

10. Property

10.1 Overview

Property acquisition concerns were a predominant theme in the planning process and consultation, particularly for owners and occupiers of directly affected properties. Early individual consultation with affected landowners and businesses has endeavoured to ascertain their needs and the concept planning process has sought to minimise the extent of acquisition. This section focuses on the effect of total or partial property acquisition for the proposed South Road Superway Project.

Apart from directly affected properties, some businesses along South Road are expected to be indirectly affected by changes to South Road access and the local road network, and beyond South Road some properties will be indirectly affected by changes to local access, noise exposure and visual amenity.

The effects on those living in the study area whose properties are not directly affected by acquisition have been considered. The *Land Acquisition Act 1969* makes no provision for compensation to property owners, tenants, businesses or any other parties indirectly affected by a proposal. Some residential properties may receive noise mitigation treatments. For further details of the proposed noise criteria and treatment options, see Section 18.

10.2 Legislative and policy requirements

Table 10.1 summarises key legislation relevant to property issues associated with the project.

Table 10.1 Relevant legislation (property)

Legislation	Description	Relevance to project
<i>Highways Act 1926</i> (SA)	Through the Highways Act, DTEI has the authority to acquire property that is required for road development purposes. DTEI is willing to acquire property through negotiated purchase with the owners during the early planning phase of a project or once an approved scheme has been announced.	DTEI is willing to acquire property through negotiated purchase with the owners during the early planning phase of a project or once an approved scheme has been announced.
<i>Land Acquisition Act 1969</i> (SA)	The Land Acquisition Act protects both the rights of the individual with an interest in the land and the needs of DTEI.	If agreement has not been negotiated by a certain time in accordance with the project schedule, then the Land Acquisition Act provides a basis for compulsory acquisition.

10.3 Existing ownership

Most of the land to be acquired for the project is held in private ownership but some land is publicly owned including the Regency Park Golf Course and vacant land at the corner of South Road and Days Road.

10.4 Effects of the project

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

Where an area of land considerably larger than is necessary for actual road construction is acquired, the residual land will either be offered in exchange to dispossessed owners, amalgamated with adjacent properties or sold at a future time. Small, otherwise unsaleable, parcels of land will be retained and rehabilitated as part of landscaping, drainage or for other uses.

It is not envisaged that the project will have any adverse effect on property values across the region.

Similar local and interstate road projects show substantial positive demand for properties in proximity to new transport corridors.

10.4.1 Effects on property

The Superway design has significantly reduced the number of properties affected by land acquisition.

Preliminary analysis of the concept indicates that construction of the South Road Superway Project will require full or partial acquisition of a number of properties. Along South Road it is anticipated that 19 properties will be fully or partially acquired. Eight (8) of these properties are owned by the Crown, and 11 are in private ownership.

To enable local road upgrades, it is anticipated that 11 properties will be fully or partially acquired. Six (6) of these properties are owned by the Crown or Local Council, and 5 are in private ownership.

10.4.2 Acquisition process where required

Generally, once a project has been announced, the Minister for Transport approves DTEI to offer compensation in accordance with the provisions of the *Land Acquisition Act 1969*. In addition to compensation at market value, which is determined on the basis of value without taking into account the effect of the project, the owner is also entitled to other costs incurred on sale or purchase of a replacement property, general disturbance and reimbursement of reasonable professional fees. In the case of partial acquisitions, injurious affection and severance may also be payable. In addition, the Act enables other interested parties to claim compensation and typically these matters will include the costs of relocating a business.

Compulsory acquisition is a statutory process under the *Land Acquisition Act 1969*, which allows DTEI to acquire the land necessary to provide an efficient road system. It also provides the legal means for reaching agreement about the amount of compensation payable if an agreement cannot otherwise be negotiated.

If affected parties object to the proposed acquisition or make representations to vary the amount of land to be acquired, there is a legal process that must be followed.

10.5 Mitigation measures to minimise effects

10.5.1 Principles adopted to minimise effects

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

10.5.2 Measures to minimise effects during planning and design

The project design aims to minimise property severance by locating the corridor close to existing property boundaries where feasible. The proposed route avoids the need for acquisition within dense residential areas. Where feasible, properties containing places of Aboriginal and non-Aboriginal cultural heritage significance have been avoided.

During the concept design phase, the project team met with property owners and occupiers to gain an understanding of the way their properties are currently being used. This information was used during project design to, where possible, minimise the effects of acquisition on property owners, tenants and businesses.

10.5.3 Measures to minimise effects during construction

Before construction, property occupiers would discuss with DTEI:

- access arrangements for their supply and delivery vehicles
- likely rearrangements of traffic movements during the life of the project including staff and customers
- fence, building or site modifications that may be required
- other requirements to reach an agreement about the timing and extent of works to be carried out.

Establishing effective and ongoing communication with affected owners and occupiers before and throughout construction will ensure construction effects are managed appropriately.

Further details on measures proposed to minimise construction effects on properties are given throughout this Project Impact Report.

10.5.4 Measures to minimise effects post-construction

Every attempt would be made by DTEI to ensure matters relating to property acquisition would be finalised during the planning and design or construction phases of the project.

10.6 Conclusion

It is inevitable that some properties will be affected by the project either through acquisition, access and/or other construction effects. These effects will be appropriately monitored and managed throughout the planning and construction phases. The South Road Superway will require less land acquisition than an 'at grade' solution, and therefore reduce the economic impact to businesses and the project itself. The continuation of the business viability in this industry hub is critical.