

# North West Rail Link Corridor Strategy

I wish to object to the construction of the North West Rail link.

Construction of this infrastructure will require the compulsory resumption of many parcels of private property. The NSW “Just Terms Compensation Act” is entirely inappropriate and unfair, it is decidedly unjust.

No further private properties should be compulsorily resumed before legislation is in place to stop infrastructure development destroying the livelihood and savings and sometimes the lives of ordinary citizens who inadvertently find themselves in the way.

Residents and businesses owning strata titled property are particularly at risk of losing much more than just their property. The NSW Government, as represented by the RMS (ex RTA) takes the attitude<sup>1</sup> that there are winners and losers in any infrastructure development, the RMS can choose who the winners will be, and can dismiss the losers as “losers”.

The just terms legislation predates the strata title legislation so it does not take any strata issues into account. The L&E Court has agreed with the RMS that people who own units in a strata plan have no interest in the common property. As a result, the RMS resumed the entire front yard of our unit block (half of the property) up to and including parts of the front wall of the building and paid no compensation for the common property, no compensation for the loss of a six metre advertising pylon and no compensation for the removal of letterboxes, pathways and other infrastructure. There was no compensation to assist the forced relocation of a ninety year old woman who one afternoon discovered that she was trapped inside her home once road works started and walkways removed.

Even though the RMS resumed part of the front wall of the building, there was no compensation for any unit holders – not even double glazing, because the residential units are all “next door” to the RMS affected areas, and “next door” is excluded from compensation. A strata title property starts at the inside of the wall – so the wall that is now part of the road easement is “next door” and of no interest to the inside neighbour.

The RMS made structural modifications which has left the building with all the downstairs shops at dungeon level with no natural light, predictably empty. For five years they have been on the market but have not sold. The upstairs residential units are rented cheaply to keep the building occupied. I am the owner of one residential unit which cannot be sold or rented at a fair rent, leaving me to pay the mortgage on a property which is worthless, unable to remove myself from the situation. This unit represents the bulk of my retirement savings – all gone, but still more to pay every month.

This is just one story of the social devastation caused by infrastructure development under the current rules. The North West Rail Link will impact upon many property owners. It is unreasonable to proceed with any further compulsory acquisitions of property without the “just terms” legislation being revised to give justice also to owners of strata titled property.

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<sup>1</sup> See: **Owners Corporation of Strata Plan 30859 v Roads and Traffic Authority of NSW [2009] NSWLEC 135 (13 August 2009)**