Gunnedah second road over rail bridge

Community Submissions Report

November 2014
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Background

Roads and Maritime Services (Roads and Maritime) has been assessing options for a second road over rail bridge in Gunnedah.

The Abbott Street Bridge on the Oxley Highway is a Higher Mass Limit (HML) deficient bridge, restricting the transport network through Gunnedah. The provision of a second road over rail bridge would remove a missing link in the HML network at Gunnedah, creating an unrestricted route for HML freight vehicles between the New England Highway and Newell Highway.

With major coal developments in the Gunnedah basin, the length and frequency of coal trains has been increasing, causing extended delays at the New Street level crossing. With delays expected to increase in the future, Roads and Maritime, and the Gunnedah Shire Council are committed to identifying a grade separated crossing that would improve local and through traffic efficiency.

The objectives of the project are to:
- Provide a grade separated crossing to facilitate a HML route through Gunnedah
- Improve local traffic efficiency
- Improve road safety
- Improve road transport productivity, efficiency and reliability of travel
- Minimise the impact on the natural, cultural and built environment
- Provide value for money.

In 2013, Roads and Maritime displayed three options — A, B and C — for community comment. During this time Gunnedah Shire Council, the Australian Rail Track Corporation (ARTC), and Transport for New South Wales were also consulted. Feedback gave further insight into stakeholder views on the advantages and disadvantages of the options. The Community Submissions Report (Roads and Maritime, 2013) summarises the feedback received. It was provided to those who submitted feedback and remains available for download via the Roads and Maritime website.

After considering this community feedback and the findings of further technical studies, Roads and Maritime identified a refinement of Option C as the recommended option. Option C (Refined) was displayed for community comment in August 2014. Feedback provided was used to guide Road and Maritime’s decision about the preferred option. The Preferred Option Report (Roads and Maritime 2014) is available on the Roads and Maritime website.
Community consultation

This report summarises community feedback received on the recommended option during a four week consultation period from Monday 18 August to Friday 12 September 2014.

Roads and Maritime advised the community about the recommended option and their opportunities to provide feedback by:

- Distributing a community update including details of planned community drop-in sessions to every address in Gunnedah (carried out by Australian Post) (appendix A)
- Displaying the community update and Recommended Option Report at the Gunnedah Shire Council office, Gunnedah Shire Library and Gunnedah Motor Registry
- Advertising the community drop-in sessions in the Namoi Valley Independent and The Northern Daily Leader newspapers
- Updating the Roads and Maritime website with details about the community drop-in sessions and a downloadable copy of the community update
- Emailing the project distribution list (comprising of people in the study area or those who have registered for project updates) with a link to the website
- Posting a personally addressed copy of the community update to all property owners in the study area and all who have previously expressed an interest in the project
- Disseminating a joint media release by the NSW Minister for Roads and Freight, the Honourable Duncan Gay and the NSW Member for Tamworth
- Meeting face-to-face with affected property owners.

A number of media articles in the Namoi Valley Independent reported the announcement of the recommended option (appendix B). These articles also conveyed the details of the community drop-sessions and other mechanisms through which the community could provide feedback to the project team.

Feedback mechanisms available to community

During the consultation period, community members could provide feedback to the project team by:

- Visiting the project display in the Roads and Maritime stall at AgQuip Field Days from 19 – 21 August 2014
- Attending the two community drop-in sessions at Gunnedah Town Hall held on:
  - Wednesday 27 August 2014 (4 – 7pm)
  - Thursday 28 August 2014 (9am – 12pm)
- Submitting feedback forms or written submissions via email or post.
The community could also contact the project team at any time by:

- **Phone:** 1800 029 585 (toll free)
- **Email:** secondroadoverrailbridge@kbr.com
- **Post:** Gunnedah second road over rail bridge project
  Reply Paid 633
  Brisbane QLD 4001.
Community participation

AgQuip Field Days

The project team attended the AgQuip Field Days in Gunnedah from 19 – 21 August 2014. The recommended option was displayed in the Roads and Maritime stall (figure 1 and figure 2).

Of the hundreds of visitors to the stall during the three days, the team spoke with 121 people specifically about the project and the recommended option. This included local Gunnedah residents, visitors, those who regularly travelled through Gunnedah and other stakeholders. The majority of comments received about the project and the recommended option were supportive.

The team’s attendance at AgQuip and the announcement of the recommended option was also covered by Namoi Valley Independent (local newspaper), Channel Seven (Prime) and NBN News. The Mayor of Gunnedah, Owen Hasler and the NSW Member for Tamworth attended the stall for press interviews (figure 3 and figure 4).

Figure 1 – Roads and Maritime stall at AgQuip

Figure 2 – Roads and Maritime project team talking to AgQuip attendees about recommended option

Figure 3 – Kevin Anderson, NSW Member for Tamworth, Mayor Owen Hasler and Gunnedah Shire Council General Manager, Eric Groth

Figure 4 – Mayor Owen Hasler being interviewed at AgQuip by the Prime News team
Community drop-in sessions

Twenty-five community members signed in at the community drop-in sessions including residents and business representatives from within and outside the study area. Attendees spoke with members of the project team either one-on-one or in small groups to ask questions and give feedback (figure 5 and figure 6).

The project team also met privately with property owners who would be directly impacted by the recommended option.
Feedback received within the community feedback period

During the community feedback period (18 August – 12 September), 51 submissions were received comprising 44 feedback forms, four emails, four letters and one petition. Where identical responses were received in duplicate from the same person, it was counted and analysed as one submission. Where an individual provided the information through multiple mechanisms (e.g. feedback form and separate letter), it was counted and analysed as one submission.

One of the 51 submissions received was from Gunnedah Shire Council expressing its support for the recommended option as resolved in the Council meeting on 27 August 2014 (appendix C). The resolution in the meeting was:

“That Council write to Roads and Maritime indicating our support of refined Option C proposal for the second road over rail bridge”.

The petition received was counted and analysed as one submission. The petition’s 64 signatories expressed their opposition to the acquisition of two residential properties in Barber Street as part of Option C (Refined). Seven of the individuals who signed the petition also submitted feedback to the project via email or feedback forms.

Roads and Maritime, and the Minister for Roads and Freight considered community feedback on the recommended option before making the final decision on the preferred option.

Analysing submissions

Received submissions were assigned an identification number to protect the identity of submission writers. The assigned number is arbitrary and does not reflect any ranking of the submissions.

The comments received in the feedback were then categorised according to topic. Like comments were summarised and a response was prepared by Roads and Maritime. Table 1 shows:

- topics by which comments were categorised
- identification number of submissions that made comments relevant to a particular topic
- reference to the tables in appendix D that contains a full summary of the comments received and Roads and Maritime’s response.
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<thead>
<tr>
<th>Topics raised in submissions</th>
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Key topics raised in submissions

Figure 7 shows the top ten topics raised in community submissions about the recommended option.

![Figure 7 – Top 10 topics raised in community submissions about the recommended option]

The following sections of this report provide a brief discussion of the top five topics raised in submissions together with responses, these are:

- Land acquisition
- Alternative route options
- Intersection design: Barber Street
- Business/service patronage
- Consultation process.
Land acquisition

Land acquisition in Barber Street is required to build an intersection that provides safe access between the new route and Barber Street. One of the project aims is to limit the impact on affected properties and the intersection has been designed with this aim in mind. However, to accommodate the intersection’s design and safety requirements (including B-Double heavy vehicle compliance) and the constraints of the site the following land acquisitions are proposed for the recommended option:

- Minimal acquisition of land from Marcroft Park Caravan Park
- Land swap arrangement with Gunnedah Maize Mill
- Acquisition of two residential properties in Barber Street.

In accordance with the *Land Acquisition Information Guide* (Roads and Maritime, 2014) (appendix E) all land acquisition undertaken by Roads and Maritime is governed by the *Land Acquisition (Just Terms Compensation) Act* 1991 together with the *Roads Act* 1993. Roads and Maritime will continue to liaise directly with the affected land owners as the project progresses.

The topic of land acquisition was raised in 20 submissions (19 individual respondents and one petition with 64 signatories). The main comments about land acquisition were:

- Opposition to Option C (Refined) due to the potential acquisition of two affected properties in Barber Street
- Potentially affected property owners should be compensated for potential financial hardships until a final decision is made about the project and the bridge location
- There is adequate space at the western end of Barber Street for an intersection without needing to acquire houses
- Keep costs down, don’t resume properties on Barber Street
- Four properties at the Warrabungle and Conadilly Street roundabout, should be acquired (one on each corner) to ensure there is enough room to accommodate heavy vehicles.

Roads and Maritime’s responses to each comment is detailed in appendix D, table 15D.
Alternative route options

Alternative options to Option C (Refined) were suggested for the new route in 16 submissions; all of these alternatives had been previously considered and not progressed by the project team for the reasons outlined in Preliminary Concept Option Report (Roads and Maritime, 2013), the Recommended Option Report (Roads and Maritime, 2013) and summarised in appendix D, table 7D. Suggested alternatives included:

- Two submissions suggested changing the route to Farrar Road
- One submission suggested taking the new route parallel to Stockman Close rather than connecting in with Warrabungle Street
- Two submissions suggested changing the route so it could connect with Tempest Street
- Eleven submissions stated they preferred the original Option C that was presented to the community in May 2013.

Intersection design: Barber Street

The recommended option provides direct access into Barber Street via an intersection where the new route alignment meets Warrabungle Street. The intersection allows for northward and southward vehicle movements in and out of Barber Street. It has also been designed to safely accommodate B-Double heavy vehicles. The design and location of the intersection has been dictated by a number of design constraints including: road gradients, safe turning requirements, lines of vision, and property accesses.

The topic of intersection design (Barber Street) was raised in 11 submissions and the main comments were:

- Consider having a roundabout rather than a T-intersection from Warrabungle Street into Barber Street
- Instead of Option C (Refined), consider a roundabout at Rosemary and Conadilly Street to provide access to Barber Street
- No need to have a new intersection from Warrabungle Street for heavy vehicles to access Barber Street if the level crossing is left open
- It is important that access to Barber Street, as presented as part of Option C (Refined), be easy for local traffic to enable continued passing traffic for businesses on Barber Street and avoid traffic being redistributed to Conadilly Street
- There is adequate space at the western end of Barber Street for an intersection without needing to acquire houses
- The new intersection’s access Barber Street looks like it will work and businesses will not lose trade
- With the new intersection maintaining access into Barber Street the area can now be developed
- It is crucial for there to be access between the new route and Barber Street.
The need for this intersection and the access it provides into Barber Street was identified during community consultation in May 2013. Local residents, businesses, Gunnedah Shire Council and the NSW Member for Tamworth were concerned closure of the New Street level crossing could potentially cause negative impacts to Barber Street businesses. Results of a business impact assessment revealed there would likely be an impact on Barber Street businesses, with business from this area being redistributed within the Gunnedah Central Business district. The assessment found a direct connection from the new route to Barber Street would mitigate this impact. Option C (Refined) provides this connection to Barber Street, but also has additional impacts on private property not previously identified during 2013 consultation period. As such, Roads and Maritime put forward the option as recommended and invited community feedback before the project progressed.

**Business/service patronage**

The topic of business/service patronage was raised in nine submissions. Six of the submissions indicated access from the new route was important for businesses in Barber Street and three submissions indicated this was not the case. As discussed in the above section, business impacts potentially caused by closing the New Street level crossing were a key feature of community feedback received during May 2013. The recommended option has been developed to accommodate access into Barber Street to mitigate this business impact.

**Consultation process**

The topic of consultation process was raised in eight submissions; in particular opinions were expressed about the affected property owners in Barber Street not being appropriately consulted about the recommended option.

As discussed in the land acquisition section, these properties are required to build a safe intersection into Barber Street. The inclusion of this intersection is the result of feedback from the community and key stakeholders during the 2013 community feedback period. To provide the community with the opportunity to comment on its inclusion Roads and Maritime introduced an additional consultation step. Option C (Refined) was presented as a recommended option for community comment.

As part of the recommended option consultation process, the project team met face-to-face with affected property owners on Thursday 14 and Friday 15 August 2014 (the week before the formal announcement of the recommended option). At these meetings, the team advised affected property owners of the recommended route, its potential impacts on their property and how to submit feedback. The project team encouraged affected property owners to make written submissions using the provided feedback forms or other means to convey their views on Option C (Refined). Affected property owners were also made aware the project team would be available at the AgQuip Field Days, community drop-in sessions and face-to-face meetings if they had further questions.

The property owners were advised community feedback received during the consultation period would be collated in a *Community Submissions Report* and provided to the Minister for Roads and Freight for consideration before a final decision on the route was made. Roads and Maritime will continue to consult directly with any affected property owners as the project progresses.
Feedback received after the community feedback period

Roads and Maritime received 12 submissions after the community feedback period (18 August – 12 September 2014) closed. These submissions have not been included in the feedback analysis sections of this report. However, the feedback received in the late submissions has been briefly summarised and responded to in appendix F, table 1F.

Three of the 12 late submissions were from respondents who already provided submissions during the community feedback period.

Next steps and further information

The preferred option announced by the Minister for Roads and Freight is detailed in the Preferred Option Report (November 2014), available on the Roads and Maritime website.

The next step is to obtain relevant environmental approvals and complete detailed design before starting construction.

For more information please visit the Road and Maritime website at www.rms.nsw.gov.au.

The community can contact the project team at any time by:

- **Phone:** 1800 029 585 (toll free)
- **Email:** secondroadoverrailbridge@kbr.com
- **Post:** Gunnedah second road over rail bridge project
  
  Reply Paid 633
  
  Brisbane QLD 4001.
Gunnedah second road over rail bridge – Recommended option

Roads and Maritime Services has identified a refined Option C as the recommended option for a second road over rail bridge in Gunnedah. We now invite your feedback before a final decision is made.

The project
In 2013 Roads and Maritime displayed three options – A, B and C – for community comment. During this time we also consulted Gunnedah Shire Council, the Australian Rail Track Corporation (ARTC), and Transport for New South Wales. Feedback provided during the comment period gave further insight into stakeholder views on the advantages and disadvantages of the options. Since this time Roads and Maritime has carried out a range of technical and environmental investigations to further assess these options.

For the project to meet its objectives of improving traffic efficiency and safety the New Street level crossing must be permanently closed when the new bridge is opened to traffic.

The impact of this closure on the Barber Street business precinct was a key concern raised by several Barber Street traders and Gunnedah Shire Council.

Feedback provided by the community combined with technical, environmental and social investigations has been carefully considered by the project team in identifying the recommended option.

Roads and Maritime has identified a refined Option C, which also provides access to Barber Street, that would will best serve the needs of Gunnedah in the future.

This option has additional impacts on private property not previously considered during the 2013 comment period. As such, we are seeking further community input before a final decision is made.

The recommended option is detailed on the map overleaf.

Recommended option
The refined Option C would be built over the rail line, west of the Gunnedah Maize Mill to connect the Oxley Highway roundabout with a new roundabout at the Conadilly and Warrabungle streets intersection. It would also maintain direct access to Barber Street.

The recommended option considered the environment, community and other constraints of the study area and was shown to:

- Have a reduced project footprint and minimised environmental effects near the Oxley Highway
- Avoid core koala habitat in the Wandobah Reserve
- Minimise Blackjack Creek flooding effects
- Maintain direct access to the Barber Street business precinct
- Be easier to build and have an improved curve and appropriate railway clearance for the future duplicated rail line
- Have improved efficiency by minimising impact to existing infrastructure, including the Oxley Highway roundabout, View Street connection and culvert across Blackjack Creek.

Roundabouts at each end of the recommended option would enable efficient traffic movement between the residential and commercial areas of Gunnedah.

Pedestrian and cycle access would also be provided.

In this community update:
- Map of the recommended option
- Why the recommended option was chosen
- Upcoming consultation activities.
Have your say

Roads and Maritime has identified a refined Option C as the recommended option for a second road bridge over the rail line in Gunnedah. We now invite your feedback.

The project team will be available to answer your questions and receive your comments at the following times:

AgQuip Field Days – 19 to 21 August, Blackjack Road, west of Gunnedah.

Two community drop-in sessions:

When: Wednesday 27 August 2014 4–7pm (session 1)
Thursday 28 August 9am–12pm (session 2)

Where: Gunnedah Town Hall
Conadilly Street, Gunnedah

There will be no formal presentation.

Project information including the Recommended Option Report will also be on display at the following locations until 12 September 2014:

Gunnedah Shire Council
63 Eligin Street

Gunnedah Shire Library
291 Conadilly Street

Gunnedah Motor Registry
387 Conadilly Street

www.rms.nsw.gov.au

Do you have any further comments or suggestions? Is there anything you think is important and should be considered in finalising the preferred option?

Contact us

For more information or to comment, please contact the project team at:
Phone: 1800 029 585 (toll free)
Email: secondroadoverrailbridge@kbr.com
Post: Gunnedah second road over rail bridge project
Reply Paid 633
Brisbane QLD 4001

Next steps

The recommended option is now on display for community comment. This feedback will be considered before a final decision is made later this year.

| Dec 2012 – Announced project start, displayed study area and consulted with the community in selecting one recommended option for the bridge |
| Dec 2012 – Held two community drop-in sessions to identify local priorities and issues |
| Feb 2013 – Explored a range of options based on community, environment and other constraints |
| May 2013 – Displayed shortlisted options for community feedback |
| Considered submissions and carried out environmental and technical investigations |
| Roads and Maritime and the Minister for Roads and Freight, considered and decided recommended option |
| August 2014 – Announce and display recommended option for community feedback (Recommended Option Report) |
| August 2014 – Hold two community information sessions and attend AgQuip field days |
| Consider community feedback |
| Announce preferred option |
| Seek environmental approval |
| Commence detailed design and construction phases |
Feedback form

Do you have any comments or feedback on the recommended option – Option C (Refined)?

Please write your comments here:

Name/organisation:

Address:

Phone number:

Email address:

Please provide feedback by 12 September 2014

Roads and Maritime Services

Privacy: Roads and Maritime Services is subject to the Privacy and Personal Information Protection Act 1998 (“PPIP Act”) which requires that we comply with the Information Privacy Principles set out in the PPIP Act.

All information in correspondence is collected for the sole purpose of assisting in the assessment of this proposal. The information received, including names and addresses of respondents, may be published in subsequent documents unless a clear indication is given in the correspondence that all or part of that information is not to be published. Otherwise RMS will only disclose your personal information, without your consent, if authorised by the law. Your personal information will be held by Roads and Maritime Services at 76 Victoria Street, Grafton NSW 2460. You have the right to access and correct the information if you believe that it is incorrect.
FOR IMMEDIATE RELEASE

BRIDGES FOR THE BUSH:
RECOMMENDED OPTION FOR GUNNEDAH OVERPASS

Minister for Roads and Freight Duncan Gay and member for Tamworth Kevin Anderson today announced the recommended option for the overpass of the railway line at Gunnedah.

Minister Gay said today’s announcement was yet another example of the NSW Government providing more efficient ways of moving freight around the state as part of Bridges for the Bush.

“Half the nation’s and three quarters of all interstate road freight journeys are on our roads,” Minister Gay said.

“The Gunnedah overpass is one of 17 key locations in country NSW we are committed to improving the state’s freight movement by upgrading and replacing bridges over the next five years.”

Mr Anderson said following extensive community consultation the NSW Government had refined the plans to Option C, which now included access to Barber Street from the overpass.

“The community is invited to further comment on a refined Option C as Roads and Maritime Services moves toward the concept design stage of the project,” Mr Anderson said.

"The recommended option is west of the Gunnedah Maize Mill and would connect the Oxley Highway roundabout with a new roundabout at the intersection of Conadilly and Warrabungle streets.

“Feedback from the community, Gunnedah Shire Council, Australian Rail Track Corporation and Transport for NSW, as well as technical, environmental and social factors were considered when developing the recommended option.”

“The new bridge will replace the New Street level crossing, which will be closed and maintains direct access to the Barber Street business precinct.

The project team will be available at community drop in sessions at Gunnedah Town Hall on Conadilly Street on Wednesday 27 August, 4pm to 7pm and Thursday 28 August, 9am to 12pm."
The project team will also be available during the AgQuip field days from 19 August to 21 August. The consultation on the recommended option ends at close of business on Friday 12 September.

The Recommended Option Report outlines community feedback and investigations into the shortlisted options and is available online at www.rms.nsw.gov.au/roadprojects.

For more information or to comment, please contact the project team on the toll free number 1800 029 585 or email secondroadoverrailbridge@kbr.com.

<ENDS>
Minister announces rail overpass site

BY MARIE LOW

A RECOMMENDED option has been announced for Gunnedah's second rail overpass.

Minister for Roads and Freight Duncan Gay and Member for Tamworth Kevin Anderson today announced Option C as the recommended route, with a new roundabout for Conadilly Street and access to Barber Street.

Gunnedah mayor Owen Hasler confirmed some land would need to be bought to progress the plan.

Mr Anderson said he hoped the plan would be signed off by the end of September, and work would be under way by Christmas.

He said following extensive community consultation, the NSW government had refined the plans to Option C, which now included access to Barber Street from the overpass.

“The community is invited to further comment on a refined Option C as Roads and Maritime Services moves toward the concept design stage of the project,” Mr Anderson said. “The recommended option is west of the Gunnedah Maize Mill and would connect the Oxley Highway roundabout with a new roundabout at the intersection of Conadilly and Warrabungle streets.

“Feedback from the community, Gunnedah Shire Council, Australian Rail Track Corporation and Transport for NSW, as well as technical, environmental and social factors were considered when developing the recommended option.”

The existing New Street level crossing will be closed, but access to Barber Street will be maintained.

Community drop-in sessions will be held at Gunnedah Town Hall on Wednesday, August 27 from 4pm to 7pm, and Thursday, August 28 from 9am to 12 noon.

The project team are also available this week at AgQuip.

Consultation on the recommended option will close at 5pm on Friday, September 12.

* CONTINUED PAGE 2
**Overpass a step closer**

This year’s state budget included $800,000 in planning money for the overpass.

There were also assurances that about $20 million had been set aside for the project when the design phase was complete.

Gunnedah Shire mayor Owen Hasler has said estimates for the project have been put at between $25 and $27 million.

Mr Anderson said in June the second rail overpass was vital for Gunnedah because longer coal trains meant longer waits at crossings and had implications for emergency services.

Minister for Roads and Freight Duncan Gay said today’s announcement was an example of the NSW government providing more efficient ways of moving freight around the state as part of Bridges for the Bush program.

“The Gunnedah overpass is one of 17 key locations in country NSW we are committed to improving the state’s freight movement by upgrading and replacing bridges over the next five years,” Mr Gay said.

Council’s director of planning and development Michael Silver said the rail overpass and highway reconfiguration would mean “significant commercial benefits” for the business community.

Mr Silver said council would undertake a commercial planning strategy review to evaluate business opportunities in the western section of Railway Avenue, Barber Street and Conadilly Street.

The project’s Recommended Option Report is available online at www.rms.nsw.gov.au/roadprojects.

Cr Hasler encouraged Gunnedah people to review the report and ensure they were well informed.

For more information or to comment, contact the project team on the toll free number 1800 029 585 or email secondroadoverrailbridge@kbr.com
Overpass aims to get things rolling

OPTION C CHOSEN
By Kylie Galbraith

GUNNEDAH’S new rail overpass will connect the Oxley Highway roundabout with a new roundabout at the intersection of Conadilly and Warrumbungle streets.

The announcement of the recommended option was made at AgQuip yesterday by Roads and Freight Minister Duncan Gay and Tamworth MP Kevin Anderson after several years of planning and community consultation.

Mr Gay said half the nation’s and three-quarters of all interstate freight journeys were on the road and the overpass would help improve the efficiency of these trips.

“The Gunnedah overpass is one of 17 key locations in country NSW we are committed to improving the state’s freight movement by upgrading and replacing bridges over the next five years,” he said.

The selection of option C, from four initial options, is west of the Gunnedah Maize Mill and includes access to the Barber St business precinct.

It will replace the New St level crossing, which will be closed.

Gunnedah Shire Council planning and development director Michael Silver said the rail bridge would improve road safety, reduce the impacts of the increasing use of rail networks within the shire and meet future transport requirements for Gunnedah and the wider community.

“The proposed rail overpass and reconfiguration of the highway network through Gunnedah will provide significant commercial benefits for the business community, especially the West End business district,” he said.

“With the Oxley and Kamilaroi highways now aligned to the Warrumbungle St intersection, and Bloomfield St defining the high-mass load corridor, considerable development opportunities now exist in the western section of Railway Ave, Barber St and Conadilly St.”

Mr Silver said stakeholder comments along with environmental, technical and social factors – including impacts on businesses and residents, effects on koala habitats and flooding – were all taken into account when determining the preferred option.

The community will now have a chance to have its say on the recommendation with community drop-in sessions in the Gunnedah Town Hall on Conadilly St on Wednesday, August 27, from 4pm to 7pm, and Thursday, August 28, from 9am to noon.

The closing date for community feedback submissions to Roads and Maritime Services is September 12.

A copy of the recommendation report is available at www.rms.nsw.gov.au
Kylie Galbraith

BRIDGING THE GAP: From left, Tamworth MP Kevin Anderson, Gunnedah Shire mayor Owen Hasler and Gunnedah Shire general manager Eric Groth at the overpass announcement made yesterday at AgQuip.

Photo: Barry Smith 190814BSA06
“Roads and Maritime Services spoke with two potentially affected property owners by telephone on Wednesday, August 13 and met in person the next day to inform them of the recommended route.

“Roads and Maritime continues to be in contact with these property owners and a decision on the final route will not be made until all feedback by residents and business owners is considered.”

The recommended option for the rail overpass is west of the Gunnedah Maize Mill.

The route would connect the Oxley Highway roundabout with a new roundabout at the intersection of Conadilly and Warrabungle streets.

The overpass has been in the pipeline for some years, with Member for Tamworth Kevin Anderson saying the overpass was vital as coal trains became longer and more frequent, delaying traffic and emergency services vehicles.

Work is expected to start by the end of the year.

Mrs Hiscock said she believed it was not necessary to reconfigure the Barber/Warrabungle Street intersection at all, and said had she spoken up about the mill being built when she had the chance, she might not be facing the loss of her house today.

“This is my life,” Mrs Hiscock said.

“I worked so hard to pay off this house and now they are telling me to move out.

“It took me a year to find this house. I wanted easy access to town. I have just put in a new bathroom. I am getting ready for my old age.”

Mrs Hiscock, who has two part-time jobs and volunteers in the community, said she had devoted her “life and time” to Gunnedah people, particularly the elderly.

“What I am expecting is some decency from them [the government],” she said.

“Why don’t they just tell me, I am sorry to say you have to move out. I asked them, and they said there was no definite plan.”

Mrs Hiscock said she was asked to fill in a “feedback form”.

Community drop-in sessions will be held at Gunnedah Town Hall on Wednesday, August 27 from 4pm to 7pm, and Thursday, August 28 from 9am to 12 noon. Consultation on the recommended option will close at 5pm on Friday, September 12.

For more information, or to comment, contact the project team on the toll-free number 1800 029 585, or email secondroadoverrailbridge@kbr.com
AS the star of Australia's beloved film *The Castle*, Michael Caton, took his stand against coal seam gas at Gunnedah's AgQuip yesterday, one local resident was facing her own battle.

Violeta Hiscock was still reeling from the shock of finding out her home is in the path of the recommended option for the new rail overpass.

Much like Michael Caton's character, Darryl Kerrigan, Violeta Hiscock's Barber Street home is her castle.

It is the first house the Phillipino-born Australian bought for herself, and she has lived there for about 20 years.

She has seen the Gunnedah Maize Mill come to life and her two children grow up and move away.

Her home, once a two-bedroom cottage, is much larger than its earlier days, and the garden boasts daisies and roses.

Mrs Hiscock, 63, said she had been visited by Roads and Maritime Services officials last Tuesday who told her no final decision had been made about the route for the overpass, but that she might be impacted.

The next day, she received a letter that said: "... based on the current design, your property is potentially directly effected by the recommended option, meaning there is a need for full or partial acquisition."

The next thing Mrs Hiscock heard about the project was word from a friend telling her a route cutting through her property had been announced in the news.

The house next door was completely covered by a graphic showing revised access road to Barber Street.

Mrs Hiscock said she was disappointed at the lack of answers and honesty from Roads and Maritime Services.

A spokesperson for the Minister for Roads and Freight Duncan Gay said this morning the NSW government had "not made a decision" on the preferred route for Gunnedah's second rail overpass.

"The community has been invited to comment on a recommended option, which includes direct access to and from Barber Street," the spokesperson said.

• CONTINUED PAGE 3
Mill owners call for ideas

THE owners of Gunnedah Maize Mill are calling on people to have their say about a second rail overpass.

Stephen and Gabriele Dangerfield said there could be solutions to the project which would mean residents of the two houses at the corner of Barber and Warrabungle streets would not have to lose their homes.

“This is a fantastic project with the work that RMS [Roads and Maritime Services] has done so far,” Mr Dangerfield said.

“But I think it could be made even better by not taking out those two houses.

“People could have a good think about it and come up with their own ideas.”

Minister for Roads and Freight Duncan Gay and Member for Tamworth Kevin Anderson announced the recommended route for the rail overpass at AgQuip last week.

Option C was chosen as the recommended route, with the inclusion of direct access to Barber Street.

The route is west of the maize mill and connects the Oxley Highway roundabout with a new roundabout at the intersection of Conadilly and Warrabungle streets.

About 58 businesses had sent in submission asking that direct access to Barber Street be maintained.

Mr and Mrs Dangerfield said they were preparing their own submission suggesting an alternative option which they believed would mean there was no need to resume the two houses.

Mr Dangerfield, who is an engineer, said it was clear option C had been designed to resume as little property as possible while taking into account the safety standards of the new road.

He said it was difficult to understand how high the overpass would need to be unless you were looking at the site, but the design needed to allow a safe slope as the road came down to meet Barber Street.

“RMS is trying to meet everybody’s demands,” Mr Dangerfield said.

“But it is pushing engineering to its limits to achieve everybody’s desired outcome.”

Mr and Mrs Dangerfield said while the project was worthwhile, it should not come at the price of two people’s homes.

“I think if we could all work together, we could come up with a solution,” Mr Dangerfield said.

“At the end of the day, we are a community.”
Council supports overpass route

BY MARIE LOW

Gunnedah Shire Council has thrown its support behind the recommended option for the new rail overpass.

At a meeting last night, council voted to write to NSW Roads and Maritime Services (RMS) to support the option.

Gunnedah Mayor Owen Hasler said council had been given an "extensive briefing" by RMS officers.

Councillor Hasler said council had previously made it clear to RMS that access to Barber Street was "absolutely paramount".

"I believe that what has been proposed is a very positive move in that regard," he said.

"With the second roundabout at the Kamilaroi Highway junction, I believe all requirements we as a council requested have been met in the refined option C."

Council has asked that bicycle and pedestrian access be included on the overpass.

The RMS held community information sessions at AgQuip, and held another on Wednesday and one this morning at the Gunnedah Town Hall.

People have until September 12 to comment on the option.

The recommended route requires the resumption of all or part of two properties on the corner of Barber and Warrabungle streets.

One of the residents who is likely to lose her house, Violeta Hiscock, has said she has been disappointed at the lack of consultation ahead of the announcement.

Earlier this week, Gunnedah Maize Mill owners Stephen and Gabriele Dangerfield called on Gunnedah people to have their say.

Mr Dangerfield said it was possible there was a solution which would mean houses would not have to be resumed.

For more information, or to comment, contact the project team on the toll-free number 1800 029 585 or email secondroadoverrailbridge@kbr.com.

VIOLETA Hiscock outside her Barber Street home.
Appendix C – Submission from Gunnedah Shire Council
12 September 2014

Dear Sir

Feedback – Gunnedah Second Road Over Rail Bridge – Recommended option

In accordance with Council’s, as outlined below, I write to advise of Council’s support for the refined Option C identified as the recommended option in the August 2014 Community Update.

Gunnedah Shire Council resolved at its ordinary meeting of 27 August 2014 as follows:

“That Council write to the RMS indicating our support of the refined Option C proposal for the Second Road Over Rail Bridge”.

A copy of this letter will be forwarded to you at the above address.

I take this opportunity to thank the entire team at RMS and KBR for their undertakings in getting the project to this point and Council looks forward to continuing the positive working relationship and the successful completion of the project for the benefit of our community and HML traffic.

Yours faithfully

Mr Eric Groth
GENERAL MANAGER

Reference: 795186
eq.tm
Appendix D – Summarised community comments and Roads and Maritime responses
**APPENDIX D – Summary of feedback and project responses**

*Traffic flow and travel times*

**Table 1D – Summarised feedback and project responses about traffic flow and travel times**

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option C (Refined) should decrease traffic congestion caused by increased train activity.</td>
<td>10</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

*Future of the existing level crossing*

**Table 2D – Summarised feedback and project responses about future of the existing level crossing**

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keep the New Street level crossing open to avoid the need for heavy vehicle access from the new route to Barber Street. Boom gates at the level crossing would be a better option.</td>
<td>3</td>
<td>The new route is a replacement for the existing level crossing. Requests for the New Street level crossing to remain open were thoroughly investigated by the project team. However, to meet the objectives of this project to improve safety and traffic efficiency, the level crossing would be permanently closed.</td>
</tr>
<tr>
<td>Keep the New Street level crossing partially operational for moving extremely large equipment (in particular loads which are 12–14 m wide)</td>
<td>4</td>
<td>The New Street level crossing would be permanently closed as part of the project. The new route has been designed to accommodate heavy vehicles including wide and high loads. It should be noted that 12–14 m wide loads are not permissible on the approach roads to Gunnedah as most bridge clearance widths are 9–10 m maximum.</td>
</tr>
<tr>
<td>Closing the New Street level crossing makes access to Railway Street and Barber Street awkward.</td>
<td>9</td>
<td>Option C (Refined) provides access into Barber Street via an intersection where the new route meets Warrabungle Street. The proposed intersection is designed to safely accommodate northbound and southbound vehicle movements in and out of Barber Street including safe access for heavy vehicles. There is a dedicated turning lane for vehicles travelling over the new bridge from the Oxley Highway to turn safely into Barber Street.</td>
</tr>
</tbody>
</table>
**Vegetation Management**

Table 3D – Summarised feedback and project responses about flood drainage

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option C (Refined) is thought to cause minimal disruption to vegetation along Blackjack Creek.</td>
<td>12</td>
<td>Option C (Refined) has been designed to reduce vegetation impact.</td>
</tr>
</tbody>
</table>

**Flood / Drainage**

Table 4D – Summarised feedback and project responses about flood / drainage

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option C (Refined) is thought to cause minimal disruption to flood patterns along Blackjack Creek.</td>
<td>12</td>
<td>Option C (Refined) has been designed to minimise impact on Blackjack Creek and ensure upstream afflux (increase in flood levels) is mitigated.</td>
</tr>
</tbody>
</table>

**Pedestrian safety and access**

Table 5D – Summarised feedback and project responses about pedestrian safety and access

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Footpath installed on new bridge as part of Option C (Refined) is thought to be too dangerous.</td>
<td>3</td>
<td>Option C (Refined) would significantly improve safety by closing the New Street level crossing to all road users including pedestrians and cyclists. A pedestrian and cycle access would be provided over the new bridge through a 2.5 m shared path. This would be separated from the road by railings.</td>
</tr>
<tr>
<td>What is the added cost of a footpath to the overpass for the project?</td>
<td>3</td>
<td>Providing a shared footpath for pedestrians and cyclists is a safety and maintenance requirement for new bridges built by Roads and Maritime in urban areas. Additional pedestrian footpaths in any other areas outside the location of the new route are not part of the scope of this project and are a matter for Gunnedah Shire Council. Option C (Refined) provides links to allow for potential paths by the Council in the future such as the proposed cycle path</td>
</tr>
<tr>
<td>A footpath in the New Street area is needed.</td>
<td>3, 5</td>
<td></td>
</tr>
<tr>
<td>Summary of feedback</td>
<td>Submission number</td>
<td>Project responses</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>A footpath in South Street is needed.</td>
<td>3, 5</td>
<td>Additional pedestrian footpaths in any other areas outside the location of the new route are not part of the scope of this project and are a matter for Gunnedah Shire Council. Option C (Refined) provides a verge width along South Street to allow a path for Council to potentially construct a footpath to connect with the Marquis Street crossing.</td>
</tr>
<tr>
<td>Walking and cycling routes as part of this project are supported.</td>
<td>12</td>
<td>Allowance has been made in the design for connection to Council cycle ways. \</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Road safety</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Table 6D – Summarised feedback and project responses about road safety</td>
</tr>
<tr>
<td>Summary of feedback</td>
<td>Submission number</td>
<td>Project responses</td>
</tr>
<tr>
<td>Concern about safe vehicle access and egress between the new route and Barber Street, especially for heavy vehicles. Concerns include turning angles, lines of vision, vehicle speeds and safe access and egress between the Gunnedah Maize Mill.</td>
<td>16, 19, 29, 39, 40, 49</td>
<td>The proposed Barber Street intersection as part of the Option C (Refined) has been designed to ensure safe access in and out of Barber Street for both regular and heavy vehicles, such as B-Doubles. Several road safety reviews have been completed by the project team as part of the concept options development. Achieving an acceptable grade on the road was an important safe design criteria to accommodate heavy vehicle turning movements. There is a dedicated turning lane for vehicles travelling north over the new route from Oxley Highway to safely turn right into Barber Street. Roads and Maritime are consulting directly with the owner of the Gunnedah Maize Mill about any particular operational requirements they may have.</td>
</tr>
</tbody>
</table>
### Alternative route options

Table 7D – Summarised feedback and project responses about alternative route options

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
</table>
| Consider changing the route to Farrar Road so that highway traffic use this road   | 8, 9              | The option to have the new route start from Farrar Road, go over the railway and connect in to Warrabungle Street was considered by the project team in the concept options development. This option was not progressed by Roads and Maritime for the following reasons:  
  - It is outside project study area  
  - It does not satisfy the key objective to improve traffic efficiency within the study area  
  - It is not suitable for reclassification as a State Road due to direct access from industrial/ commercial premises and unacceptable traffic conflicts  
  - Farrar Road is narrow and steep in its approach to the Oxley Highway which is problematic for B-Double operation.  
  A full review of this option and the reasons why it was not progressed is available in the Preliminary Concept Options Report (Roads and Maritime, 2013) accessible from the Roads and Maritime website. |
<p>| so that it connects Tempest Street and South Street (with a roundabout at South Street). This would provide access for people living in Wandobah Road. | 18, 49            | This option was considered during concept option development but not progressed due to the excessive grades required to cross over the railway line. A full review of this option and the reasons it was not progressed is available in the Preliminary Concept Options Report (Roads and Maritime, 2013) accessible from the Roads and Maritime website. |</p>
<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider changing the route so that its runs parallel to Stockman Close, rather</td>
<td>37</td>
<td>A similar option to this was considered by the project team as part of the initial concept options development. This option was not progressed as it would create significant access restrictions to residential properties on Stockman Close. A full review of this option and the reasons it was not progressed is available in the Preliminary Concept Options Report (Roads and Maritime, 2013) accessible from the Roads and Maritime website.</td>
</tr>
<tr>
<td>than connecting with Warrabungle Street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prefer the original Option C, as presented to the community in 2013.</td>
<td>15, 19, 20, 21,</td>
<td>The original Option C did not have the intersection into Barber Street that Option C (Refined) provides and has a slightly different alignment. The need for the Barber Street intersection and the access it provides into Barber Street was identified during community consultation in May 2013. Local residents, local businesses, Gunnedah Shire Council and the NSW Member for Tamworth were concerned the closure of the New Street level crossing could potentially cause negative impacts on Barber Street businesses. Results of a business impact assessment revealed there would be an impact on Barber Street businesses, with business from the area being redistributed within the Gunnedah central business district. The assessment found a direct connection from the new route to Barber Street would mitigate this impact. As such, Roads and Maritime put forward the option as recommended and invited community feedback before a preferred option was confirmed.</td>
</tr>
<tr>
<td></td>
<td>22, 23, 24, 25,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>27, 29, 31</td>
<td></td>
</tr>
</tbody>
</table>
### Road suitability for HML

Table 8D – Summarised feedback and project responses about road suitability for HML

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warrabungle Street into Barber Street is thought to be currently wide enough for B-Doubles, why make it wider?</td>
<td>3</td>
<td>A new intersection into Barber Street is proposed where the new route meets Warrabungle Street. This intersection location is to ensure a safe grade is maintained for heavy vehicles to turn right into Barber Street.</td>
</tr>
<tr>
<td>Concerned that the new roundabout at Conadilly Street as part of Option C (Refined) will not be large enough to accommodate heavy vehicles.</td>
<td>4, 7, 36</td>
<td>The new route and roundabouts proposed, including at Conadilly Street and Warrabungle Street, have been designed to accommodate access for B-Doubles as key component of facilitating a HML route through Gunnedah.</td>
</tr>
<tr>
<td>Concerned that heavy vehicles turning into Barber Street will hold up traffic.</td>
<td>16, 40</td>
<td>Option C (Refined) provides B-Double access into Barber Street via an intersection where the new route alignment meets Warrabungle Street. The proposed intersection is designed to safely accommodate northbound and southbound vehicle movements in and out of Barber Street. There is a dedicated right turn lane for vehicles travelling north over the new bridge from the Oxley Highway to turn safely into Barber Street.</td>
</tr>
<tr>
<td>When is the Oxley Highway going to be re-classified for road trains?</td>
<td>3, 44</td>
<td>Road train access for roads around and through Gunnedah is subject to application approval and is outside the scope of this project.</td>
</tr>
</tbody>
</table>
### Project timeframes

**Table 9D – Summarised feedback and project responses about project timeframes**

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>The project is just as far away from completion as it was in May 2013.</td>
<td>13, 47</td>
<td>While project development has taken some time to address and fully explore unforeseen issues, Roads and Maritime has now announced the preferred option for the new route. This is detailed in the <em>Preferred Option Report</em> (Roads and Maritime, 2014) available on Roads and Maritime website. The project will now seek relevant environmental approvals and undertake detailed design and construction.</td>
</tr>
<tr>
<td>Build Option C (Refined) as soon as possible.</td>
<td>11, 51</td>
<td></td>
</tr>
</tbody>
</table>
## Project funding and cost

Table 10D – Summarised feedback and project responses about project funding and cost

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keep the costs down by not resuming properties.</td>
<td>28, 49</td>
<td>One of the objectives of the project is to provide value for money. Considerable effort and time was spent by the project team during the concept options stage to reduce costs and limit impact on properties. As part of this, Option C (Refined) went through a multi-criteria analysis including consideration of potential costs. During this process, it was identified that Option C (Refined) better met the project objectives than other options including value for money as well as engineering, environmental and social assessment criteria. The project team tried to avoid impacts on private property as much as possible while still meeting the project objectives. Land acquisition in Barber Street is required to build an intersection that provides safe access to and from the new route to Barber Street.</td>
</tr>
<tr>
<td>The project is a huge cost to tax payers. Why don’t the coal companies pay for this?</td>
<td>42</td>
<td>The cost of the project is included in the NSW Government’s Bridges for the Bush program which funds projects in regional NSW to improve Transport access and road safety.</td>
</tr>
</tbody>
</table>
### Disabled access

#### Table 11D – Summarised feedback and project responses about disabled access

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has wheelchair access been provided?</td>
<td>40</td>
<td>As part of the option analysis, Option C (Refined) was assessed against accessibility guidelines, including wheelchair access. Further design phases would include road safety audits to determine the exact locations of pedestrian and cycle paths. Given constraints of the project, it is not possible to design the route so that the grade meets current accessibility guidelines. To address this Option C (Refined) provides a verge width along South Street to allow Council to potentially build a path for wheelchair users to link with the Marquis Street level crossing and therefore creating an alternative access.</td>
</tr>
</tbody>
</table>

### Noise

#### Table 12D – Summarised feedback and project responses about noise

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concern about noise from trucks travelling down the gradient of the proposed route.</td>
<td>40</td>
<td>Noise assessment has been carried out as part of the options assessment process. Further studies would be undertaken as part of the environmental assessment.</td>
</tr>
<tr>
<td>Make Rosemary Street the through route instead having access to Barber Street from the new route; this would save on excessive noise from heavy vehicles.</td>
<td>50</td>
<td>Although this suggestion may reduce breaking noise for northbound trucks turning into Barber Street, there would be significant additional traffic down Conadilly and Rosemary Streets, increasing noise levels in the local area.</td>
</tr>
</tbody>
</table>
Fauna Management

Table 13D – Summarised feedback and project responses about fauna management

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suggest pylons are used for the bridge and adjacent roads to minimise impacts on wildlife.</td>
<td>12</td>
<td>The multi-span bridge allows for safe passage of wildlife, including connectivity for koalas while also minimising flood impacts.</td>
</tr>
</tbody>
</table>

Consultation process

Table 14D – Summarised feedback and project responses about the consultation process

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perceived lack of consultation with the community and provision of information to affected property owners, particularly those in Barber Street.</td>
<td>13, 14, 22, 47, 17, 29, 31</td>
<td>As part of the recommended option consultation process, the project team met face-to-face with affected property owners on Thursday 14 and Friday 15 August 2014 (the week before the formal announcement of the recommended option). At these meetings, the team advised affected property owners of the recommended route, its potential impacts on their property and how to submit feedback. The project team encouraged affected property owners to make written submissions using the provided feedback forms or other means to convey their views on Option C (Refined). Affected property owners were also made aware that the project team would be available at the AgQuip Field Days and the community drop-in sessions, as well as available for further face-to-face meetings if the property owners had further questions. The property owners were advised community feedback received during the consultation period would be collated in a Community Submissions Report and provided to the Minister for Roads and Freight for consideration before a final decision on the route was made. Roads and Maritime will continue to consult directly with any affected property owners as the project progresses. Thank you for sharing your time and expertise at the community drop-in sessions. The project team appreciates your feedback.</td>
</tr>
</tbody>
</table>

Thank you for sharing your time and expertise at the community drop-in sessions. 34
**Land acquisition**

Table 15D – Summarised feedback and project responses about land acquisition

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opposed to Option C (Refined) because of potential acquisition of two affected properties in Barber Street.</td>
<td>2, 14, 16, 17, 18, 20, 21, 25, 28, 30, 31, 32, 46, 50</td>
<td>Land acquisition in Barber Street is required to build an intersection that provides safe access between the new route and Barber Street. This intersection location is to ensure a safe grade is maintained for heavy vehicles to turn right into Barber Street.</td>
</tr>
<tr>
<td>Consider widening the entry of the new route to Barber Street in the direction of Blackjack Creek to avoid properties needing to be acquired.</td>
<td>48</td>
<td></td>
</tr>
<tr>
<td>Suggestion that there is adequate space at the western end of Barber Street for an intersection without needing to acquire houses.</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>Affected property owners should be compensated for potential financial hardships incurred until a final decision is made about the project and the route location.</td>
<td>13, 47</td>
<td>Roads and Maritime has announced the preferred option for the new route which is detailed in the Preferred Option Report (Roads and Maritime, 2014) available on Roads and Maritime’s website. The next step is to finalise the concept design for the preferred option, seek the relevant environmental approvals, and undertake detailed design and construction.</td>
</tr>
<tr>
<td>Summary of feedback</td>
<td>Submission number</td>
<td>Project responses</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Keep costs down don't resume properties on Barber Street.</td>
<td>28, 49</td>
<td>One of the objectives of the project is to provide value for money. Considerable effort and time was spent by the project team during the concept options stage to reduce costs and limit impacts on properties. As part of this, Option C (Refined) went through a multi-criteria analysis including consideration of potential costs. During this process, it was identified that Option C (Refined) better met the project objectives than other options including value for money as well as engineering, environmental and social assessment criteria. The project team have tried to avoid impacts on private property as much as possible while still meeting the project objectives.</td>
</tr>
<tr>
<td>Suggest that at the Warrabungle Street and Conadilly Street roundabout, four properties should be acquired (one on each corner) to ensure there is enough room to accommodate heavy vehicles.</td>
<td>36</td>
<td>Land acquisition in Barber Street is required to build an intersection that provides safe access between the new route and Barber Street. The current strategic concept design for the proposed roundabout at Conadilly Street and Warrabungle Street has been designed to accommodate access for B-Double vehicles as a key component of facilitating a HML route through Gunnedah. These designs would be further refined as the project moves into the full concept design and detailed design stages.</td>
</tr>
<tr>
<td>Is reinstating the rail access into Gunnedah Maize Mill possible when New Street level crossing is closed?</td>
<td>39</td>
<td>This is a matter for Australian Rail Track Corporation (ARTC) and Gunnedah Maize Mill.</td>
</tr>
</tbody>
</table>
### Intersection design: Barber Street

#### Table 16D – Summarised feedback and project responses about intersection design Barber Street

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider having a roundabout rather than a T-intersection from Warrabungle Street into Barber Street.</td>
<td>1, 48</td>
<td>A new intersection is proposed where the new route meets Warrabungle Street to safely accommodate access into Barber Street. A larger area is required to build a compliant roundabout in this area and would have considerable impacts on Blackjack Creek. It was also not considered suitable because of grade constraints, further property impact, and traffic and safety implications.</td>
</tr>
<tr>
<td>Instead of Option C (Refined), consider a roundabout at the intersection of Rosemary Street and Conadilly Street to provide access to Barber Street. Consider widening the entry of the new route to Barber Street in the direction of Blackjack Creek to avoid properties needing to be acquired.</td>
<td>1, 6, 48</td>
<td>During community consultation in May 2013, feedback from the local residents, local businesses, Gunnedah Shire Council and the NSW Member for Tamworth highlighted concern about the potential negative impact on Barber Street as a result of the closure of the New Street level crossing. Results of an economic impact assessment revealed there would likely be an impact on Barber Street, with business from this area being redistributed within the Gunnedah central business district. It was determined that providing a direct connection from the new route to Barber Street would mitigate this business impact.</td>
</tr>
<tr>
<td>Suggest instead of Barber Street intersection that Rosemary Street could be made the through road with Barber being fitted out with stop signs to keep the traffic flow. I have safety concerns with Option C (refined) and the vehicle access into Barber Street, particularly for heavy vehicles.</td>
<td>50, 16</td>
<td>The recommended option provides direct access into Barber Street via an intersection where the new route meets Warrabungle Street. The intersection allows for northward and southward vehicle movements in and out of Barber Street. It has also been designed to safely accommodate B-Double heavy vehicles. A number of road safety reviews have been completed by the project team as part of the concept options development.</td>
</tr>
</tbody>
</table>
Summary of feedback

It is important that access to Barber Street, as presented as part Option C (Refined), be easy for local traffic to use so that it is still used by passing traffic for businesses on Barber Street and traffic is not redistributed to Conadilly Street.

Submission number: 10

Project responses: Option C (Refined) recommends an intersection where the new route meets Warrabungle Street to safely accommodate access into Barber Street.

Suggestion that there is adequate space at the western end of Barber Street for an intersection without needing to acquire houses.

Submission number: 28

Project responses: Land acquisition in Barber Street is required to build an intersection that provides safe access between the new route and Barber Street.

The new intersection to access Barber Street looks like it will work and businesses will not lose trade.

Submission number: 35, 43

Project responses: Noted.

It is crucial for there to be access from the new route to Barber Street.

Submission number: 34

Project responses: Noted.

Roundabout design: Conadilly Street and Warrabungle Street

Table 17D – Summarised feedback and project responses about roundabout design at Conadilly Street and Warrabungle Street

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concerned that the new roundabout at Conadilly Street as part of Option C (Refined) will not be large enough to accommodate heavy vehicles including road trains.</td>
<td>4, 7, 36, 44</td>
<td>The current strategic concept design for the proposed roundabout at Conadilly Street and Warrabungle Street has been designed to accommodate access for B-Double vehicles as a key component of facilitating a HML route through Gunnedah. These designs would be further refined as the project moves into the full concept design and detailed design stages.</td>
</tr>
<tr>
<td>The roundabout on the Kamilaroi Highway is dangerous as the narrow bridge on the highway has poor vision of cars beyond the bridge.</td>
<td>49</td>
<td></td>
</tr>
</tbody>
</table>
## Property access

**Table 18D – Summarised feedback and the project responses about property access**

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option C (Refined) would make access to businesses on Barber Street, (including</td>
<td>2, 39</td>
<td>A new intersection is proposed where the new route meets Warrabungle Street to safely accommodate access into Barber Street. The access to Reece</td>
</tr>
<tr>
<td>Reece plumbing and Gunnedah Maize Mill) difficult.</td>
<td></td>
<td>Plumbing has not been constrained by the intersection. Roads and Maritime is consulting with the Gunnedah Maize Mill about any particular access</td>
</tr>
<tr>
<td></td>
<td></td>
<td>requirements they have.</td>
</tr>
</tbody>
</table>

## Business /services patronage

**Table 19D – Summarised feedback and the project responses about business / services patronage**

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dissatisfied that providing access from the new route to Barber Street to limit</td>
<td>2, 14, 50</td>
<td>During community consultation in May 2013, feedback from the local residents, local businesses, Gunnedah Shire Council and the NSW Member for Tamworth</td>
</tr>
<tr>
<td>impacts on the few businesses in this area has been made a priority as the</td>
<td></td>
<td>highlighted the concern about the potential negative impact on Barber Street as a result of the closure of the New Street level crossing. An economic</td>
</tr>
<tr>
<td>businesses in question are established, don’t rely on passing trade and can be</td>
<td></td>
<td>impact assessment was undertaken and revealed there would be an impact on Barber Street, with business in this area being redistributed within the</td>
</tr>
<tr>
<td>accessed from Rosemary Street, Chandos Street and Tempest Street.</td>
<td></td>
<td>Gunnedah central business district. It was determined that providing a direct connection from the new route to Barber Street would mitigate this impact.</td>
</tr>
<tr>
<td>Important for businesses to maintain local access to Barber Street from the new</td>
<td>35, 34, 41, 10,</td>
<td>Option C (Refined) provides this access to Barber Street, but also has additional impacts on private property not previously identified or displayed</td>
</tr>
<tr>
<td>route.</td>
<td>43</td>
<td>during 2013 consultation period. As such, Roads and Maritime presented Option C (Refined) as the recommended option for community comment. This</td>
</tr>
<tr>
<td>Option C (Refined) is a great outcome for businesses. The access from the new bridge</td>
<td>35</td>
<td>additional consultation provided the community with the opportunity to provide feedback on the Barber Street intersection.</td>
</tr>
<tr>
<td>to Barber Street looks like it will work and businesses should not loose trade.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Businesses and property owners can start to develop this area now there is clear</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td>access to Barber Street</td>
<td></td>
<td></td>
</tr>
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</table>
## Wide / high load access

### Table 20D – Summarised feedback and the project responses about wide / high load access

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<thead>
<tr>
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<th>Submission number</th>
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| Leave New Street level crossing open to accommodate wide load agricultural equipment which can be up to 12-14 m wide. | 5                 | The new route is a replacement for the existing level crossing. Requests for the New Street level crossing to remain open were thoroughly investigated by the project team. However, to meet the objectives of this project to improve safety and traffic efficiency, the level crossing would be permanently closed.  
The new route and roundabouts proposed as part of Option C (Refined), including at Conadilly Street and Warrabungle Street, have been designed to accommodate access for B-Double vehicles as key component of facilitating a HML route through Gunnedah.  
The design of the roundabouts would take into account the transport of wide loads. It should be noted that 12 –14 m wide loads are not permissible on the approach roads to Gunnedah as most bridge clearance widths are 9–10 m maximum. |
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Cover image: Great Western Highway upgrade, Faulconbridge, 2001
Land acquisition and you

Roads and Maritime Services is the government body responsible for providing a safe and efficient road transport system in NSW.

In order to carry out road upgrades and construction, Roads and Maritime may need to acquire private land, which may contain buildings. We will refer to this as ‘property.’ It may be the property of residents, business owners, or various other legal interests such as lessees.

For property acquisition, a property is said to be directly affected by roadwork proposals (requiring the acquisition of land) are generally made aware of these proposals, either through:

- Enquiries made when purchasing the property
- From proposals shown on local planning schemes
- Roads and Maritime community consultation for new projects.

Depending on the requirements for the proposed roadwork, it may be necessary to acquire the whole of a property or only part of a property. The terms ‘total’ or ‘partial’ are used to describe these situations. These situations are discussed on pages 10 to 13.

Please note Roads and Maritime is not required to acquire more property than is necessary for the roadwork.

When the acquisition of property is required, the relevant landowners will be contacted for consultation and negotiation. Roads and Maritime strives to work with landowners and prefers to achieve a mutually acceptable agreement for purchase. Reaching an agreement with landowners is central to Roads and Maritime’s land acquisition procedures. However, if agreement is not reached, the property may be acquired by compulsory acquisition.

Entitlement to compensation is identical whether the property is purchased by agreement or compulsorily acquired.


This guide describes the process that Roads and Maritime follows when it acquires land. Individual circumstances vary and if you feel you need specific information you should contact Roads and Maritime.
Using this guide

This guide explains what happens when Roads and Maritime need to acquire private land to either upgrade roads, build new roads or maintain existing roads.

Its' purpose is to give people an understanding of what to expect if their property is to be acquired.

However, it is not legal advice nor a statement of legal rights and should not be relied on as such.

This guide is divided into seven sections. Each section deals with a particular aspect of the land acquisition process.

Section 1
Property acquisitions that are initiated by Roads and Maritime

Section 2
Acquisition by agreement

Section 3
Goods and Services Tax (GST)

Section 4
Entry for roadwork by agreement

Section 5
Compulsory acquisition

Section 6
Owner initiated acquisition (commonly called hardship acquisition)

Section 7
Owner initiated acquisition under the 'preferred option' policy

A glossary is provided at the end of each section. This glossary explains the technical or otherwise unclear terminology used in that section.

Appendices at the end of this guide provide extracts of those sections of the Land Acquisition (Just Terms Compensation) Act 1991 which are relevant to the acquisition process explained in this guide.
1. Property acquisition initiated by Roads and Maritime Services

Property acquisition, under the Land Acquisition (Just Terms Compensation) Act 1991, may be by purchase or by compulsory acquisition. This section describes what happens when Roads and Maritime need to purchase land for roadwork.

How do I know if my property will be required for a road project?

A property is directly 'affected' by a road project when Roads and Maritime need to acquire or purchase part or all of a property, in order to construct the project.

There are a number of ways land owners can find out if their land is required for a road project.

1. Roads and Maritime community information/consultation process

During the planning and design of a project, route and/or design options may be displayed and a preferred route or design may be chosen. These displays are sometimes accompanied by brochures, letters to residents and advertisements. Maps may show that some private property may need to be acquired if the project goes ahead. The Roads and Maritime website often shows draft road project plans.

Please note: Roads and Maritime may decide to adopt or alter any of these plans or not to proceed at all.

If a project proceeds to detailed planning assessment or design stage, Roads and Maritime will notify the property owner before the purchase process starts.

2. The land owner may go to their council

Sometimes land shown or reserved for a road may be shown on the map in your council’s local environmental plan or other planning documents. However, road proposals are not always shown on council plans.

Please note: A prospective purchaser can apply to the relevant council for information about land (called a Section 149 Certificate) for a fee. For example, your property may be within a town planning zone for future road purposes.

3. The land owner may approach Roads and Maritime

You are welcome to visit a Roads and Maritime office, to view plans or discuss a project that may affect your property.

Where a property is being sold or purchased, it is good practice for owners or prospective purchasers to make a written enquiry to Roads and Maritime about their property (for a fee). This is called a property inquiry. Roads and Maritime's written response will indicate any potential land acquisition.
There are three key steps:

Step 1
The property acquisition process is initiated when Roads and Maritime contacts the owners of affected property by letter. This letter is to:
- Advise owners that a valuer representing Roads and Maritime will make arrangements to inspect the property and carry out a valuation
- Advise that on the basis of this valuation Roads and Maritime will submit a formal offer to purchase the property
- Advise owners that they are entitled to engage a registered valuer to value their property. Provided the valuation fees have been reasonably incurred, Roads and Maritime will reimburse the fees on settlement. Roads and Maritime will provide a guide as to what amount it believes would be costs reasonably incurred for the conveyancing or legal advice. If the owner believes costs will be above the estimated amount, owners are advised to consult with Roads and Maritime
- Advise that for purchase contracts, the reimbursement of the valuer’s fee is subject to conditions. These conditions are listed in Appendix A. The valuation report prepared by the valuer is required to be in accordance with the information in Appendix B called ‘Basic Content of Valuation Reports’. Roads and Maritime requires that the valuer act as an expert and not as an advocate on behalf of the owner

Step 2
Once the valuation assessment has been carried out, Roads and Maritime will provide owners with a letter of offer. This letter will contain the conditions of Roads and Maritime’s offer to purchase the property
- Advise owners that they are entitled to engage a registered valuer to value their property. Provided the valuation fees have been reasonably incurred, Roads and Maritime will reimburse the fees on settlement. Roads and Maritime will provide a guide as to what amount it believes would be costs reasonably incurred for the conveyancing or legal advice. If the owner believes costs will be above the estimated amount, owners are advised to consult with Roads and Maritime

Step 3
If the owner accepts the conditions of purchase, Roads and Maritime and the owner proceed to a conveyancing process, in a similar way to the process of a property sale in the open market. The primary difference is that Roads and Maritime’s solicitor will prepare the contracts.
- Advise that for purchase contracts, the reimbursement of the valuer’s fee is subject to conditions. These conditions are listed in Appendix A. The valuation report prepared by the valuer is required to be in accordance with the information in Appendix B called ‘Basic Content of Valuation Reports’. Roads and Maritime requires that the valuer act as an expert and not as an advocate on behalf of the owner

1.1 Payment and the Land Acquisition (Just Terms Compensation) Act 1991
The acquisition process is governed by the Land Acquisition (Just Terms Compensation) Act 1991. Division 4 of Part 3 of the Act, in particular section 55, outlines the matters that are considered when assessing compensation. These can be summarised as follows:
- Market value (the market value of the property as unaffected by the road proposals)
- Special value
- Severance
- Disturbance
- Solatium
- Any increase or decrease in the value of adjoining or severed land (as affected by the road proposals)

Please refer to Appendix C, which contains an extract of sections 55-62. Matters that are considered for compensation remain the same whether the acquisition is a negotiated purchase or is by compulsory process.
1.2 Glossary

Acquisition (or acquire)
Where the property is purchased by agreement or compulsorily acquired.

Adjoining land
Land in the same ownership that directly adjoins a land parcel which is acquired, or part of which is acquired, for roadwork.

Directly affected property
A landowner’s property that requires all or some part of it to be acquired for roadwork.

Disturbance
This may include legal costs, valuation fees, relocation costs, stamp duty costs, mortgage discharge and execution fees and some other financial costs reasonably incurred. These costs must be reasonably incurred and are set out in section 59 of the Land Acquisition (Just Terms Compensation) Act 1991.

Market value
The Act notes this to mean: the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer. This disregards any increase or decrease in value caused by the road proposal. A definition is found in section 56(1) and (2) of the Land Acquisition (Just Terms Compensation) Act 1991.

2. Acquisition by agreement

This section describes the process of the acquisition of property when Roads and Maritime and the owner agree, which is referred to as ‘purchase’.

As noted in the introduction, there are two types of purchase by agreement:

• Partial and
• Total.

Depending on the extent, requirements, size and need of the proposed roadwork, it may be necessary to purchase a part of the property or the total property. The terms ‘partial’ or ‘total’ are used to describe these situations. Please note that Roads and Maritime is not required to purchase or acquire more property than is necessary for roadworks.

This section will firstly consider issues surrounding partial purchase, and then consider issues relating to total purchase.

2.1 Partial property purchase

This section outlines the process followed when purchasing part of a property.

The initial letter sent by Roads and Maritime to the owners will include a plan that shows the proposed new boundary of that property.

That is, the new road boundary that will result from the purchase of the required land. This plan will also include the dimensions and area of the required part of the property.

2.1.1 Assessing the value of part of a property

It is often appropriate to use a ‘before and after’ method of valuation to assess the amount to be paid for the part of the property.

This method requires two valuations to be carried out. The first valuation is of the total property, as unaffected by the road proposal, known as the ‘before valuation’.

The second valuation, known as the ‘after valuation’, which will be undertaken at the same date, is of the remaining land as if the new road has been completed and in use. The difference between the ‘before’ and ‘after’ valuations is the basis for the payment for the property to be purchased.

2.1.2 Property adjustments resulting from a partial purchase

If part of a property is acquired, services and public utilities as needed will be adjusted by and at the cost of Roads and Maritime. These adjustments will take place...
prior to or during roadwork. In addition, Roads and Maritime will relocate fencing and, where appropriate, reinstate access to the road network. Fencing along the new property boundary will be relocated or if necessary built new to a standard similar to the existing fence on the property.

If necessary, a plan detailing property adjustments will be prepared for consideration by the land owner. If this plan is acceptable it may form part of the contract for sale.

2.1.3 Conditions under which partial purchase of property may become a total purchase of the property

On occasion, Roads and Maritime will purchase the total property although only part of it is required for the proposed road. This occurs when the effect of the proposed road on the remaining land is considered so significant that it warrants total purchase.

In this case, Roads and Maritime will agree to purchase the whole property and will consider all the relevant elements of compensation for the total property being purchased, within section 55 of the *Land Acquisition (Just Terms Compensation) Act* 1991.

For an extract of the elements of compensation see sections 55 - 62 of the Act, which are reproduced in Appendix C of this document.

Where Roads and Maritime proposes partial purchase, but an owner requests total purchase, relevant circumstances will be considered. This may include whether the current owner purchased the property prior to Roads and Maritime formally indicating that the property is to be directly affected.

The decision as to whether Roads and Maritime will agree to a total purchase is at Roads and Maritime’s sole discretion having regard to all the relevant circumstances.

If a mutual agreement cannot be reached on the conditions of total purchase, Roads and Maritime may proceed with the acquisition of only the land required for roadwork.

2.2 Total property acquisition

This section describes a number of issues that owners may wish to consider when Roads and Maritime purchases a total property.

First, Roads and Maritime strongly recommend that the property owner make no commitment to purchase a replacement property until contracts are exchanged on the sale of their existing property to Roads and Maritime.

Second, if the owner requires a deposit for a replacement property, Roads and Maritime will make an advance payment of up to 10% of the total purchase price of the property that Roads and Maritime is purchasing. The advance payment will be made any time after the exchange of contracts. The advance payment will be subject to conditions specified by Roads and Maritime’s solicitor.
Third, when assessing the market value of the total property, the value of prime cost items and inclusions, that is, all items that are normally included in the sale of a property, are taken into account. If the owner intends to retain any of the included items, he or she is requested to inform the Roads and Maritime valuer at the time of the inspection which item/s he or she wishes to exclude from the sale so that a correct assessment of the value of the property can be made.

Requests made after the valuation inspection to retain items may be refused. Alternatively, the valuation will be reduced by the value of the item/s.

Fourth, Roads and Maritime requires vacant possession on the date of settlement. This means that all belongings, animals, vehicles and other items have been removed from the land. The purchased property must be left in a clean and tidy condition. Roads and Maritime will carry out an inspection on the date of settlement to ensure that the property has been left in a clean and tidy condition and that all items included in the sale are intact.

Last, swimming pools should be clean on the day of settlement. Further, swimming pools need to be left in a condition that complies with any relevant statutory or council requirement, including fencing and signage.

2.3 Glossary

Public utilities
Public service infrastructure such as, but not limited to, water, power and telephone lines.

Remaining land
Land that is not acquired for the roadwork, but which forms part of the owner’s original land parcel.

Prime cost items and inclusions
These are items that normally pass with the sale of the property and are noted in the contract for sale.

Vacant possession
Land that is no longer occupied by the person who is selling the land. This means that all belongings, animals, vehicles and other items have been removed from the land.

3. Goods and services tax (GST)

When Roads and Maritime begins the process of purchasing a property by sending a letter to the owner (see page 7), this letter will include a GST questionnaire.

The owner is requested to complete this questionnaire and return it to Roads and Maritime.

If the completed questionnaire indicates that the owner, known as a ‘vendor’, is registered for GST and thinks that GST is payable to the Australian Taxation Office as a result of the sale, then Roads and Maritime will ensure that the purchase price it offers for the property includes GST. In this case the owner will be required to supply Roads and Maritime with a tax invoice.

Nabiac interchange, Pacific Highway, 2006
4. Entry for Roads and Maritime Services to undertake roadwork by agreement

This section outlines Roads and Maritime’s rights in regard to access to a property that has been purchased.

Once the purchase has been settled, Roads and Maritime, as the new landowner, can enter the property in order to commence roadwork.

On occasion, Roads and Maritime’s roadwork timeline will require entry to the property prior to the settlement of the purchase. In this case, Roads and Maritime relies on the owner’s cooperation. If required, and if the owner agrees, Roads and Maritime may arrange formal right of entry on exchange of contracts or entry by way of a lease.

4.1 Glossary

Entry by way of lease

This is where a landowner signs a lease with Roads and Maritime, that allows roadwork to begin on the land prior to purchase.

Formal right of entry

Roads and Maritime legally has the right to enter and occupy the land for the purpose of roadwork in accordance with a clause in the purchase contract.

5. Compulsory acquisition

This section describes the process that Roads and Maritime generally follow when an agreement with the owner has not been reached for the purchase of land required for roadwork.

Compulsory acquisition is a statutory process under the Land Acquisition (Just Terms Compensation) Act 1991. The Act sets out the process that Roads and Maritime must follow when it is necessary to acquire land using a compulsory process. The statutory process also provides the means for resolving disputes about the amount of compensation that is payable to the landowner.

Generally, the compulsory acquisition process followed by Roads and Maritime is as described in the following sections.

The owner of the land is entitled to obtain independent legal and valuation advice in relation to the compulsory acquisition process and their entitlement to compensation. The owner is also entitled to costs reasonably incurred in obtaining such legal and valuation advice and those costs are included in the compensation.

5.1 Approval

Roads and Maritime recommends that the Minister seeks the Governor’s approval to compulsorily acquire land.

5.2 Notification of the proposed acquisition

If the Governor approves, Roads and Maritime issues a proposed acquisition notice to those parties with a:

- Known legal or equitable interest in the land, (for example a registered proprietor, mortgagee, lessee, trustee)
- Right or privilege over the land, or in connection with it (for example an easement beneficiary, occupant or licensee).

This notice states Roads and Maritime’s intention to acquire the land after 90 days. However, a shorter period of time can be agreed to by the owner and Roads and Maritime, or be approved by the Minister if the Minister is satisfied that it is impracticable to give any longer period of notice. Note that a proposed acquisition notice is accompanied by a compensation claim form.

When Roads and Maritime issues a proposed acquisition notice, it is recorded on the relevant title registers at the Land and Property Management Authority (formerly known as the Land Titles Office).
5.3 Negotiations to purchase continue

During the 90-day (or shortened) period after the issue of the proposed acquisition notice (the notice period), Roads and Maritime and the owner may continue to negotiate to purchase the land by agreement.

5.4 Compulsory acquisition

If contracts for purchase have not been exchanged within the notice period, an acquisition notice is published in the NSW Government Gazette. This must happen within 120 days of the issue of the proposed acquisition notice, unless a longer period is agreed to in writing by the owner and Roads and Maritime.

An extract of the acquisition notice is published in a local newspaper.

Roads and Maritime owns the land from the date of publication of the acquisition notice in the Government Gazette. The (former) owner’s legal and equitable interests in the land are converted to an entitlement to compensation.

5.5 Compensation

This section outlines the process to lodge a claim for compensation with Roads and Maritime.

Anyone who receives a proposed acquisition notice can lodge a claim for compensation with Roads and Maritime. Also, people who did not receive a proposed acquisition notice, but believe that they are entitled to compensation, can lodge a claim. When a person lodges a claim, they must use the prescribed claim form, and fill this out in the correct manner.

The Valuer General determines the amount of compensation that is offered. If agreed by Roads and Maritime and the owner, compensation may also involve other land or works.

A compensation notice is issued within 30 days after notification of the compulsory acquisition in the Government Gazette. This notice is issued whether or not a claim for compensation has been lodged. However, the Minister may approve a delay in the issue of a compensation notice by up to an extra 60 days. In the case of competing claims, Roads and Maritime may delay issuing a compensation notice until entitlement is resolved.

If the person lodging the claim accepts the amount of compensation being offered, they will need to fill out the necessary settlement papers and claim form. Once these are returned to Roads and Maritime, compensation will be paid within 28 days of receiving these papers. Interest will also be paid on the compensation from the date of acquisition to the date of payment.

If the person lodging the claim does not accept the amount of compensation offered, they are entitled to lodge an objection to the amount of compensation with the NSW Land and Environment Court. This objection should be lodged with the Court within 90 days of having been given the compensation notice. This ensures that the Court will hear the objection and determine the amount of compensation to be paid.

The claimant must then give Roads and Maritime notice of the institution of proceedings. Within 28 days of this notice being given, Roads and Maritime will pay the claimant 90% of the compensation offered in the compensation notice, if the claimant agrees to accept such payment. This payment is an advance on account of compensation. Roads and Maritime will also pay interest on the advance for the period from the date of the publication of the acquisition notice in the Government Gazette to the date that the advance is made. If the advance is not accepted by the claimant, the advance and interest will instead be deposited into a trust account pending the Court decision.

If the compensation remains in a trust account for six years after the date of acquisition and a claim has still not been received, the compensation is paid to the State Treasurer and held in the Treasury until paid to an entitled claimant. Interest is not paid on the compensation for the time that it is held in the Treasury.

5.6 Advance payment

Once the acquisition notice has been published in the Government Gazette, Roads and Maritime advises affected owners of the acquisition. At this point in time, Roads and Maritime may offer an advance payment in return for vacant possession of the land, particularly to assist land owners who need to relocate their residence or business.
5.7 Ongoing occupation of the property that has been compulsorily acquired

This section describes the terms and conditions under which people who are lawfully entitled to occupy land, which has been compulsorily acquired by Roads and Maritime, are permitted to continue to occupy that land for a limited period of time.

When a person is lawfully occupying land that has been compulsorily acquired by Roads and Maritime, and is entitled to compensation, they are entitled to remain on the land, until:

- The compensation is paid
- An advance payment of not less than 90% of the amount offered in the compensation notice is paid
- Not less than 90% of the amount offered in the compensation notice is deposited into a trust account due to a deemed acceptance, court action, or competing claims whichever occurs first.

Furthermore, anyone who lawfully occupies a building as their main place of residence or place of business is entitled to continue to occupy the building for a period of three months after it has been compulsorily acquired. This is the case regardless of whether any of the abovementioned payments have been made. However, the Minister may shorten that period.

Once one of the above scenarios has occurred, Roads and Maritime becomes entitled to ‘vacant possession’ of the land. If the occupant has not vacated the land Roads and Maritime is then entitled to direct the Sheriff to deliver possession of the land to Roads and Maritime. The Sheriff’s costs may then be recovered as a debt or deducted from any compensation payable.

5.8 Terms of continued or ongoing occupation of the property

When Roads and Maritime acquires land by the compulsory acquisition process, it is entitled to charge rent for the land from the date of notification in the Government Gazette until possession is obtained. If there is no agreement between Roads and Maritime and the claimant regarding the terms of occupancy, then reasonable terms, including rent, are determined by Roads and Maritime. If there is unpaid rent, this can be offset against any compensation payable by Roads and Maritime.

People who are entitled to receive compensation are paid interest on the amount of compensation they are offered. This interest is calculated from the date the acquisition notice is published in the Government Gazette up until the date of payment of compensation.

5.9 Glossary

**Vacant possession**
Land that is no longer occupied by the person from whom the land has been acquired. This means that all belongings, animals, vehicles and other items have been removed from the land.

**Proposed acquisition notice**
A notice under section 11 of the Act of intention to acquire land by compulsory process.

**Acquisition notice**
A notice under section 19 of the Act, published in the Government Gazette, declaring that land described in the notice is acquired by Roads and Maritime by compulsory process.

**Land and Environment Court**
A specialist NSW environmental and planning Court which has the authority to hear claims for compensation arising from land acquisitions.

**Competing claims**
Claims for the same or overlapping interests in the property.

**Compulsorily acquired**
Land that has been acquired by acquisition notice in the Government Gazette.
6. Owner initiated acquisition  
(commonly called hardship acquisition)

In certain circumstances, some land owners may request Roads and Maritime to purchase all or some of the owners property that is designated for future acquisition.

For example, some owners may experience difficulty in selling their property if part or the total of the property is designated for future acquisition. If an owner is unsuccessful in attempting to sell this property and is experiencing some financial or personal hardship as a result of this, they can make a written application to Roads and Maritime requesting acquisition under the ‘hardship’ provisions of the Act.

To be eligible for consideration for ‘hardship’ acquisition a property must be designated for acquisition within the meaning of the Act. A property is designated for acquisition if:

- Roads and Maritime has, in connection with an application for development consent or building approval, given written notice that the property has been designated for road and future acquisition by Roads and Maritime; or
- The property is reserved in an environmental planning instrument for a public purpose and Roads and Maritime is specified as the body responsible for acquiring the property.

To meet the Act’s criteria for ‘hardship acquisition’ an owner must demonstrate:

- That it has become necessary to sell the property for pressing financial, personal, domestic or social reasons or to avoid a loss in income
- That their attempts to sell the property have been unsuccessful, because the land has been designated for future acquisition by Roads and Maritime.

If an owner meets the criteria for hardship to Roads and Maritime’s satisfaction, Roads and Maritime agrees to purchase the property. In effect Roads and Maritime becomes the purchaser that cannot be found in the market place.

Roads and Maritime prefers to complete hardship acquisitions by negotiated purchase. However, it is also possible to complete the acquisition by a compulsory acquisition process (see page 16), if this is the landowner’s preference.

When Roads and Maritime acquires a property under the hardship provisions of the Act, the payment for the property is based on the market value of the property as if it was unaffected by the road proposal.

No additional costs or items of compensation are included in the payment as the owner’s willingness to sell the property in the market place is taken as a preparedness to accept the normal costs associated with selling a property. It should be noted that in most circumstances an owner will not be responsible for a sales commission that would otherwise be payable if the property had been successfully marketed and sold through a real estate agent.
This section outlines circumstances in which Roads and Maritime may consider purchasing property where a preferred route option has indicated that (all or part of) the surface of a property may be required for roadwork. This policy does not apply to a property affected by a subsurface acquisition only. In these circumstances owners of property potentially affected by the future acquisition of land are permitted to request that Roads and Maritime acquire their property.

In the process of considering the location of a new road, Roads and Maritime often examines several possible routes or design options and may then select a preferred option.

Once the location of this preferred option becomes public knowledge (through Roads and Maritime information or consultation), this could frustrate attempts by owners to sell their property, if it is potentially affected by the future acquisition of land.

Unless Roads and Maritime has made known that the proposal is its preferred option, then this policy does not apply.

Properties potentially affected by a preferred option proposal may not be classified as designated land because the project design has not been finalised or approved. Where the land is not designated for future acquisition, the owners of such properties cannot have their property acquired under the owner initiated acquisition provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Roads and Maritime is, however, prepared to separately consider the purchase of property following a request from the owner. It should be noted that this process is at Roads and Maritime’s discretion, and is not under the Land Acquisition (Just Terms Compensation) Act 1991.

While Roads and Maritime is under no obligation to, it will, however, consider a request for acquisition if an owner can meet the hardship criteria specified on page 22. The acquisition is subject to the availability of Roads and Maritime funds. Each party is responsible for all their own costs. Purchase price is determined by an assessment of the market value of the property as if unaffected by the road proposal.

The market value is determined by a valuation undertaken by Roads and Maritime at its cost. A formal offer is issued to the owner including a purchase price.

Where an acquisition is proceeding on this basis, compulsory acquisition (see page 16) is not an option.

Where Roads and Maritime and the landowner do not agree on the purchase price, the following procedure is available:

a. The offer is withdrawn.

b. The owner chooses a valuer from a panel of independent valuers. These valuers are nominated by the Australian Property Institute and referred to the owner by Roads and Maritime for selection. In this way the valuer chosen is mutually acceptable to both the owner and Roads and Maritime.

c. The selected valuer acts as an independent expert and is commissioned by Roads and Maritime to carry out a valuation of the property.

This procedure is subject to the following conditions:

- Each party is to be responsible for the payment of 50% of the expert’s fee

- The owner or Roads and Maritime may make written submissions to the expert valuer within the first seven (7) calendar days after the expert valuer is instructed

- The expert’s decision will be binding on both parties if the owner wishes to proceed

- No further valuations will be obtained and the offer to acquire at the value determined by the expert will remain open for a period of three (3) months, after which time the offer will lapse.

If the offer lapses and then at a later date a decision is made to proceed with the project, Roads and Maritime will recommence negotiations to acquire the part of the property required for roadwork.

7.1 Glossary

Preferred option

Roads and Maritime may investigate various route options when planning for a new road project. After various studies have been undertaken Roads and Maritime may decide upon what is called a ‘preferred option’ for the project. However, this does not fix the final boundaries for a project.
Appendix A
Reimbursement of valuation fees—conditions of payment

The purpose of the reimbursement of valuation fees is to provide the owner with the opportunity to obtain an independent valuation report from a registered valuer. The role of the valuer is to provide a valuation report as to the owner’s entitlement to compensation in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. In some cases the valuation will form the owner’s claim to Roads and Maritime and in other cases the valuation report may act to verify that the compensation offered by Roads and Maritime is fair and reasonable. Roads and Maritime requires that the valuer must act as an expert and not as an advocate for the owner. The valuation must comply with professional standards.

Roads and Maritime will reimburse valuation fees which are reasonably incurred in obtaining a valuation report subject to receipt of a tax invoice substantiating the amount claimed. The amount Roads and Maritime considers is appropriate to reasonably incur for a valuation is specified in the letter opening negotiations. Landowners should contact Roads and Maritime if it is likely that valuation fees will be above that amount and provide the quotation from the valuer and any other information that supports the additional fees. It will be necessary to establish that the additional fees have been or will be reasonably incurred before those fees are reimbursed by Roads and Maritime. GST on valuer’s fees will only be reimbursed to claimants who are not themselves registered for GST.

Payment of fees is subject to the following conditions:

1. The valuer engaged must be registered to carry out valuations for that particular type of property and preferably be a current member of the Australian Property Institute

2. The valuation report shall be in accordance with Appendix ‘B’ basic contents of valuation reports. The valuer must be prepared to support the valuation in discussions with Roads and Maritime’s valuers. It is expected that inclusive of Roads and Maritime’s fee allowance, the valuer will attend at least one meeting with Roads and Maritime valuers

3. A copy of the report in its final form signed by the valuer is to be supplied with and in support of the asking price.

4. Reimbursement will take place upon settlement of the acquisition, however Roads and Maritime will, under direction from the land owner, make a payment of 50% of the fee directly to the valuer following the valuation report being made available to Roads and Maritime.

Roads and Maritime recommends that landowners engage a valuer who is prepared to provide a valuation report in accordance with the conditions outlined above and is also prepared to accept a fee equal to or less than the amount specified by Roads and Maritime for guidance purposes in the letter opening negotiations. If the valuer does not accept the conditions outlined above or provides a quotation above the amount indicated by Roads and Maritime, you should contact Roads and Maritime at the earliest opportunity to discuss the situation and provide a copy of the quotation and any other relevant information that supports the additional fees.

In the event that it is considered necessary to engage some other consultants such as accountants, town planners, surveyors, etc., prior approval in writing must be obtained if it is intended to seek reimbursement of these fees from Roads and Maritime.
Appendix B

Basic content of valuation reports

1. Evidence that the valuation was undertaken by the valuer who signed the report and disclosed his/her registration number together with a statement that he/she is registered to value the subject class of property.

2. Date of valuation and date of inspection.

3. Areas/dimensions and legal particulars of the land. Any legal constraints which would restrict development should be noted.

4. A description of the improvements.

5. A site plan showing position of improvements in relation to boundaries.

6. A floor plan showing accurate areas, date and the north point.

7. Specific list of inclusions.

8. An outline of permitted land use under current relevant environmental planning instrument and/or local government codes.

9. A description of the class of land valued and the current or potential use of the land together with its location.

10. Details of the sales/rental information relied upon to arrive at the valuation, together with analysis and calculations.


12. Valuation rationale.


14. The rental value of the property.

15. Details of any people, companies or businesses in occupation of the property.

Appendix C

Selected extract from the Land Acquisition (Just Terms Compensation) Act 1991, as at February 2012

Relevant matters to be considered in determining amount of compensation.

55.

In determining the amount of compensation to which a person is entitled, regard must be had to the following matters only (as assessed in accordance with this Division):

(a) the market value of the land on the date of its acquisition;

(b) any special value of the land to the person on the date of its acquisition;

(c) any loss attributable to severance;

(d) any loss attributable to disturbance;

(e) solatium;

(f) any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.

Market value

56.

(1) In this Act:

‘market value’ of land at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid):

(a) any increase or decrease in the value of the land caused by the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired; and

(b) any increase in the value of the land caused by the carrying out by the authority of the State, before the land is acquired, of improvements for the public purpose for which the land is to be acquired; and

(c) any increase in the value of the land caused by its use in a manner or for a purpose contrary to law.

(2) When assessing the market value of land for the purpose of paying compensation to a number of former owners of the land, the sum of the market values of each interest in the land must
(c) financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs);
(d) stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land compulsorily acquired);
(e) financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage);
(f) any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition.

Special value
57. In this Act:
‘special value’ of land means the financial value of any advantage, in addition to market value, to the person entitled to compensation which is incidental to the person’s use of the land.

Loss attributable to severance
58. In this Act:
‘Loss attributable to severance’ of land means the amount of any reduction in the market value of any other land of the person entitled to compensation which is caused by that other land being severed from other land of that person.

Loss attributable to disturbance
59. In this Act:
‘Loss attributable to disturbance’ of land means any of the following:
(a) legal costs reasonably incurred by the persons entitled to compensation in connection with the compulsory acquisition of the land;
(b) valuation fees reasonably incurred by those persons in connection with the compulsory acquisition of the land;
(c) financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs);
(d) stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land compulsorily acquired);
(e) financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage);
(f) any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition.

Solatium
60.
(1) In this Act:
‘solatium’ means compensation to a person for non-financial disadvantage resulting from the necessity of the person to relocate his or her principal place of residence as a result of the acquisition.
(2) The maximum amount of compensation in respect of solatium is:
(a) except as provided by paragraph (b)-$15,000; (see note at end of Extract) or
(b) such higher amount as may be notified by the Minister by notice published in the Gazette.
(3) In assessing the amount of compensation in respect of solatium, all relevant circumstances are to be taken into account, including:
(a) the interest in the land of the person entitled to compensation; and
(b) the length of time the person has resided on the land (and in particular whether the person is residing on the land temporarily or indefinitely); and
(c) the inconvenience likely to be suffered by the person because of his or her removal from the land; and
(d) the period after the acquisition of the land during which the person has been (or will be) allowed to remain in possession of the land.
(4) Compensation is payable in respect of solatium if the whole of the land is acquired or if any part of the land on which the residence is situated is acquired.
(5) Only one payment of compensation in respect of solatium is payable for land in separate occupation.
(6) However, if more than one family resides on the same land, a separate payment may be made in respect of each family if:
(a) the family resides in a separate dwelling-house; or
(b) the Minister responsible for the authority of the State approves of the payment
(7) If separate payments of compensation are made, the maximum amount under subsection (2) applies to each payment, and not to the total payments.

Special provision relating to market value assessed on potential of land
61. If the market value of land is assessed on the basis that the land had potential to be used for a purpose other than that for which it is currently used, compensation is not payable in respect of:
(a) any financial advantage that would necessarily have been forgone in realising that potential; and
(b) any financial loss that would necessarily have been incurred in realising that potential.
Special provision relating to acquisition of easements or rights, tunnels etc.

62.

(1) If the land compulsorily acquired under this Act consists only of an easement, or right to use land, under the surface for the construction and maintenance of works (such as a tunnel, pipe or conduit for the conveyance of water, sewage or electrical cables), compensation is not payable except for actual damage done in the construction of the work or caused by the work.

(2) If land under the surface is compulsorily acquired under this Act for the purpose of constructing a tunnel, compensation is not payable (subject to subsection (1)) unless:

(a) the surface of the overlying soil is disturbed; or

(b) the support of that surface is destroyed or injuriously affected by the construction of the tunnel; or

(c) any mines or underground working in or adjacent to the land are thereby rendered unworkable or are injuriously affected.

(3) If the land compulsorily acquired under this Act consists of or includes an easement or right to use the surface of any land for the construction and maintenance of works (such as canals, drainage, stormwater channels, electrical cables, openings or ventilators), the easement or right is (unless the acquisition notice otherwise provides) taken to include a power, from time to time, to enter the land for the purpose of inspection and for carrying out of any additions, renewals or repairs. Compensation under this part is payable accordingly.

Note in respect to Solatium

In accordance with Section 60(2) (b) the maximum amount of solatium was increased to $26,260 effective from 1 April 2014. There may be further increases in the maximum amount of solatium from time to time and it is suggested that you speak with Roads and Maritime Property Acquisition staff for the latest information.
Appendix F – Late submissions
Late submissions

Roads and Maritime received 12 submissions one month after the community feedback period (18 August – 12 September 2014) closed. These submissions have not been included in the feedback analysis sections of this report but have been briefly summarised and responded to in Table 1F.

Three of the 12 late submissions were from respondents who had already provided submissions during the community feedback period.

Each submission has been assigned an identification number where the letter ‘L’ indicates that the submission was received later than the community feedback period.

Table 1F – Summarised feedback and the project responses for late submissions

<table>
<thead>
<tr>
<th>Summary of feedback</th>
<th>Submission number</th>
<th>Project responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support Option C (Refined) because it provides access to Barber Street which is essential for the businesses in the area.</td>
<td>1L, 2L, 6L, 7L, 8L, 9L, 10L, 11L, 12L</td>
<td>The preferred option provides direct access to Barber Street through an intersection where the new route connects with Warrabungle Street.</td>
</tr>
<tr>
<td>If there was no direct access to Barber Street from the new route there would be a significant impact on business viability in the area and cause job loss.</td>
<td>1L, 3L, 4L, 5L, 6L, 10L, 11L, 12L</td>
<td>During community consultation in May 2013, feedback from the local residents, local businesses, Gunnedah Shire Council and the NSW Member for Tamworth highlighted the concern about the potential negative impact on Barber Street as a result of the closure of the New Street level crossing. An economic impact assessment was undertaken and revealed there would be an impact on Barber Street, with business in this area being redistributed within the Gunnedah central business district. It was determined that providing a direct connect from the new route to Barber Street would mitigate this option. The new route is a replacement for the existing New Street level crossing. Requests for the New Street level crossing to remain open were thoroughly investigated by the project team. However, to meet the objectives of this project to improve safety and traffic efficiency, the level crossing would be</td>
</tr>
<tr>
<td>Please keep the New Street level crossing open as well as an access to Barber Street from the new route.</td>
<td>5L</td>
<td></td>
</tr>
<tr>
<td>Summary of feedback</td>
<td>Submission number</td>
<td>Project responses</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Would like property owners whose homes may be acquired to be properly compensated.</td>
<td>2L, 4L, 8L, 10L, 12L</td>
<td>All land acquisition undertaken by Roads and Maritime is governed by the <em>Land Acquisition (Just Terms Compensation) Act 1991</em> together with the Roads Act 1993. Roads and Maritime will continue to liaise directly with any affected landowners as the project progresses.</td>
</tr>
</tbody>
</table>