



**INLAND
RAIL** 

Working with Inland Rail

– key activities explained



Inland Rail and NSW Farmers Association – our shared commitment

The NSW Farmers Association and Inland Rail are committed to working together in a transparent and collaborative manner to improve how interactions between the two organisations occur.

Both organisations recognise that in the past there has been a lack of trust and sharing of important information, and that can be improved. This approach will be clear, collaborative and undertaken with the intention of improving outcomes for local landowners in NSW.

Inland Rail will ensure local knowledge is used to inform their interactions with regard to individual properties, and that their processes are easy to understand.

The following annexures are designed to clearly articulate the roles, rights and responsibilities of both Inland Rail and impacted landowners as part of the Inland Rail project with regard to individual properties.

Landowners should feel they are well informed, not pressured into decisions, and able to be well advised by their own representatives.

These documents are the result of NSW Farmers' membership feedback and are jointly written by Inland Rail and NSW Farmers, with the aim of clarity, fairness and a desire for mutually beneficial outcomes.

It is the intention of the information provided to ensure landowners are being treated equitably.

These agreed guidelines are for landowners and Inland Rail and their contractors to use to be prepared, fully informed and to protect their rights, while achieving improved individual and mutual outcomes.



Reasons for land access request

Field studies will be undertaken on land and properties across the Inland Rail alignment to determine the best possible route for building new track. During these studies, the team will be looking closely at:



Flora, fauna and aquatic ecology



Transport and traffic impacts



Air, noise and water quality



Cultural, social and socio-economic impacts



Soils, geology and groundwater



Landscape and land use

Detailed information about what activities will be conducted—as well as anticipated timeframes, hours of work, types of equipment, and vehicles to be used—will be agreed with landowners well in advance.

If we determine that we need access to your property, we will be in touch to seek your written consent. This is referred to as a land access agreement. Once signed, this authorises our staff and subcontractors to access your property for the investigations and field studies indicated on the agreement. The template for land access agreements in NSW was developed in consultation with the NSW Farmers Association.

We are committed to ensuring the least disruption as possible, so it's important for you to raise any concerns you have when we are negotiating the land access agreement. For example, you may require that activity not take place until after important events like harvesting, or that a particular access road is used as the main point of entry.

Some examples of what you might want to negotiate are:

- the timeframe for the activity
- the path of access
- any biosecurity requirements
- rehabilitation requirements.

Landowners are fully indemnified for any activities we conduct, with respect to any accident or damage, and comprehensive safety management processes will be in place for all activities undertaken on your property. The findings of these investigations can be provided to you on request.

We will liaise with you throughout the field studies phase to make sure that all aspects of the land access agreement are adhered to. The team will provide their contact details in the event you need to talk to them. We will agree on the process for land reinstatement prior to commencing work, and this can be determined on a case-by-case basis inlandrail.artc.com.au/land-access-agreement-new-south-wales/

Property acquisition process in detail

1 Transport for NSW acquisition by agreement

Inland Rail and Transport for NSW (TfNSW) are working together to deliver the Inland Rail project and have established a protocol for the acquisition of land and interests in land.

Inland Rail is acquiring land for the Inland Rail project as a representative of TfNSW (acquiring authority). Our first priority is to work to agree a voluntary acquisition with landowners (acquisition by agreement). If this is not possible, then a compulsory acquisition will be required. We must negotiate with you to try and reach a voluntary agreement for at least six months.

If your property is identified for proposed acquisition, representatives from Inland Rail, known as your acquisition support team, will contact you. The acquisition support team comprises a personal manager and acquisition manager who will meet with you to discuss and guide you through the process and address any questions.

You will also receive an introductory letter from the acquiring authority (opening letter). This letter will detail what property is required, your formal rights as part of the process and who your Inland Rail contacts will be.

Inland Rail can work with you to identify where impact to your land or operations can be removed or mitigated.

Inland Rail is required to negotiate with you for a minimum of 6 months in good faith to achieve a voluntary outcome, prior to commencing a compulsory acquisition.

2 Valuation reports

Inland Rail will appoint an independent valuer to prepare a compensation assessment pursuant to the *Land Acquisition (Just Terms Compensation) 1991* (the Act).

A valuation report on your property will be necessary where there is to be a purchase of all or a part of your property, or where there will be a purchase of an interest in your land, such as an easement or lease of an isolated part of your land.

The Act takes into account relevant matters to be considered when determining compensation, or what are commonly referred to as the heads of compensation. These are outlined in Section 55 of the Act and include;

- 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. the disadvantage resulting from relocation,
- 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.

The valuer will arrange a time to attend the property in order to enable an inspection of the land and improvements. It is normal to expect that the valuer will undertake measurements around improvements to both residential and working infrastructure such as sheds and yards, along with requesting details around water infrastructure such as bores or Water Access Licences (WALs).

You are not required to provide access to the valuer if you don't want to, however this may result in a kerbside or desktop valuation being undertaken. Where additional professional expertise is required to complete the assessment, we recommend this is discussed and included in the valuation process.

Each property will require an individual assessment giving consideration to the final project design. The valuer will be required to make a determination around the influence the project has on the value of the property, considering a range of design elements such as access (including level crossings), hydrology and noise. You may be worried that the valuation is being done too early, however the valuer has sufficient information at the reference design stage to complete the valuation.

If there are any significant deviations from the information used for the valuation that result in additional property impact (for example, if the conditions of project approval change), then additional compensation may be payable to the landowner. The landowner will not be any worse off as a result of completing the valuation at this stage, and it is standard for this to be the case on major projects.

Impacts on your property from the operation of Inland Rail, for example noise from the trains, are required to be mitigated to ensure we achieve the required standards.

It is encouraged that owners obtain their own independent valuation advice, with the reasonable costs of valuations covered as part of the acquisition process. Your acquisition manager can assist in discussing the process for reimbursement of professional expenses, and Inland Rail can pre-approve a reimbursement amount if requested.

Valuers will ask for a schedule of claims from the landowner. This is voluntary and, if provided, taken into account in the valuation process and any disagreed outcomes can be discussed.

3 Receiving an offer

The acquiring agency will provide you with a letter of offer once the valuation is complete.

4 Reaching an agreement

Your acquisition manager will organise to meet with you to discuss the offer and any questions you may have. Where an independent valuation has been undertaken and there is variance between the valuation reports, the acquisition manager will coordinate an exchange of reports and facilitate a valuation conference between the respective valuers to aid in concluding agreement.

The valuation conference may involve one or more meetings where each valuer will present the evidence their valuation is based on. You are welcome to attend the valuation conference meetings.

5 Agreement reached

Once you reach an agreement on compensation, your acquisition manager will coordinate with the legal team to arrange preparation of the contracts and send them to your legal representative for review. The contracts will detail all particulars of the transaction and settlement process. Upon payment of the agreed compensation, the property will be transferred to the acquiring agency.

6 TfNSW compulsory acquisition

If you do not reach an agreement on compensation with Inland Rail following the minimum six-month negotiation period, you will be sent a Proposed Acquisition Notice (PAN). The acquiring authority will also advise the Valuer General a PAN has been issued.

You can lodge a claim for compensation with the acquiring authority or the Valuer General. You need to complete a Claim for Compensation form within 60 days of receiving the Proposed Acquisition Notice.

Negotiations between you and the acquiring authority can continue and an agreement can still be reached after a PAN has been issued. If an agreement is close to being reached within the PAN period, an extension may be requested.

Where agreement has not been reached within the PAN period (typically 90–120 days), the property will be compulsorily acquired and the Valuer General will make a determination on the compensation payable.

Landowners can appeal to the Land and Environment Court if they disagree with the Valuer General's valuation. The timeframe for an outcome varies and landowners have 60 days to lodge an appeal if they disagree with the valuation.

7 Detailed design

At this point, the formal property acquisition process has finished. Detailed design is the phase we enter during and following environmental approvals and sees the construction contractor undertake further environmental and technical investigations to validate and enhance the existing reference design. As per our process, the contractor must have permission to enter land.

In particular, we work with landowners to further define the infrastructure going on or near their property. This includes how to move around the rail corridor via crossings, bridges, underpasses and pathways. It also creates a clearer definition of construction zones where we are using land temporarily, as well as setting up compounds and laydown areas for storing equipment and temporary worker accommodation to support construction.

Items that we need to reach agreement with landowners on during detailed design include fencing, noise mitigation and visual amenity impacts.

8 Before construction commences – Property Management Form

Prior to any work taking place on your property, we will develop a Property Management Form with you. This notes the existing condition of the property, any conditions for work occurring and how it is required to be left at the end of construction. Contractors are to be noted in the agreement and bound by it, and responsibility for their conduct to be overseen and enforced by Inland Rail.

It will also include any measures requested by the property owner to minimise farm operation impacts (e.g. access requirements during harvest).

9 Once construction is finished – Property Closeout Form

Upon completion of works in any temporary occupation areas, the project team will undertake remediation works in accordance with the landowner agreement. A meeting prior to commencement of the works will be coordinated with owners and a post remediation inspection arranged to ensure completion of works.

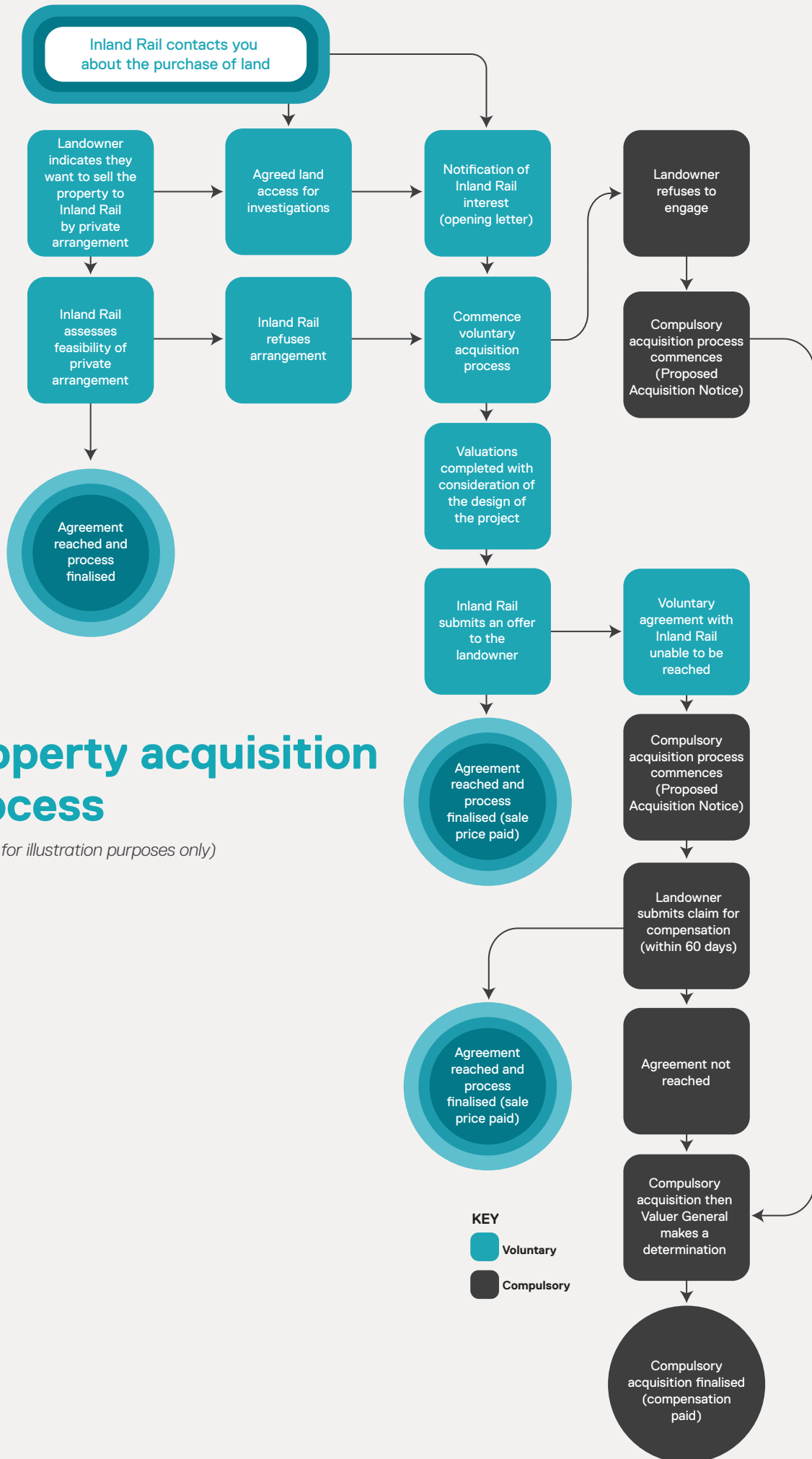
Helpful hints

You may find these information sources helpful.

- *Land Acquisition (Just Terms Compensation) Act 1991* (search [legislation.nsw.gov.au](https://www.legislation.nsw.gov.au))

For general information about property acquisition in NSW:

- Email info@propertyacquisition.nsw.gov.au
- Phone **1300 029 146**



Property acquisition process

(graphic for illustration purposes only)







Mediation

Inland Rail will work with you to the best of our ability to resolve any concerns. If it is not possible to reach agreement, you may choose to request a mediation be undertaken.

The aim of this process is to resolve any outstanding issues and mediate any disputes that may arise in relation to environmental management and delivery of this Critical State Significant Infrastructure.

In the first instance, application for independent mediation must be submitted by the complainant in writing (via email or letter). Inland Rail must subsequently respond within 28 days of the request being made or a specified timeframe agreed between the independent mediator and the complainant.

Inland Rail will be responsible for both sourcing an independent mediator accredited by a recognised mediator accreditation body and notifying the complainant. The complainant will be offered the opportunity to review proposed mediators and a suitable mediator will be agreed upon.

The independent mediator will seek to:

- obtain a resolution acceptable to both parties
- define the timeframe for actions associated with the resolution
- formalise the resolution by obtaining written agreement regarding the agreed actions (this document will enable Inland Rail to complete the complaints register and Consultation Manager database records)
- determine the number of mediation sessions depending on the nature of the issue within the complaint.

If no agreement is reached through mediation, the complaint will be closed out and the complainant will be advised that reasonable attempts to resolve the matter were unsuccessful. The same outcome will apply if the complainant declines the invitation for mediation sessions.

Inland Rail and the construction contractor will review and implement any recommendations provided by the Independent Mediator to achieve resolution and minimise potential future similar disputes. Where needed, Inland Rail and/or the construction contractor processes will be amended to reflect improvements as a result of the recommendations.

This mediation process is available one month prior to the commencement of site establishment and construction works and maintained for 12 months following the completion of construction.



Contractor management

Inland Rail requires its contractors to ensure that all contractor and subcontractor personnel are adequately inducted and trained on the stakeholder and community engagement requirements of the land access agreement, including appropriate behaviour, incident reporting, complaint management and the requirement for staff inductions.

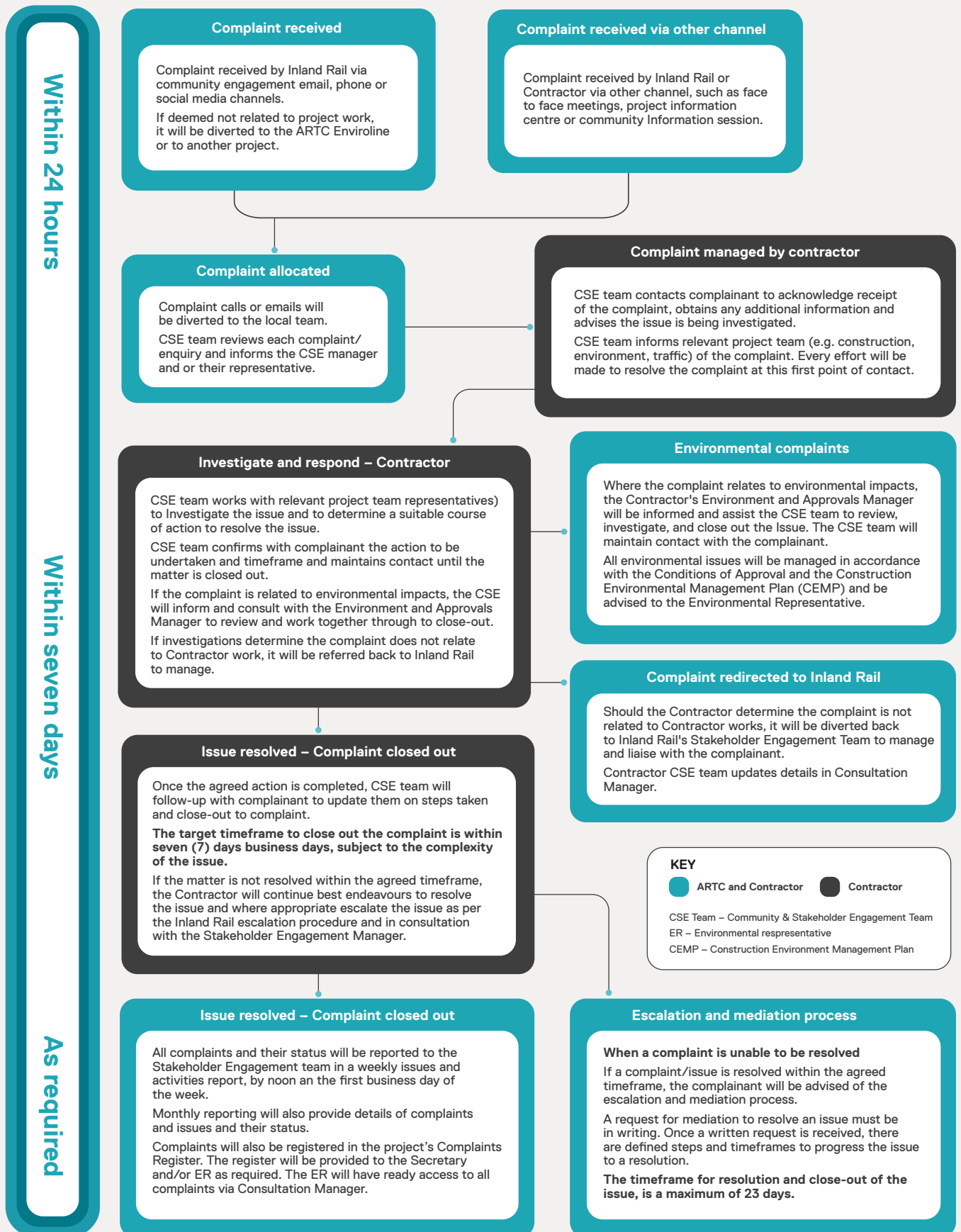
Inland Rail has a formal contractual relationship with each of the contractors that are delivering the Program. Through these contractual relationships there are a number of mechanisms that Inland Rail are able to utilise to manage the ongoing performance of the contractors throughout the life of the project.

These include Performance Indicators which each contractor is assessed against. In the instance where a contractor performs poorly, there may be financial impacts that Inland Rail may impose and continued poor performance could lead to other contractual implications.

Should landowners wish to raise any concerns, the Complaints Management process detailed on page 12 should be followed.



Complaints process



Management of complaints

If you have a complaint or enquiry, you can contact your local Engagement Team.

Channel	Purpose
Email address: inlandrailnsw@artc.com.au	Allows the community and other stakeholders to have access to the project team. All communication materials and the website display this email address.
Community information line, toll free: 1800 732 761 (24 hours, 7 days a week)	<p>Allows stakeholders to access project personnel 24-hours a day. The community can enquire or lodge a complaint via the information line. All calls are registered and directed to a member of the Inland Rail Stakeholder Engagement team or contractor.</p> <p>The community information line number is displayed on all communication material (signage, project updated and calling cards, etc.) and on the Inland Rail website.</p>
Postal address and Reply-Paid facility: Inland Rail Engagement Team Reply Paid 89629 SYDNEY NSW 2001	<p>This central postal address is displayed and included on all the communications material and the Inland Rail website.</p> <p>It offers another way for the community and other stakeholders to contact the project team, with the reply-paid facility providing further encouragement.</p>
Physical presence at: 116 Marshall Street Goondiwindi 85 Maitland Street Narrabri 20 Station Place Wagga Wagga	<p>There are various physical locations for stakeholders and the wider community to come and learn more about the project.</p> <p>These spaces will be open during business hours. Please refer to our website for the latest information on shopfront locations and opening hours.</p> <p>The project team, subject matter experts and the Inland Rail Stakeholder Engagement Team members routinely work from these locations and are available to meet community members, answer questions and provide information.</p>

These details will allow you to be diverted to your local Engagement Team. They will then take carriage of your request.

Consultation regarding fencing

During detailed design, we will consult with you regarding the fencing required for your property.

We will install new fencing along the railway corridor in areas where completely new track is laid.

We will replace current fencing on a like-for-like basis or install new fencing if existing structures do not meet the default standard in brownfield areas.

Fencing will align with the standard in the district, unless there are specific situations that require alternate solutions.

The default standard in the absence of any other agreement for rural fencing along the alignment will be 8/90/30.

The gate type installed for rural fencing fronting private properties will be 5 bar or mesh infill.

The standard for urban fencing will be chain link boundary fence.

In certain circumstances, the default standard of fencing described above may be enhanced to ensure a fit-for-purpose solution, but only where agreed by Inland Rail. This may include recognition of different topography and aligning fencing with land use.

If you have mixed use or intend to use the land differently in future, you can nominate which fencing you would like.

Inland Rail will be responsible for ongoing maintenance of rail corridor fencing once each section of Inland Rail is operational. If shared rail corridor fencing is damaged by a landowner, the landowner will be responsible for any repairs.

Inland Rail has comprehensive insurance coverage in relation to any potential public liability in the event of an incident in the rail corridor. Inland Rail has no requirement for adjoining landowners to hold insurance but encourages interested parties to seek their own advice on insurance as appropriate.

During the construction of Inland Rail, temporary fencing will likely be erected by our construction contractors to delineate short-term work areas and material laydown areas. The type of fencing installed at these locations will be determined by the time period the area will be required by our construction contractors.





Please call our free translation and interpreter service on 131 450 (24 hours a day) if you need help reading this document.