

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

Name: Name suppressed
Date Received: 17 September 2021

Partially
Confidential

To Whom It May Concern,

Our family has resided at _____, Orchard Hills for the last 12 years. We have three school aged children, ages _____ and strived and extended ourselves to purchase this home for its location and the surrounding community.

On the 26th March 2018, we received a knock on the door from Transport for NSW. This was the first indication that we ever had that our home may be part of any public proposal for acquisition. The proposal outlined a partial acquisition of our property. While the submission period for this proposal was open, we met with Transport for NSW and discussed & submitted two alternative paths for the Metro line which minimised the property acquisitions of the proposed line. One extended the proposed rail tunnel to Patons Lane, Luddenham and the other moved the rail line to the east to run alongside the proposed M9 and freight rail line.

In December 2018 we were informed by Transport for NSW that business case studies had been prepared by Transport for NSW and that both alternatives could work. We were told that these would be presented to the government where a decision on the final line would be made.

It was then in June 2020, that we received a registered post letter from Transport for NSW informing us of the final proposed gazetted line. The final proposal viewed the line requiring approximately half an acre of our five acre property. This being located at the southwest rear section of our property and not affecting our home or any permanent structure. We were informed by Transport for NSW that it would be a partial acquisition. With this assurance, we breathed a huge sigh of relief. After 2 years and 3 months of living in limbo and awaiting a decision, we began to move forward and continue our lives where our family had left off prior.

On 11th September 2020, we received yet another knock on the door at close to 8am in the morning. It was at this point that we were informed by Sydney Metro representatives that our land was being fully acquired for the construction of Orchard Hills Metro Station. We were again beyond devastated. None of the Sydney Metro representatives present could tell us the reasons for the acquisition and we were left with our world turned upside down yet again.

In October 2020, the Environmental Impact Statement (EIS) was released for the Sydney Metro Western Sydney Airport line. This detailed our home as being for 'Laydown and Material handling' and outlining the entire Orchard Hills construction site to be approximately 65 acres. When inquiring as to the reasons for such a large construction site, the reasoning of different construction methodology on stations and an increased workforce on this particular site were given.

This prompted us to research other EIS documents on the various other Sydney Metro projects happening in Sydney and it appears that no other metro station has ever had a construction footprint that is as large as Orchard Hills metro station, approx. 265,400sqm (65 acres).

When comparing the construction footprint of Orchard Hills Station (65acres) with the Sydney Metro West line, the construction of the total 9 stations on that line present a total sum of approx. 40 acres. (Please see attached Item 1) According to the EIS documentation it notes that an open-cut-station is of a similar construction method to that of a cut and cover station (Please see attached Item 2).

With this in mind, when comparing Orchard Hills Station with Westmead station please see below;

Orchard Hills Station	Westmead Station
Open Cut Construction	Cut and Cover Station
Launching 2 x tunnel boring machines	Launching 2 x tunnel boring machines
Peak Indicative construction workforce as per EIS	
300 workers	330 workers
Volume of spoil - 715,000 (cut) cubic metres	Volume of Spoil – 920,000 cubic metres
-25,000 (fill) cubic metres	

Approx. 65acres

Approx. 3.89acres

It appears that both sites will store concrete segments as required for continued construction of the tunnel with the large remainder of concrete segments for tunnelling being made and stored at a holding yard offsite. The large bulk of concrete tunnel segments for the Orchard Hills Metro station will be stored at the Western Sydney Airport Support construction site and transported via truck to the Orchard Hills site. As stated on page 62 of the Environmental Impact Statement Summary for the Sydney Metro Western Sydney Airport (please see Item 3).

With the above figures in mind, and the fact that it appears to be the only metro station that required such a large amount of land to be constructed, we feel that the majority of the land that Sydney Metro is acquiring for Orchard Hills Metro Station is unnecessary. It is also difficult to believe that the NSW government makes every effort to minimise compulsory acquisitions when met with these facts. Government authorities should be required to adequately justify their reasons for acquiring residents' homes. We do not feel that this has been done.

Once the EIS report was released, we requested that Sydney Metro consider entering into a construction lease over our property for the duration of construction. Due to the fact that no permanent acquisition was required on 4.5 acres of our 5 acre property, we were willing to engage in every effort to retain ownership of our property. Multiple requests and variations in our proposal for a construction lease were met with Sydney Metro's refusal, with no adequate reasoning provided. Sydney Metro advised that they would not enter into any construction leases for Orchard Hills Metro station despite many of the properties not requiring acquisition for permanent structures.

Resigning to the fact that we would have to surrender our home to forcible acquisition we preceded to engage with our lawyers and valuers and work at establishing a value for our home under the Land Acquisition (Just Terms Compensation) Act 1991. It was through this legal process that we began to lose hope and become concerned about our family's financial future and stability.

Despite being assured on numerous occasions throughout the past 3 years by representatives of both Transport for NSW and Sydney Metro that we would be compensated in a fair and just manner we began to realise that the Just Terms Act makes it extremely difficult for this to happen. There are numerous issues that NSW residents encounter but there are two major issues which have directly impacted upon the Orchard Hills' residents.

Both issues are caused by the operation of the legislation in valuing the property that is being acquired.

The first is that there can be no recognition of any uplift to the area caused by the public purpose the property is being acquired for. Due to the fact that affected residents find out at the same time as everybody else that their property will be forcibly acquired, this part of the legislation completely removes the resident from their community and neighbourhood instantaneously. This part of the legislation ensures that as soon as that affected resident is notified with a knock on the door, they are rendered homeless and without the community that they have built their lives around. In our circumstances, Orchard Hills is a suburb that is tightly held, with limited sales occurring, presenting difficult and challenging to value in a rapidly moving 'hot' property market. Any homes that sell in the immediate surrounding area are dismissed by the acquiring government authority as inadmissible examples when trying to establish the value due to the 'uplift' that the public purpose may have caused.

Another major issue that residents have facing compulsory acquisition of their properties is that, despite being assured that they will be fairly compensated, there is nothing to ensure that this actually happens. In my view, the law should dictate that residents be reinstated back into their own suburbs (or as close as possible) in like-for-like scenarios.

There is no justice or fairness in a law where a homeowner is left unable to purchase back in their own suburb in a home comparable to their own.

This whole process has left our family devastated. The emotional trauma and uncertainty of this process has placed a considerable amount of stress on our marriage, children and finances for the last 3 years and 4 months. We live every day with the possibility of our main security, our home, being replaced insufficiently and the uncertainty of not knowing where we will be able to relocate to. Whilst at the same time, we are trying to offer comfort and maintain stability for our children whose lives, friendships and schools are all based locally. Due to all of this, we have had many sleepless nights. Our family's plans and lives have been placed on hold for over 3 years due to this metro line and the uncertainty it has caused. It has irrevocably changed the direction and course of our lives forever and we still suffer every day due to it.

The process in turn pays very little attention to the very real, large emotional toll that compulsory acquisition takes, first rendering the owner homeless and then fighting to replace what was theirs to begin with. Every effort should be made to avoid acquiring homes and businesses and when it is unavoidable, it should be done with consideration and fairness to reinstating the homeowner in the position they were in prior to the acquisition. With all of this mind, we feel that the current process of compulsory acquisition is inadequate in delivering fairness and justice to NSW residents.

Sincerely,

Sydney Metro - Western Sydney Airport

Station	Station Type	Construction Footprint			EIS Ref. Pg#	Vol of spoil (m3)	EIS
		Hectares	Acres	m2		Ref - (Table 8-5)	
Orchard Hills Station	In-cutting (similar construct to cut & cover Table 8-2) Tunnel Boring Machine Launch	26.54	65.58	265,400	Fig 8-15, 28	Cut -715,000/Fill - 25,000 (includes St Marys to Orchard Hills Tunnel)	

* Data has been obtained as per Sydney Metro - Western Sydney Airport Environmental Impact Statement (EIS) dated 21/10/2020 & <https://maps.six.nsw.gov.au>

Sydney Metro West

Station	Station Type	Construction Footprint			EIS Ref. Pg#	Vol of spoil (m3)	EIS Ref - (Table 9-4)
		Hectares	Acres	m2			
Westmead	Cut & Cover Tunnel Boring Machine Launch	1.575	3.89	15,750	9-15, pg 16	245,000 (spoil from tunnelling to Olympic Park) 675,000	
Parramatta	Cut & Cover	2.415	5.97	24,150	9-16, pg 17	125,000	
Sydney Olympic Park	Cut & Cover	2.39	5.91	23,900	9-19, pg 20	225,000	
North Strathfield	Cut & Cover	0.65	1.61	6,500	9-19, pg 20	110,000	
		0.1	0.25	1,000			
Burwood North	Cut & Cover	1.29	3.19	12,900	9-20, pg 21	235,000	
		0.14	0.35	1,400			
Five Dock	Mined Cavern	0.415	1.03	4,150	9-21, pg 22	165,000	
		0.215	0.53	2,150			
The Bays	Cut & Cover	6.12	15.12	61,200	9-22, pg 23	155,000 (Spoil from tunnelling to Olympic Park) 860,000	
Pymont East	Mined Station Cavern	0.2385	0.59	2385	Scoping report pg 12	220,000	
Pymont West		0.154	0.38	1540			
Sydney CBD East	Mined Station Cavern	0.3608	0.89	3608	Scoping report pg 13	405,000	
Sydney CBD West		0.377	0.93	3770			
		16.4403	40.64	164,403		3,420,000	

* Data has been obtained as per Sydney Metro West - Environmental Impact Statement (EIS) & Sydney Metro West Scoping report between The Bays & Sydney CBD.

Table 8-2 Indicative station construction method

Station	Vertical alignment	Construction method (structural works)
St Marys	Underground	Cut-and-cover box
Orchard Hills	In-cutting (open cut)	Similar to cut-and-cover box
Luddenham Road	Above ground	Viaduct
Airport Business Park	Surface (shallow cutting)	Surface
Airport Terminal	Underground	Cut-and-cover box
Aerotropolis Core	Underground	Cut-and-cover box

Where the design and site conditions allow, stations would be constructed using modular design elements to minimise the construction timeframes. This approach involves the installation of structures (for example, station buildings and canopies) comprising modularised components.

8.5.1 Cut-and-cover station construction method

Cut-and-cover construction is proposed for St Marys Station, Orchard Hills Station, Airport Terminal Station and Aerotropolis Core Station.

While Orchard Hills is an open cut station, the construction method for the station is comparable to a cut-and-cover station given the requirement for vertical retaining structures on both sides of the station below ground level (refer to Figure 7-21).

Excavation method

A typical construction method for cut-and-cover station excavation would involve excavating the station from the surface and using pile walls to support the surrounding soil and rock.

The construction of the station would progress down to the level of the base slab with intermediate temporary horizontal braces, anchors and shoring installed as required. The base slab and permanent structural elements would then be built up from the bottom of the excavation, removing temporary structural supports as the work progresses upwards. The last element of the structure would be the roof slab – leaving only discrete entry and exit points – and any required backfilling to the new ground level over the slab.

Structural works

Structural works for the underground stations would involve the construction of:

- platforms
- vertical supports
- mezzanine levels and rooms
- roof slabs (covering the station box).

Platform slab construction would involve the placement of formwork panels, followed by pouring of concrete into the panels using concrete pumps located at the surface. Allowance would be made during platform construction for the location of the vertical transportation elements (such as escalators and lifts).

The construction of mezzanine levels would involve installing structural beams to span the full width of the station box, followed by secondary beams between the main beams. A concrete slab would then be poured in sections supported by the beams.

The roof slabs would likely consist of closely spaced precast girders spanning the full width of the station box, placed on the piled wall capping beam (installed as part of the excavation). A concrete topping slab would be poured on the girders, followed by a waterproof membrane and a concrete protection layer. The area would then be backfilled (as required) to the surface level.

The platform canopy components would likely be pre-fabricated at an offsite location. The canopies would likely be assembled at ground level adjacent to the station platform then lifted into place.

Inside the tunnels

Lining the tunnels

The lining for the tunnels would be assembled from precast concrete segments and installed progressively as the TBM moves forward. The pre-cast concrete segments are designed to ensure the long-term life of the tunnels and to minimise groundwater ingress.

The precast concrete segments would be manufactured using concrete from a dedicated concrete batching plant and stored at a tunnel segment precast facility at the airport construction support site.

The precast facility would produce about 300 tunnel lining ring segments per day. The segments would be transported via trucks within the Western Sydney International site and on the road network to Orchard Hills.

Safety inside the tunnels

All tunnels would be built with raised walkways or ramps to the tracks to facilitate safe evacuation from the train in an emergency. Cross-passages would also be built at intervals of about 240 metres to allow customers to exit in the event of an incident.

Tracks

Continuously welded rail tracks would sit inside the tunnels on top of a fixed concrete slab to provide a smooth surface for the metro trains, minimising noise inside the tunnels. In most places, the tunnel track centrelines would be about 16 metres apart.

Precast concrete segments stacked
in a Sydney Metro construction site.

