

Compulsory Property Acquisition



Opportunity to reach agreement: 90 days



90 Days to lodge an objection with the Land and Environmental Court



STEP 1

You'll receive a Proposed Acquisition Notice

If you have not reached agreement with the Acquiring Agency, you will be sent a Proposed Acquisition Notice.

This notice will include a date when your property will be compulsorily acquired, unless both parties can reach an agreement before that date.

What you should do:

Complete the Section 39 claim form.

Continue to attempt to reach an agreement with the Acquiring Agency.

STEP 2

Discussions continue

The offer from the Acquiring Agency will remain open until your property is compulsorily acquired. Attempts to reach agreement can continue up until this time.

The Valuer General will commence work on their determination.

What you should do:

Seek advice from your lawyer and Personal Manager on the Compulsory Acquisition process.

STEP 3

Your property will be acquired

If an agreement still isn't reached, the Acquiring Agency will take ownership of your property.

The Government will publish a notice in the NSW Government Gazette, meaning:

- the Governor has approved the acquisition
- the Valuer General will determine the compensation owed to you; and
- the Acquiring Agency becomes the owner of the property.

The offer from the Acquiring Agency is withdrawn.

What you should do:

Complete a Section 39 Claim for Compensation form and submit it to the Valuer General for assessment if you have not already done so.

STEP 4

Valuer General determines compensation

The Valuer General will send you a letter explaining their role and informing you that work will commence on their determination. You can continue to discuss your compensation with the Acquiring Agency during this time.

You will have the opportunity to lodge your own claim for compensation with the Acquiring Agency or the Valuer General.

The claim should be lodged within 60 days of receiving the Property Acquisition Notice.

Your claim will ensure your concerns are recorded and the Valuer General can take them into consideration.

An independent valuer will make a new assessment of the compensation owing.

STEP 5

You'll receive a Preliminary Report

Following the Government Gazette notice, the Valuer General will send you and the Acquiring Agency a Preliminary Report.

Both you and the relevant Acquiring Agency will have 15 days to review this report and give your feedback.

What you should do:

Consider the Valuer General's Preliminary Report and submit further evidence for consideration if requested.

STEP 6

You'll get a final determination

Once your feedback has been assessed, the Valuer General will send you its final determination on compensation.

What you should do:

Consider whether to accept the Valuer General's determination.

STEP 7

If you agree with the determination

The Acquiring Agency will make the compensation (that's been determined by the Valuer General) available for you to accept.

You can be paid the compensation within 28 days or less, once the Deed of Release has been received.

You'll also be paid interest earned on the compensation calculated from the date of the NSW Government Gazette notice.

What you should do:

Complete a Deed of Release and Indemnity form and send to your Transaction Manager.

STEP 8

If you don't agree with the determination

If you don't agree with the compensation amount determined by the Valuer General, you can lodge an objection with the Land and Environment Court.

You must lodge your objection within 90 days of receiving your compensation determination from the Valuer General.

The court case will include you and the Acquiring Agency.

What you should do:

Lodge an objection with the Land & Environmental Court within 90 days of the determination.

NOTE

Please be aware that the Valuer General's determination is independent of the Acquiring Agency's offer and may be higher, lower or the same.

For more information, visit propertyacquisition.nsw.gov.au

