future expansion of the stabling yards. I asked them why they are not delaying their acquisition until they know that they need to expand the yards, they had no answer to this.

To my knowledge they are acquiring close to 300 acres of land for the stabling yards (Approx. 32 acres from my neighbour , 80 acres from another neighbour, almost 50 from me and they have already purchased 120 acres from another neighbour). They are also acquiring 65 acres for the Orchard Hills station. Looking at the EIS the station can be built in an area of around 6 acres and the stabling yards in less than 50. Then why do they need so much land and what are they going to do with the rest of it? They are just land banking while they only have to pay cheap rural rates.

The local Liberal MP Tanya Davis stated at a land holder meeting that it was in fact 'legalized theft' and that the government was going to develop any land that they had surplus and try and fund the infrastructure. This was also the conclusion that the landowners could come up with to answer why they were taking so much land and why they were not just leasing any temporary construction areas which we had offered to them. This means that a few landowners are unfairly subsidizing this infrastructure.

What makes things worse is that we can not even get enough money to replace what is being taken. The amount being offered will not help me buy even 10 acres again in the same area while 47 are being taken. They said they must comply with the 'Just terms Act' that does not look at replacement cost rather it has rules on what is the 'Market Value' of the land. This process does not look at the future potential of the property just the current zoning. Some residents have been holding their properties for 50 years, tirelessly maintaining them in hope that one day it will be worth the effort when rezoning does come to the area. Orchard Hills has been designated as one of only a few 'Urban investigation areas' by the Sydney Growth Commissions and 'Urban Capable' by the Planning Department. However apparently this does not mean anything for valuation purposes under the Just Terms Act.

Sydney Prices have risen exponentially since late last year however I have not received an updated offer from Metro. The valuers can only compare my land to other large land sales around the area. However, this is very difficult when there have not been too many sales of the exact same zoning. In fact, there has only been one sale of similar land size and zoning which was when the State Government bought my neighbours property however they offered me less than half the rate that he achieved.

I think the whole process is in favour of the acquiring authority with no rights for the landowner. The landowner cannot even get information without having to take the matter to the media first. Authorities should not be able to acquire any more land than they permanently need for the infrastructure. For temporary construction areas the landowner should be able to choose if they want to sell the land or lease it. Compensation should reflect replacement cost as the owner should not be left out of pocket by more than half as prices around the area rise. Owners should be able to buy back into the community and area they were in. Stamp duty should be payable in all instances whether it was an investment property or place of residence. Even investors have to replace the land taken and will have to pay stamp duty in order to do this. If they do not receive stamp duty it means

they will always be out of pocket. In my opinion a lot of valuers are not truly independent as they are always chasing government work and are therefore worried not to step on any toes.

Overall, this has been a very stressful few years. I cannot sleep at night and have been diagnosed with depression and now must take medication to stop anxiety attacks. My family and I are living in a granny flat and do not want to commit to building the rest of the house until we know the true effect of this railway which may be in 2026.

We still do not know if we will receive compensation to the amount that the independent valuers have put on the acquisition. This is obviously not the replaceable value as they are bound by the just terms act. If the Metro department do not agree with our independent valuation I am told the matter will have to go to court then this could go on for many more years.