

## 6.11 Property and land use

This section provides an assessment of the potential impacts of the proposal on property and land use and identifies safeguards and management measures to avoid or minimise these impacts.

### 6.11.1 Methodology

The assessment methodology for impacts on land use and property included the following key tasks:

- A desktop assessment of property ownership and existing land uses in and around the proposal construction footprint was carried out, which included a review of available government sources and aerial photographs
- Identification of potential future uses of land required for construction but not required for operation
- Assessment of potential impacts on properties including those that would need to be acquired to construct and operate the proposal
- Assessment of the potential impacts on existing and likely future land uses during construction and operation of the proposal
- Identification measures to avoid, minimise and manage impacts on land use and property.

The impact assessment of the proposal on property and land use has been prepared in accordance with:

- Land Acquisition (Just Terms Compensation) Act 1991
- Property Acquisition- A guide for residential owners (NSW Government, 2021a)
- Property Acquisition – A guide for residential tenants (NSW Government, 2021b)
- *Land Acquisition Information Guide* (Roads and Maritime Services, 2014).

### 6.11.2 Existing environment

#### *Land use zoning*

The proposal is located in the Hartley Valley, from Little Hartley to Lithgow, within the Lithgow City local government area. Existing land use zones within and surrounding the construction footprint (Figure 4-1) as defined by the *Local Environmental Plan*, include:

- SP2 Roads and Traffic Facility
- R2 Low Density Residential
- R5 Large Lot Residential
- RU1 Primary Production
- E1 National Parks and Nature Reserves
- E3 Environmental Management.

### ***Existing land use***

Existing land uses within and surrounding the construction footprint comprise:

- Roads and transport infrastructure, including the existing Great Western Highway and local roads, as well as adjacent lands included within the road corridor
- General rural uses, such as large lot farming and grazing
- Rural residential uses, including rural living and smaller farm properties
- Low density residential properties
- Commercial uses, including hospitality and retail services, accommodation, visitor information and professional services
- Community significance, including places of worship, gardens and cemeteries
- Bushland.

The Little Hartley to River Lett Hill section, Coxs River Road section and River Lett Hill to Forty Bends section of the proposal are largely characterised by rural and rural residential properties. Some commercial activities are present near the Coxs River Road and along the Great Western Highway to the Hartley Cemetery and east of the River Lett on Old Great Western Highway, including hospitality and retail services, accommodation and visitor information. There are also areas of significance to the community, including places of worship, gardens and a cemetery.

The Forty Bends to Lithgow section is characterised by the large area of bushland adjacent to the north of the Great Western Highway and the rural residential properties in the valley to the south of the Great Western Highway. The western tie-in to the existing Great Western Highway is adjacent to residential and commercial properties

Properties that would be impacted by the proposal and a description of their current use are identified in Table 6-109 and shown in Figure 6-54.

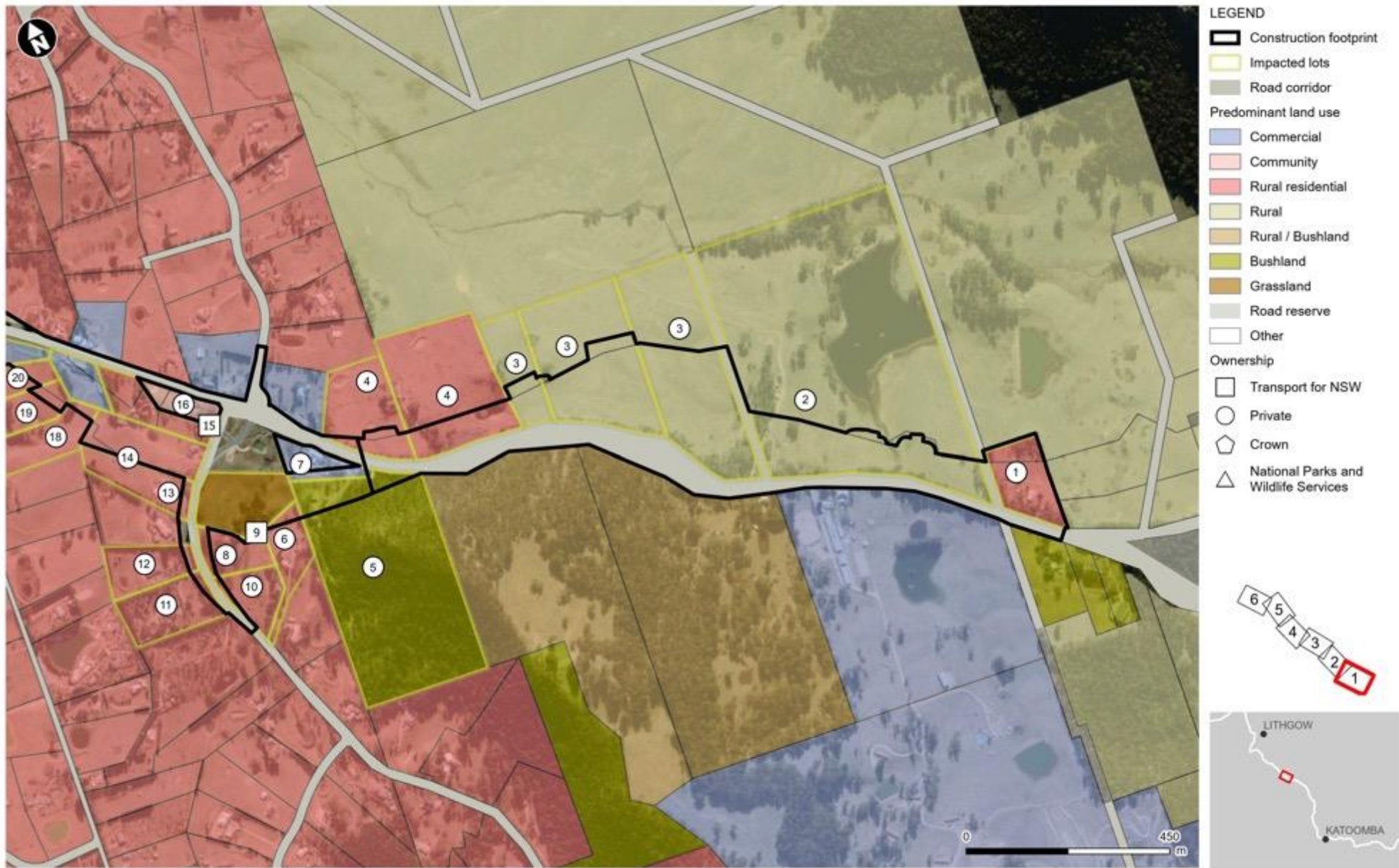


Figure 6-54 a Overview of land uses



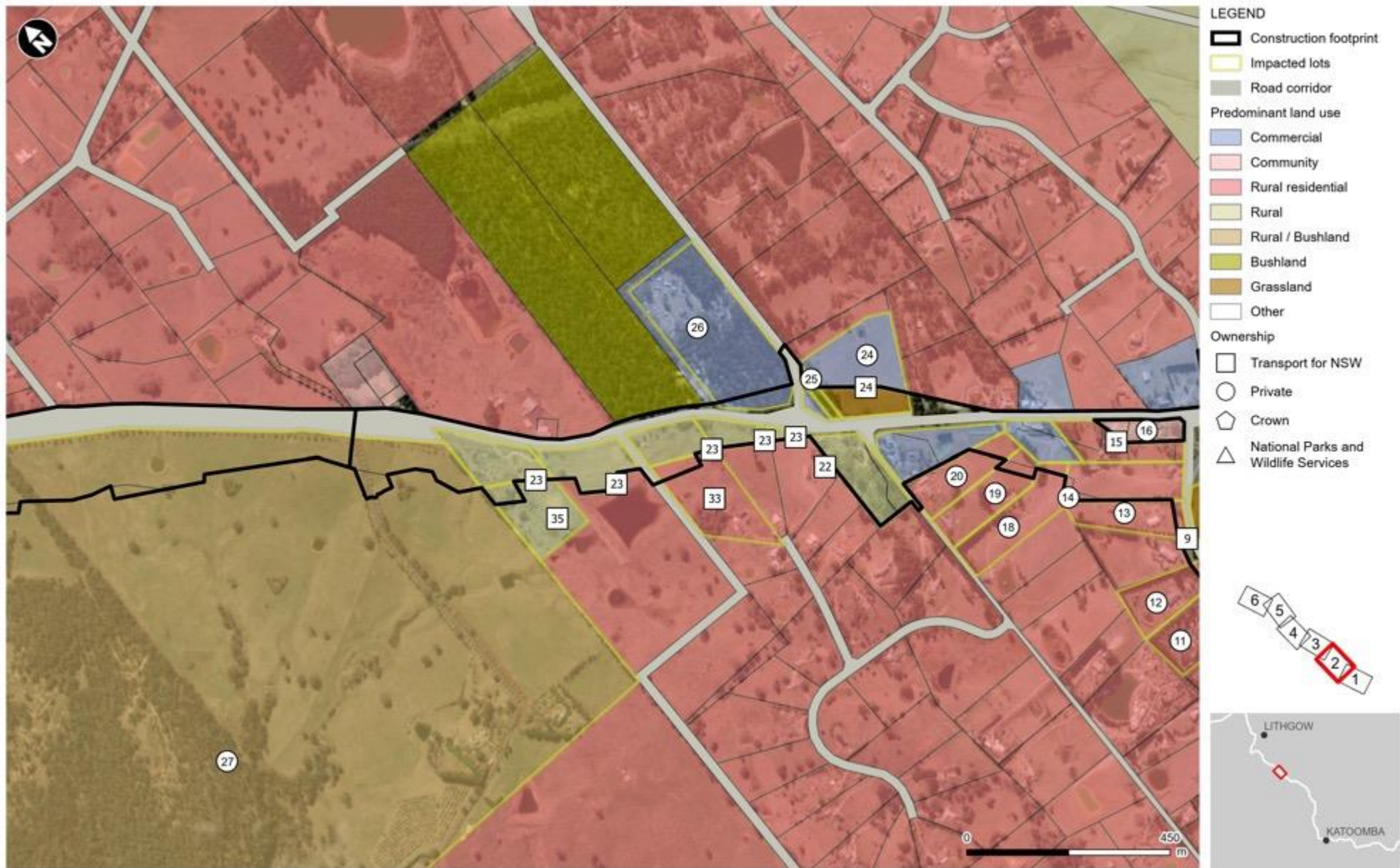


Figure 6-55 a Overview of land uses



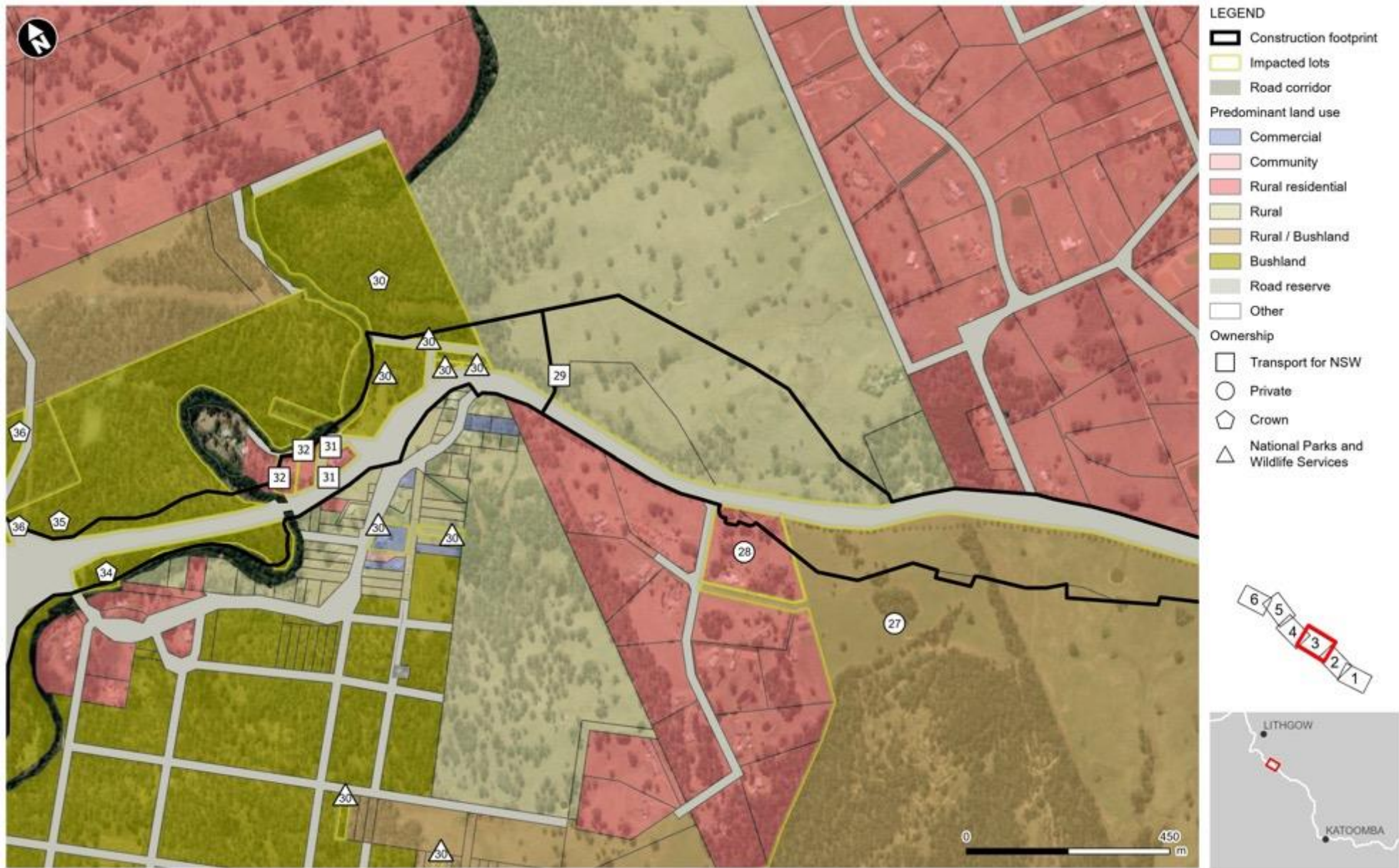


Figure 6-55 b Overview of land uses



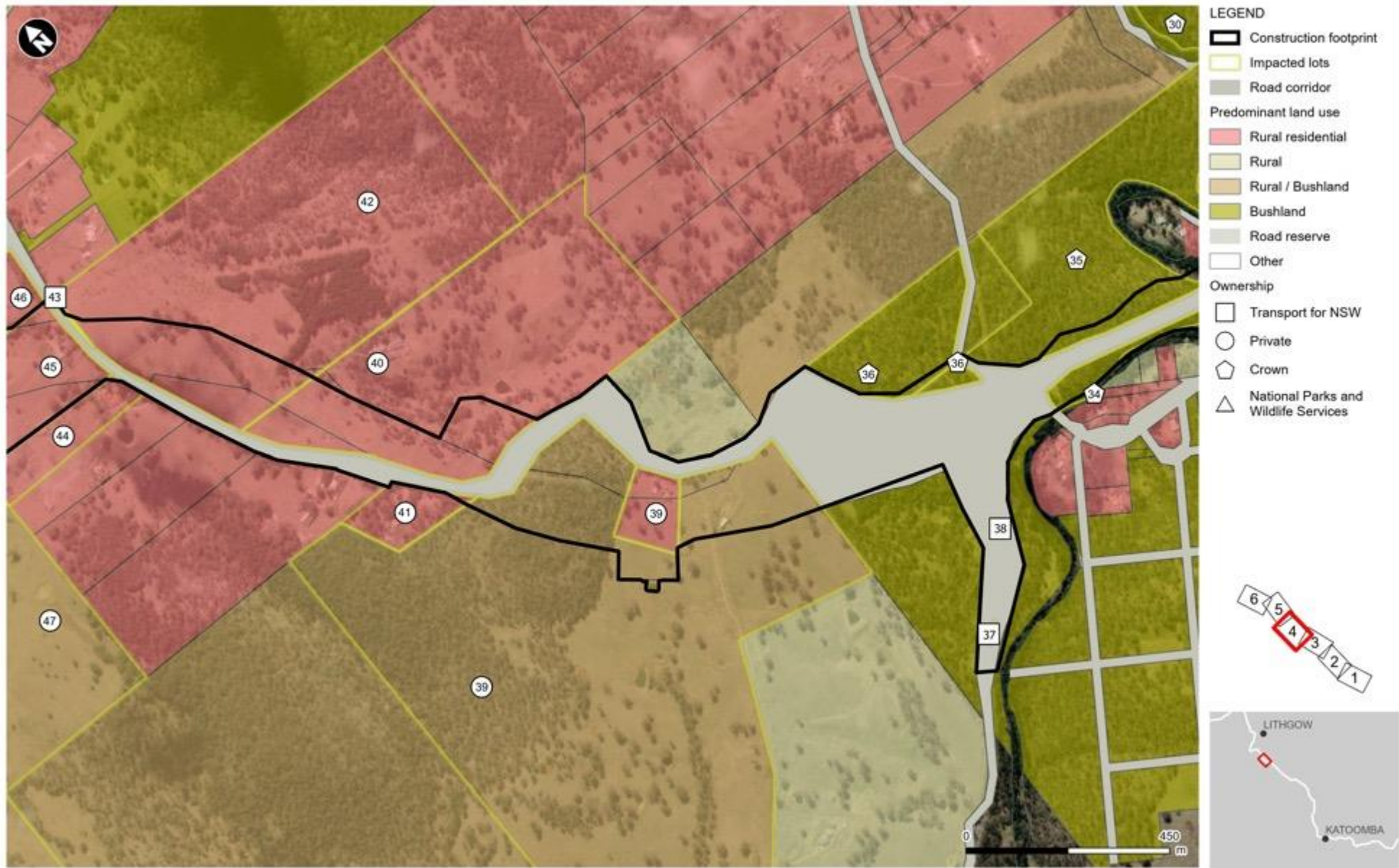


Figure 6-55 c Overview of land uses



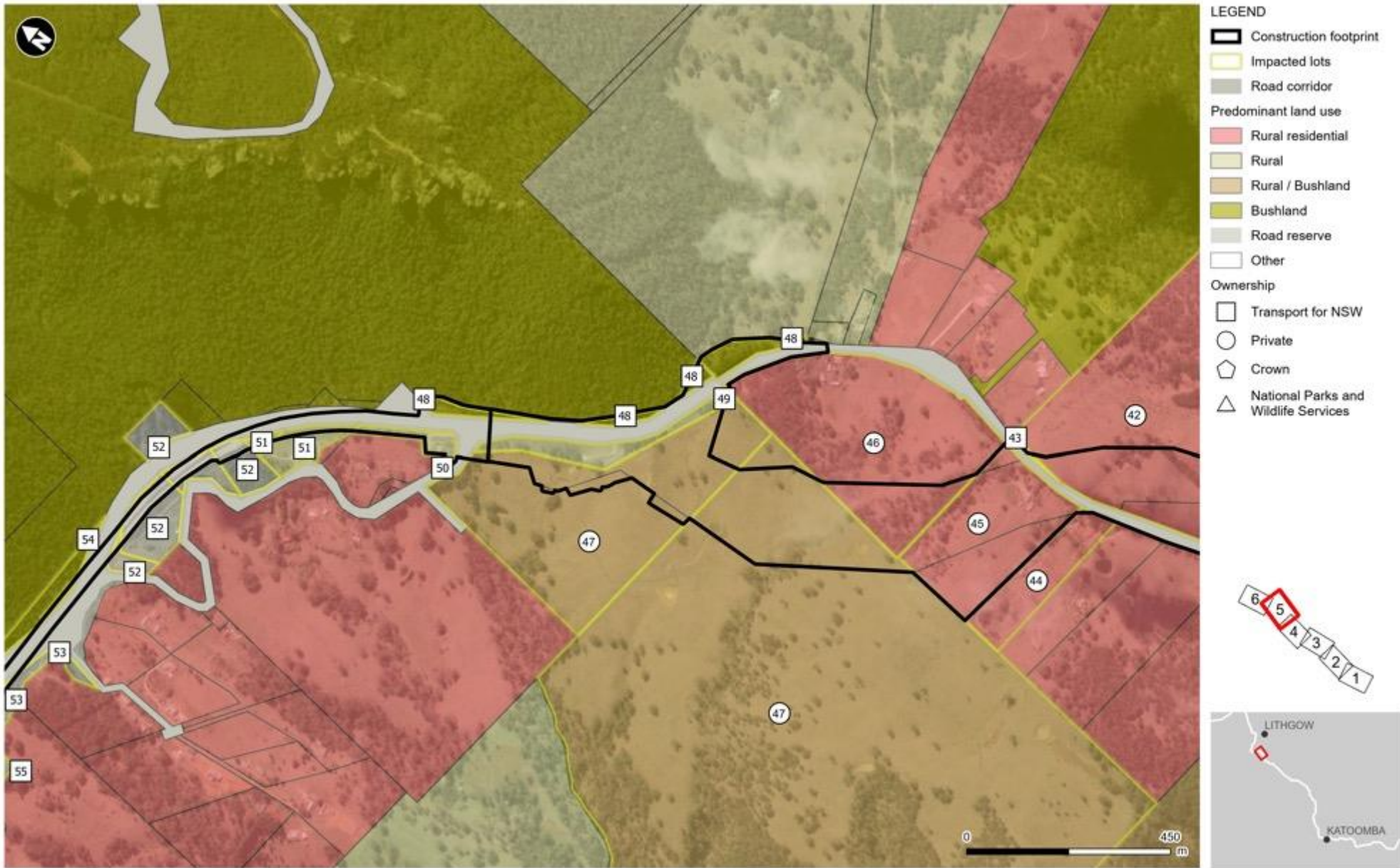


Figure 6-55 d Overview of land uses





Figure 6-55 e Overview of land uses



### 6.11.3 Potential impacts

#### **Construction**

Long term impacts on property and land use would occur from the commencement of construction. These impacts would generally be related to property acquisition, changes to land use, changes to local road connections to the Great Western Highway and changes to property access. Although these impacts would be immediate, they are long term and permanent and have therefore been discussed below as operational impacts of the proposal.

#### Property impacts

Short term property impacts would potentially occur during construction as a result of activities such as land use changes and changes to property access, as well as leasing land for ancillary facilities and temporary sediment basins. Nine lots would be partially leased for the duration of construction. Consultation with landowners would be held in relation to leasing these properties (see Section 5 Consultation).

#### Land use impacts

During construction, potential impacts on existing land use within the proposal construction footprint would mainly relate to direct impacts from the siting of ancillary facilities. These ancillary facilities would include temporary construction support sites and stockpile areas, as described in Section 3 Proposal description.

Up to 18 ancillary facilities are proposed on road corridor, rural residential and rural land with limited biodiversity value. These areas would be managed in accordance with the construction environmental management plan and would be developed as part of the proposal or rehabilitated at the completion of construction, therefore the potential impacts are generally expected to be low.

#### Temporary changes to local roads and property accesses

As detailed in Section 6.2 Traffic and transport, temporary disruptions to local roads and property accesses would be expected during construction of the proposal. Local roads that would potentially experience some delays and changed traffic arrangements during construction include the Coxs River Road, Baaners Lane, Browns Gap Road, Carroll Drive, Mid Hartley Road, Kelly Street, Old Great Western Highway, Blackmans Creek Road, Jenolan Caves Road, Forty Bends Road, Mckanes Falls Road, Old Bathurst Road, Mudgee Street and Magpie Hollow Road. These roads would be directly linked to, or serviced by, the proposal and would experience temporary diversions and traffic switches before traffic is shifted to the revised permanent arrangement. These impacts would be minimised through the implementation of a Traffic Management Plan as discussed in Section 6.2 Traffic and transport.

Impacts to property access points would occur as a result of the proposal. Access to properties and businesses would be maintained for the full construction duration. Alternative access arrangements would be provided where the proposal would impact access to residential and commercial properties.

#### **Operation**

Operational impacts on property and land use as a result of the proposal would commence during construction. The below sections describe these permanent and long-term impacts.

#### Property impacts

Details of direct property acquisition as a result of the proposal are provided in Table 6-109, with property reference numbers corresponding to Figure 6-54.

There are 112 lots of land comprising 81 properties within the construction footprint. Of this, seven lots are Crown land, four lots are owned by National Parks and Wildlife Services, 44 lots are owned by Transport

and 56 lots are privately owned. Of the land impacted, 11 lots would be directly impacted in their entirety and require full acquisition, and 50 lots would require partial acquisition.

Table 6-109 also shows properties that are currently owned by Transport. These properties have been identified but have not been included in the property acquisition calculations required for the proposal.

The areas of direct impact to property have been calculated using the construction footprint and cadastral overlay. This would be subject to ground survey and further refinement during the detailed design phase of the proposal, which may alter the final acquisition requirements and estimates. All acquisitions would be carried out in consultation with landowners and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, *Property Acquisition – A guide for residential owners* (NSW Government, 2021a) and *Property Acquisition – A guide for residential tenants* (NSW Government, 2021b).

Part of the proposal is on land within Hartley Historic Village which comprises land reserved under the NPW Act. Development within national park estate cannot proceed by virtue of Clause 94 of ISEPP until the land is revoked from the national park estate via an Act of Parliament. Transport submitted a proposal to revoke a section of national park estate in September 2021. The submission addresses the requirements of National Park and Wildlife Service (NPWS) *Revocation, recategorisation and road adjustment policy*, including an outline of the potential impacts of the revocation. A compensation package will also be negotiated with NPWS.

### Land use impacts

Some areas of the construction footprint is already used as transport (road) infrastructure. This overall transport corridor land use would remain with the infrastructure upgraded and/or used as local service roads.

Most of the land affected by the proposal is classified as rural and bushland land, comprising about 64 per cent of directly impacted land to be acquired, and rural residential land, comprising about 34 per cent. The remaining 2 per cent is classified as residential, commercial use or community use.

Most properties would be only partially impacted, with many requiring partial acquisition where the proposal would have no substantial effect on the functionality or viability of the current or future use of the remainder of the property.

While the proposal design has sought to minimise impacts on property as far as practicable, permanent property adjustments would be required to some private properties, including adjustments to fencing and farm infrastructure (eg farm dams), due to partial property acquisitions. The proposal design, including evaluation of route options (described in Section 2 Needs and options considered), has sought to minimise any impact of severance on farming operations as far as practicable. Any adjustments to properties required for the proposal would be carried out in consultation with the property owner.

### Changes in external property accesses

External property access refers to the connection of a property to the external road network. This may be a direct driveway connection at the property via a private road or by a right of way access through a neighbouring property.

Changes to external property access would be required for numerous properties as a result of the proposal. These changes are discussed and assessed in Section 6.2 Traffic and transport.



Table 6-109 Impacted properties and proposed property acquisition

Property ID	Ownership	Predominant land use	Acquisition required (Yes/No)	Total area (square metres)	Area of land to be acquired (square metres)	Percentage of area to be acquired	Area of land to be temporarily leased (square metres)	Percentage of area to be leased
1	Private	Rural residential	Yes	20,393.4	20,393.4	100.0		
2	Private	Rural	Yes	272,672.4	43,515.3	16.0	3,991.1	1.5
3	Private	Rural	Yes	21,815.9	5,811.5	26.6	2,049.6	9.4
	Private	Rural	Yes	69,326.6	47,339.2	68.3		
	Private	Rural	Yes	79,439.4	34,208.2	43.1	3,122.0	3.9
4	Private	Rural residential	Yes	31,511.8	6,056.3	19.2	1,465.4	4.7
	Private	Rural residential	Yes	64,367.0	15,793.9	24.5		
5	Private	Bushland	Yes	138,236.7	13,464.2	9.7		
6	Private	Rural residential	Yes	14,683.5	1,991.3	13.6		
7	Private	Commercial	Yes	10,936.4	3,810.3	34.8		
8	Private	Rural residential	Yes	13,063.9	2,205.1	16.9		
9	Transport for NSW	Grassland	No	24,861.3				
10	Private	Rural residential	Yes	13,978.0	1,006.2	7.2		
11	Private	Rural residential	Yes	23,252.9	1,513.5	6.5		
12	Private	Rural residential	Yes	17,612.2	1,255.1	7.1		

Property ID	Ownership	Predominant land use	Acquisition required (Yes/No)	Total area (square metres)	Area of land to be acquired (square metres)	Percentage of area to be acquired	Area of land to be temporarily leased (square metres)	Percentage of area to be leased
13	Private	Rural residential	Yes	17,361.7	1,808.0	10.4		
14	Private	Rural residential	Yes	22,138.7	22,138.7	100.0		
15	Transport for NSW	Rural residential	No	15,564.2				
16	Private	Community	Yes	8,093.5	50.6	0.6		
17	Transport for NSW	Commercial	No	10,144.2				
18	Private	Rural residential	Yes	24,016.7	1,532.6	6.4		
19	Private	Rural residential	Yes	19,935.6	1,574.7	7.9	1,823.5	9.1
20	Private	Rural residential	Yes	18,912.7	3,674.2	19.4		
21	Transport for NSW	Commercial	No	19,753.9				
22	Transport for NSW	Rural	No	19,395.9				
23	Transport for NSW	Rural	No	1,929.4				
	Transport for NSW	Rural	No	7,753.9				
	Transport for NSW	Rural	No	12,118.0				
	Transport for NSW	Rural	No	16,662.3				
	Transport for NSW	Rural	No	17,324.3				
24	Transport for NSW	Grassland	No	10,546.3				



Property ID	Ownership	Predominant land use	Acquisition required (Yes/No)	Total area (square metres)	Area of land to be acquired (square metres)	Percentage of area to be acquired	Area of land to be temporarily leased (square metres)	Percentage of area to be leased
25	Private	Bushland	Yes	2,538.3	1,737.9	68.5		
26	Private	Commercial	Yes	69,367.5	6,751.7	9.7		
27	Private	Rural / Bushland	Yes	1,746,272.4	143,909.8	8.2	2,170.9	0.1
28	Private	Rural residential	Yes	33,891.0	3,549.0	10.5	2,568.7	7.6
29	Transport for NSW	Rural	No	198,485.2				
30	National Parks and Wildlife Services	Bushland	Yes	2,340.5	2,340.5	100.0		
	National Parks and Wildlife Services	Bushland	Yes	19,883.7	19,883.7	100.0		
	National Parks and Wildlife Services	Bushland	Yes	522.6	522.6	100.0		
	National Parks and Wildlife Services	Bushland	Yes	1,454.5	1,454.5	100.0		
	Private	Bushland	Yes	121,622.1	3,603.9	3.0		
31	Transport for NSW	Rural residential	No	489.1				
	Transport for NSW	Rural residential	No	2,992.6				
32	Transport for NSW	Rural residential	No	3,960.4				
	Transport for NSW	Rural residential	No	3,832.5				

Property ID	Ownership	Predominant land use	Acquisition required (Yes/No)	Total area (square metres)	Area of land to be acquired (square metres)	Percentage of area to be acquired	Area of land to be temporarily leased (square metres)	Percentage of area to be leased
33	Transport for NSW	Rural residential	No	30,275.1				
	Private	Rural residential	Yes	6,165.8	535.8	8.7		
34	Private	Bushland	Yes	21,026.6	19,090.0	90.8		
35	Transport for NSW	Rural	No	22,635.1				
	Private	Bushland	Yes	195,439.8	13,063.5	6.7		
36	Private	Bushland	Yes	4,266.3	4,266.3	100.0		
	Private	Bushland	Yes	59,373.9	2,485.4	4.2		
37	Transport for NSW	Bushland	No	216.9				
38	Transport for NSW	Rural	No	76.2				
39	Private	Rural residential	Yes	20,000.3	13,931.3	69.7		
	Private	Rural / Bushland	Yes	854,730.8	85,318.6	10.0		
40	Private	Rural residential	Yes	286,210.4	40,257.4	14.1	17,729.9	6.2
41	Private	Rural residential	Yes	23,164.0	651.2	2.8		
42	Private	Rural residential	Yes	428,780.1	49,974.4	11.7	27,849.1	6.5
43	Transport for NSW	Road reserve	No	596.7				
44	Private	Rural residential	Yes	32,526.1	228.7	0.7		



Property ID	Ownership	Predominant land use	Acquisition required (Yes/No)	Total area (square metres)	Area of land to be acquired (square metres)	Percentage of area to be acquired	Area of land to be temporarily leased (square metres)	Percentage of area to be leased
45	Private	Rural residential	Yes	73,078.0	73,078.0	100.0		
46	Private	Rural residential	Yes	149,559.1	27,343.8	18.3		
47	Private	Rural / Bushland	Yes	2,004,595.0	66,695.7	3.3		
	Private	Rural / Bushland	Yes	167,637.8	42,548.6	25.4		
48	Transport for NSW	Bushland	No	8,406.8				
	Transport for NSW	Bushland	No	2,020.1				
	Transport for NSW	Bushland	No	2,189.1				
	Transport for NSW	Bushland	No	4,056.6				
49	Transport for NSW	Rural	No	18,230.9				
50	Transport for NSW	Rural	No	7,033.5				
51	Transport for NSW	Rural	No	11,722.2				
	Transport for NSW	Rural	No	1,999.0				
52	Transport for NSW	Road reserve	No	18,529.4				
	Transport for NSW	Road reserve	No	15,981.2				
	Transport for NSW	Road reserve	No	10,064.3				
	Transport for NSW	Road reserve	No	4,117.2				

Property ID	Ownership	Predominant land use	Acquisition required (Yes/No)	Total area (square metres)	Area of land to be acquired (square metres)	Percentage of area to be acquired	Area of land to be temporarily leased (square metres)	Percentage of area to be leased
53	Transport for NSW	Road reserve	No	6,042.9				
	Transport for NSW	Road reserve	No	5,097.7				
54	Transport for NSW	Bushland	No	22,317.8				
	Transport for NSW	Bushland	No	2,351.3				
55	Transport for NSW	Rural	No	7,990.3				
56	Transport for NSW	Road reserve	No	1,684.3				
57	Transport for NSW	Rural residential	No	28,232.0				
58	Private	Rural residential	Yes	106,031.4	1,906.1	1.8		
59	Private	Rural residential	Yes	59,524.3	3,945.4	6.6		
60	Transport for NSW	Bushland	No	77,687.4				
61	Transport for NSW	Rural residential	No	14,182.6				
62	Private	Rural residential	Yes	8,476.1	962.9	11.4		
63	Private	Bushland	Yes	18,032.5	2,306.3	12.8		
64	Private	Rural residential	Yes	32,403.5	8,427.0	26.0		
65	Vested in Lithgow City Council (limited in depth)	Public road	No	12,710.6				

Property ID	Ownership	Predominant land use	Acquisition required (Yes/No)	Total area (square metres)	Area of land to be acquired (square metres)	Percentage of area to be acquired	Area of land to be temporarily leased (square metres)	Percentage of area to be leased
66	Private	Commercial	Yes	16,199.8	4,679.0	28.9		
67	Private	Bushland	Yes	16,901.2	16,373.5	96.9		
68	Transport for NSW	Bushland	No	29,151.1				
69	Private	Rural residential	Yes	21,249.9	1960	9.2		
70	Private	Rural	Yes	2,643.3	742.5			
71	Private	Rural	Yes	2,471.5	2,231.2			
	Private	Rural residential	Yes	2,451.7	458.4	18.7		
72	Private	Rural residential	Yes	2,006.5	39.6	2.0		
73	Private	Bushland	Yes	44,275.9	646.9	1.5		
74	Transport for NSW	Residential	No	2,907.6				
75	Private	Residential	Yes	4,235.5	572.4	13.5		
76	Private	Community	Yes	1,855.7	1,855.7	100.0		
77	Private	Residential	Yes	2,429.2	325.4	13.4		
78	Private	Community	Yes	1,053.5	1,053.5	100.0		
	Private	Community	Yes	614.6	614.6	100.0		
79	Private	Rural	Yes	151,584.7	13,010.9	8.6		



Property ID	Ownership	Predominant land use	Acquisition required (Yes/No)	Total area (square metres)	Area of land to be acquired (square metres)	Percentage of area to be acquired	Area of land to be temporarily leased (square metres)	Percentage of area to be leased
80	Private	Residential	No	13,070.2				
81	Private	Bushland	No	696,140.2				
			<b>TOTAL</b>		912,515.90		62,770.2	

#### 6.11.4 Safeguards and management measures

Table 6-110 Safeguards and management measures – property and land use

No	Impact	Environmental safeguards	Responsibility	Timing	Reference	Locations
PL01	Leased land	Areas of land leased for the purposes of construction will be reinstated at the end of the lease to at least equivalent standard in consultation with the landowner.	Contractor	Construction	N/A	All
PL02	Property	All partial and full acquisitions and associated property adjustments will be carried out in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> and the <i>Transport for NSW Land Acquisition Information Guide</i> in consultation with landowners. This will include the provision of monetary compensation determined in accordance with the provisions of the Act.	Transport	Prior to construction	Appendix M	All
PL03	Property	Property adjustments for the proposal will be completed in consultation with property owners.	Transport/ Contractor	Prior to construction/ during construction	Appendix M	All
PL04	Property	Existing property access will be maintained during construction. Where this is not feasible or reasonable, temporary alternative access arrangements will be provided following consultation with the affected property owners.	Transport/ Contractor	During construction	Appendix M	All

Other safeguards and management measures that would address property and land use impacts are identified in Sections 6.2 Traffic and transport and 6.10 Socio-economic.