

12 Property

12.1 Introduction

Through the *Highways Act 1926*, DTEI has the authority to acquire property that is required for road development purposes. The acquisition process is carried out in accordance with the provisions of the *Land Acquisition Act 1969* for compulsory acquisition and the means for reaching agreement about the amount of compensation payable. DTEI is also willing to acquire property through negotiated purchase with the owners either during the early planning phase of a project or once an approved scheme has been announced.

This section focuses on the effect of the proposed Northern Expressway on properties that would be directly affected by property acquisition. Property acquisition concerns were a predominant theme of consultation between November 2006 and January 2007, particularly for owners and occupiers of property directly affected. Personal consultation with affected individuals and businesses is endeavouring to minimise the impact of the acquisition process for those people and the land and businesses affected.

A number of properties would be indirectly affected by the Northern Expressway through changes to local access, noise exposure and visual amenity. The effects on those living in the region whose properties are not directly affected by acquisition are also considered throughout this report. Whilst the Land Acquisition Act makes no provision for compensation to property owners, tenants, businesses or any other parties that are indirectly affected by a proposal, some residential properties may receive noise mitigation treatments. For further details of the proposed noise criteria and treatment options, see Section 14 in this report.

12.2 Existing ownership

The majority of the land to be acquired to facilitate construction of the proposed Northern Expressway is in private ownership; some is publicly owned.

12.3 Effects of the project

12.3.1 Effects on property

Approximately 85 properties would be directly affected by acquisition including properties developed for horticultural and agricultural use, residential properties, a glider field and a harness racing track. Either the whole or part of these properties would need to be acquired to create the Northern Expressway corridor and a number of houses and sheds would also need to be demolished.

The severity of the effect of acquisition on any individual property would depend on the current property size, the amount of land proposed to be acquired and the owner's current and intended use for that property.

Where an area of land considerably larger than is necessary for actual road construction is acquired, the residual land would either be offered in exchange to dispossessed owners or sold at a future time. Small, otherwise unsaleable parcels of land would be retained and rehabilitated as part of the landscape or drainage components of the Expressway.

It is not envisaged that the Expressway would have any adverse effect on property values in the region. Similar road projects undertaken both locally and interstate show substantial positive demand for properties in proximity to new transport corridors.

12.3.2 Acquisition process

For the preferred approach of property acquisition by negotiated purchase between DTEI and the property owner, the Minister for Transport gives approval for DTEI to offer compensation in accordance with the provisions of the Land Acquisition Act. (The Act allows for compensation to cover reimbursement of reasonable professional fees, cost of relocation and any other losses in addition to the fair and reasonable market value of the property itself. Market value of the property is determined on the basis of value before the project was announced.)

If a negotiated agreement on price and other compensation items cannot be reached, then DTEI may acquire the property by compulsory means. Compulsory acquisition is a statutory process under the *Land Acquisition Act 1969*, which allows DTEI to acquire the land necessary to provide an efficient road system. It also provides the legal means for reaching agreement about the amount of compensation payable if an agreement cannot otherwise be negotiated.

If affected parties object to the proposed acquisition or wish to vary the amount of land to be acquired, there is a legal process that must be followed. The relevant procedures are set out in the *Land Acquisition Act 1969* and are summarised in DTEI's *Property Acquisition Guide* (2006).

12.4 Management

12.4.1 Principles adopted to minimise effects

Minimising the number of properties that would be directly affected by acquisition was a key principle adopted to reduce the effect of property acquisition on the community.

12.4.2 Measures to minimise effects during planning and design

The geometric design of the Northern Expressway route aims to minimise property severance by locating the corridor close to existing property boundaries where feasible. The proposed route avoids the need for acquisition within dense residential areas (e.g. Angle Vale and much of Macdonald Park). Interchanges and overpasses have been located within large areas of land that are relatively undeveloped. Where possible, properties containing places of Aboriginal and non-Aboriginal cultural heritage significance have been avoided.

During the concept design phase, the Northern Expressway project team met with property owners and occupiers to gain an understanding of the way their properties are currently being used. With this information, minor modifications may be made to the proposed route to further minimise the effects of acquisition on property owners, tenants and businesses.

12.4.3 Measures to minimise effects during construction

Prior to construction, the property owners would discuss fencing, access arrangements, noise mitigation and any other requirements with DTEI to reach an agreement about the timing and extent of works to be carried out.

Further details on measures proposed to minimise construction effects on properties are explained throughout this Environmental Report.

12.4.4 Measures to minimise effects post-construction

Matters relating to property acquisition would be finalised during the planning and design or construction phases of the project.

