

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

**Name:** Mr Owen Coleman

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Partially  
Confidential

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Owen Coleman

Bulahdelah 2423 NSW

**Submission to Parliamentary Inquiry into Land Acquisitions NSW**

I would like to address the members involved in the Parliamentary inquiry into Property Acquisition. As you read this report, I hope you will consider recommending a criminal investigation into my property Acquisition by RTA/RMS/New South Wales Transport.

Relevant legislation applicable;

CRIMES ACT 1900-SECT 192G INTENTION TO DEFRAUD BY FALSE OR MISLEADING  
STATEMENT

CRIMES ACT-1900-SECT 249K BLACKMAIL OFFENCE

I am unable to find any legislation that allows RTA/RMS to be ruled exempt from the listed  
legislation acts.

I was the person who got Jody McKay to get the David Russell report released. (Att Copy)

My property identification has been changed many times because of Acquisitions.

1 Lot one Pacific Hwy Bulahdelah 2423 NSW DP:

2 Property ID: DP839639

3 Lot 32

4 Now: Lot 100 DP 1151844 -

Bulahdelah 2423 NSW

**Third Acquisition by RTA / RMS** (Any information given in this submission about RTA can be verified by witness as I never met with RTA without a witness with me).

Land size: 52acre

Initial offer was: \$180,000.00

I was told by \_\_\_\_\_ in writing to get a valuation done by an independent valour and RTA would allow \$2,700.00 for legal cost and valuation cost. (See real cost attached)

This Acquisition was for about 1km of road corridor in the best part of my property.

1: RTA first offer was (\$180,000.00 for the whole of my property) Made by \_\_\_\_\_ and \_\_\_\_\_  
RTA Newcastle Office.

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This property parcel has a phone communications tower on it with three providers under contract at that time with rent still owing on the lease totalling \$160,000.00. As a result, the RTA would have purchased the whole land area for \$20,000.00. The communications tower is still on the remaining part of my property leased to 2036. It was also quite clearly explained to me and emphasised that this would be a costly process to fight this in the Land and Environment Court.

Sometime went past the Environmental Impact Statement (EIS) was released when I received another offer from \_\_\_\_\_ in the mail. A few days later \_\_\_\_\_ appeared at my workplace and said, "I didn't get any abusive phone calls so the offer must have been OK", (This offer was the value of the \_\_\_\_\_ valuation). My reply to him was "why did you again make a stupid offer like that. You know as well as I do the property is worth a lot more than what you offered"?

\_\_\_\_\_ replied, "We do that to everyone. If people don't object, we just take the property for what we offered. We have to get the land for a road corridor from Sydney to the Queensland border as cheap as possible because we have a budget to stick to". I ask him to show me where in the Just Terms

I have been the victim of three land acquisition by government departments and one forced sale by blackmail of various parts of my property at Bulahdelah. Two acquisitions were by Public Works which stated in 1984, the land was taken in 1989 (copy attached) for town water filtration plant and the other for a town water reservoir tank. The second Acquisition started in 1994 where land was taken in 1996 (copy attached).

With these two Acquisitions, the building rights to the remaining 52 acres of the property were removed. I then applied to the council to get building rights reinstated to the remaining parcel of land to complete our family dream home on acreage which has taken eight years of continual fighting with council to get building rights back on the remaining part of my property. This has proven to be a costly process for money, time and stress.

The final acquisition involved resuming the majority of the 52 acre parcel for the Bulahdelah bypass road corridor where the process was handled by the Roads and Traffic Authority/RMS. This process started in February 2000 and it was taken by force in September 2009. Additional land was resumed by the RTA which was rendered useless as I was refused driveway into the part parcel which prevented me to rebuild and establish my transport business. This parcel was earmarked for a storage depot while building the highway for the construction companies. This is where the large industrial sized shed workshop that I operated my transport business from was to be moved but instead was relocated to another spot to be used at RTA main construction site as their workshop for the contractors which still stands there today.

In all the above cases, the government representative made first up offers with no valuations at all. The details of each process are as follows;

#### **The first Public Works Acquisition (Year 1989)**

Land size: 3.5 acres

Initial offer was: \$8000.00

Settlement was \$27000.00

#### **Second Acquisition by Public Works (Year 1996)**

Land size: 1 acre

Initial offer was: \$1000.00

Settlement was \$ 37,240.70 (where I had to pay cost out of that. Final price = \$31,189.50)



Legislation Act it stated I had to sell my property to RTA for less than it was worth because they had a budget to stick to (Check Fraudulent Misrepresentation paper attached).

Over this process, I was continual harassed over the decade period by [redacted] the acquisition manager from Newcastle office, trying to get me to sign my property over to RTA under the hard ship rules where threats and intimidation were a primary tactic used.

As this was unfolding, one afternoon a man arrived at my workplace. I enquired what he wanted but he didn't introduce himself (I was told his name was [redacted] by another valvular). He said to me "you know RTA won't pay you too much for your property". He revealed he was a contract valuer for RTA but was not involved with this matter. I have strong suspicions that this person was sent to see me by [redacted] to intimidate me and explain how little hope I had in this selling resumption process. I believe this person was in partnership with [redacted] in a 3000ac property at Barrington near Gloucester NSW. I never saw him again after that day he came to my workplace.

Throughout this time, it was recommended to me by Mid Coast Council my land to be rezoned into industrial subdivision. Council put the rezoning on hold until RTA made up their mind which way the highway was going. This opportunity would have resulted in 20 to 25 industrial blocks on that part of the property and a house approved on the north part of the property. (No council cost were reimbursed by RTA). This referral was not added into any of the valuations (Copy Attached). After completion of the highway, the neighbouring property has been rezoned to industrial zoning.

My next move after the EIS was released was to get my own independent valuations done. I approached [redacted] from Real Estate Services Tuncurry who was familiar with the area values to carry out a valuation on the property (Copy Attached).

**The following amounts are for the road corridor only:**

RTA Valuer \$380,000.00 less GST and costs, Final price = \$300,000.00

Valuation \$1,204,000.00

Due to there being such a significant difference in the two valuations, I decided to get two more done hoping that this would provide enough evidence to confirm a fair value for the land.

|                                     |                |
|-------------------------------------|----------------|
| d Real Estate Services Tuncurry     | \$1,204.000.00 |
| Hausfeld and Associates from Sydney | \$1,668.000.00 |
| Country Valuations from Sydney      | \$1,350.000.00 |

All copies valuations copy can be provided.

Please Note: Country Valuations from Sydney there was no disturbance cost on this valuation only land so allow \$1,350,000.00 in between Gould and Hausfeld valuation

The average price valuation for comes to \$1,407.330.00. In addition to this, the extra land they wanted \$300,000.00 brings settlement amount totalling = \$1,707,000.00. As a result, I ask the RTA to get another valuer and a new valuation completed but refused and said they were going stick with valuation. arranged a meeting with myself, his boss, my solicitor and valuer that came close to a physical altercation (there is more to this ask me face to face if you want to know more). There was NO AGREEMENT was reached with RTA at this meeting which caused the Valuer General to be called in. This resulted in the land being taken.

The final amount paid was based on the valuer general valuation completed by Robertson and Robertson which totalled \$926,164.00. The second part of property was transacted for \$300,000.00. Thus, \$1,226,164.00 was paid for 29.87 acres which equates to approximately 40% variation from the average of the other valuations carried out. The RTA refused to get a septate valuation on this part of the property. (See Map) This is the transaction which resulted in the on sale of about one third of this land size to Mid Cost Council/Water for \$330,000.00. (See attached map). It was brought to my attention that from Robertson and Robertson visited RTA Newcastle office the morning he carried out the valuations. It's obvious the correct value settlement amount for my property was not received.

At that time I sent an email to API Australian Property Institute asking for advice on how to correct this matter and received a reply from, Professional Standards Manager. I ask if I had five valuations done on 100aces property what would be the typical percentage variation be over the

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five valuations. I received a reply from API stating tolerance of plus/minus 10% either side of the court determined value is compliant. This results in a range of values differing by 20% that may still be accepted. It was also said that if there was suspicion of some one of under valuing your property take it to the Police (Attached Copy). From this advice, I placed an official complaint to API about who also happened to be a member of API.

I complained that much to the RTA and politicians about the acquisition process, RTA Sydney acquisition department sent , North Coast RTA general manager Grafton and Hunter Valley, General Manager to have a meeting with me. After viewing the valuations, they agreed the RTA valuations were wrong and showed me what should have happened. They stated that an average of the valuations should have been taken (as shown before). After admitting the RTA did not act accordingly and incorrect, still nothing was done to correct the issue.

, Holding Redlich lawyers Sydney, represent me in Land and Environment Court. The matter went for mention twice then walked out of the law firm and left me high and dry. The case was passed to a young solicitor that had very little experience with land acquisitions. Another hearing was scheduled and I was informed by the solicitor that the VG would set the amount and I could not appeal the ruling. I was later informed this was incorrect but by then it was too late. This process incurred \$90,000.00 later in legal costs plus the valuations cost.

At the beginning of the resumption process I was talking to one of the surveying engineers who was marking out the bypass corridor. It was explained to me that the RTA wanted my property and the one next to mine on the north side as it would allow thousands of cubic meters of gravel and fill to be transferred south of the river onto the low laying flat's for fill so no material was required to be bought in. Reports were available to calculate the cost of fill required which was substantial and resulted in a large saving for the build of the highway (Attached Copy).

I have tried explained this succinctly as possible but there is lot more information that can be provided if you wish to see it.

To the politicians hearing this inquiry who we, the people elect to represent us and ensure the laws are appropriate and followed by everyone, I ask you to find the time to investigate this case and the



many others that have suffered from the improper actions of public officials. If property is required for public projects to advance our country, homes and property owners need to be correctly compensated for what they have worked for. These corrupt deals and rip-offs are quite simply removing value from peoples lives and too many people are being intimidated into saying nothing.

**Please do not make this inquiry a waste of your time. You have the chance to force new laws to be put in place to protect the people effected by property acquisitions.**

Thank you for taking the time to read my submission.

Owen Coleman.