

A guide for residential owners



About this guide

This guide provides information about the property acquisition process in NSW, including general guidance about the rights and responsibilities of acquiring authorities and property and business owners, and the role of the NSW Valuer General.

This guidance is general and it should be recognised that for certain acquisitions, a slightly different process may apply.

More information about the property acquisition process can be found at nsw.gov.au/property-acquisition

Affected property owners should seek further assistance and information on the property acquisition process from the relevant acquiring authority.

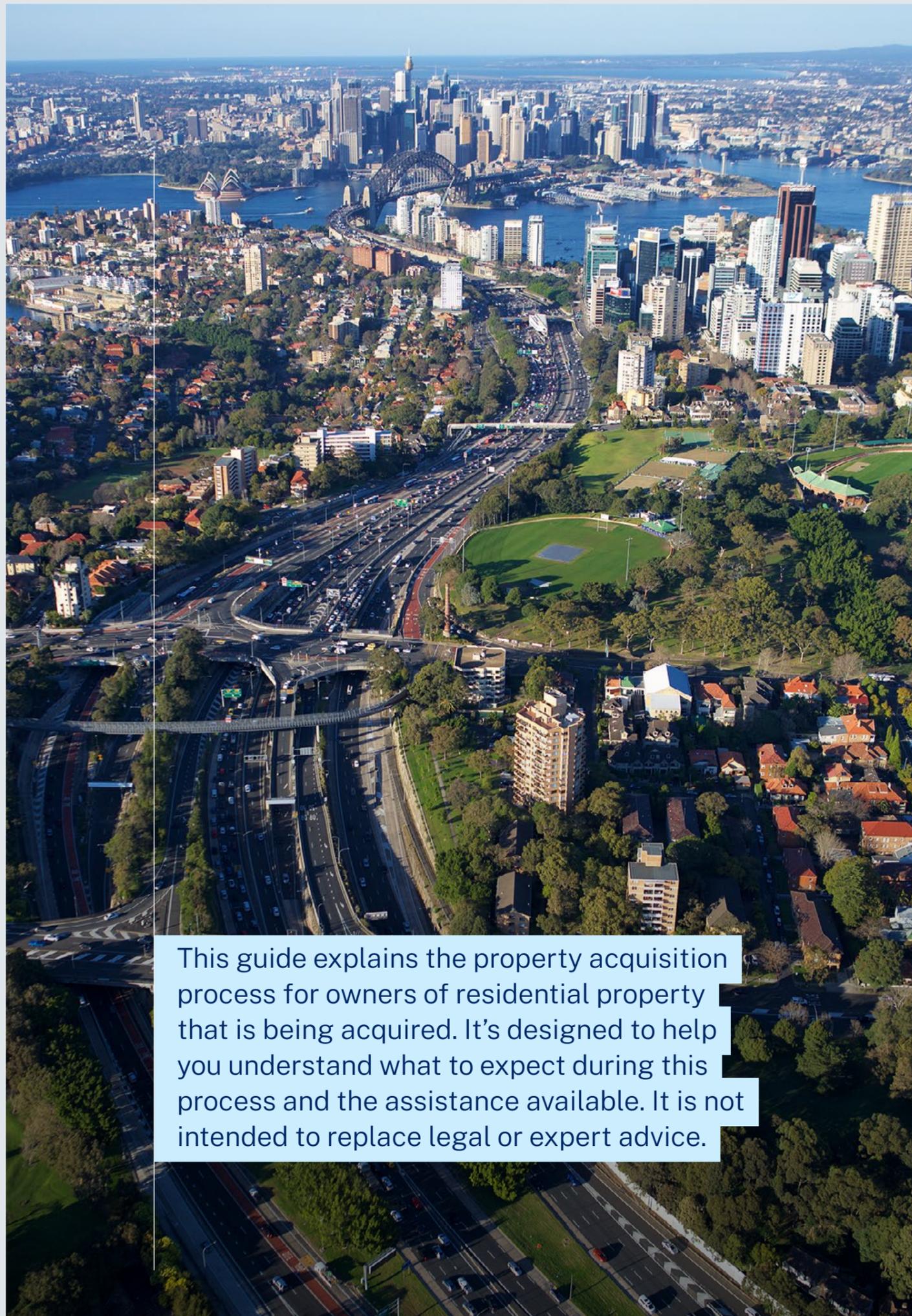
The guide is not intended to provide legal advice. Those affected by a potential property acquisition should still obtain their own legal, valuation, and other professional advice as appropriate.



Property Acquisition

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This guide explains the property acquisition process for owners of residential property that is being acquired. It's designed to help you understand what to expect during this process and the assistance available. It is not intended to replace legal or expert advice.

Property acquisition in NSW

NSW is home to many thriving communities in a range of busy cities and diverse regional areas. We also have the fastest growing population in Australia, which is forecast to increase to more than 10.6 million people by 2041.

Investing in infrastructure

A growing population means we need more schools, hospitals, roads, and public transport to meet the needs of our local communities. That's why billions of dollars are being invested in infrastructure to provide people with access to quality services.

When the government decides to deliver a new project such as a road or hospital, it instructs the relevant authority to investigate the best route or location.

In NSW, state agencies and other organisations (such as utility companies) can acquire property for a public purpose.

This acquisition process is governed by the *Land Acquisition (Just Terms Compensation) Act 1991* (the Just Terms Act).

Deciding which properties need to be acquired

Consultation is usually carried out with the community as part of the development of a major project.

In formulating a preferred design, route, or location for a project the agency responsible — the **acquiring authority** — may identify properties that need to be acquired to deliver the project.

When a property is identified as being required for the project, the acquiring authority will pay compensation to each person who has an interest in the property.

What happens if you are affected by property acquisition?

The acquiring agency will conduct a door knock, visiting all affected properties. If your property needs to be acquired, a representative from the acquiring authority will contact you to arrange a face-to-face meeting. Where that is not possible or practical — such as if you are overseas for an extended period of time — the acquiring authority will meet with your nominated representative or by video link, at your choosing.

At the initial meeting, your Acquisition Manager will discuss each step in the acquisition process and answer any questions you may have.

You may also receive a **Commencement Letter** (also known as an **Opening Letter**) as part of this process, which confirms that your property needs to be acquired for a public purpose. This letter will also include information about the acquisition process.

Your acquisition support team

To help you through this process, the acquiring authority will provide you with an acquisition support team who will provide practical advice to suit your individual circumstances.

The team can give you practical advice to suit your circumstances. It can include a Personal Manager, Acquisition Manager and, on some projects, a Community Place Manager.

The acquiring authority provides your support team for free.

The Personal Manager

- acts as your primary point of contact and provides a personalised service to meet your needs and those of your household
- meets with you to understand your requirements, relocation needs, and expectations.
- ensures your personal information is kept confidential
- provides advice and assistance to help you with your relocation.

The Acquisition Manager

- explains the acquisition process and the steps needed to calculate your compensation, your right to engage a lawyer, a valuer, and other experts to assist in working out costs which might be reasonably incurred
- instructs an independent valuer to provide an independent opinion of the compensation to which you are entitled for the market value of your property
- arranges all meetings between valuers and provides expert advice
- provides you with all necessary paperwork, including a Letter of Offer and the contracts for settlement.

Community Place Manager

Community Place Managers often work on major projects. They are the key point of contact for project-related information and can answer questions about construction work and the community impacts of the project.

Getting the support you need

The property acquisition process can sometimes be complicated and stressful.

To better support you, the NSW Government offers free and confidential mental and emotional support through the Property Acquisition Support Line. This service is available to all property owners, their families, tenants, commercial property and business owners, and employees affected by property acquisition. Counselling sessions are strictly confidential, operated by qualified psychologists and social workers, independently of the project team or acquiring agency.

You do not need a referral to take advantage of the Property Acquisition Support Line. Simply call 1300 089 551 and speak with a team member 24 hours a day, 7 days a week.

To find out more about the features of the service and how you can make an appointment, call 1300 029 146 or visit nsw.gov.au/property-acquisition to download a copy of the Property Acquisition Support Line fact sheet.

Your acquisition support team will help you through the process.



How the formal acquisition process starts

You will receive a **Commencement Letter** that generally marks the start of the negotiation period. You will normally have at least six months to reach an agreement on compensation with the acquiring authority before the compulsory acquisition process begins (and negotiations can continue alongside that process).

This minimum period of negotiation can be shortened under the Just Terms Act under certain circumstances. This does not happen very often. Even when it does, the acquiring authority will strive to reach an agreed outcome with you if possible.

The **Commencement Letter**, also known as the **Opening Letter**:

- provides you with the name and contact details of the acquiring authority and your acquisition support team
- explains that the acquiring authority will arrange for an independent valuer to inspect your property and carry out a valuation at a time that's convenient for you
- recommends that you engage your own independent valuer and informs you that fees reasonably incurred for this service will form part of your compensation payment at settlement
- explains that the acquiring authority will submit a formal offer to acquire your property based on the valuation and discussions with you
- advises that you are entitled to obtain legal and valuation advice relating to the acquisition and that reasonably incurred fees for these services will form part of your compensation payment at settlement.

Seeking your own independent advice

It is important that you remain informed and in control of your own decisions during the process. It is recommended that you seek your own independent legal and appropriate valuation advice.

The acquiring authority will reimburse costs reasonably incurred by you for the purpose of engaging professional advice. In addition to legal and valuation advice, you may be able to engage other experts to help as well, on the same basis.

A lawyer can help you understand your legal rights and reach an agreement with the acquiring authority on any compensation you may be entitled to.

You can talk to your acquisition support team at any time, including while your lawyer is representing you.

You will have at least six months from when you receive an Opening Letter to reach an agreement with the acquiring agency on compensation.





Property valuation and compensation

During the acquisition process, the acquiring authority will instruct an independent valuer to inspect your property.

How your property is valued

The acquiring authority will instruct an independent valuer to determine the **market value** of your property. Market value is the amount that would have been paid for the property if it had been sold on the open market if the proposed project or public purpose did not exist. It considers:

- the size of your property
- the location
- the quality of improvements
- zoning
- recent sales in the area
- pest and building inspections.

The valuer will inspect the property and prepare a **valuation report** which sets out their assessment of your entitlement to compensation under the Just Terms Act. This report is a comprehensive document used to form the basis of an offer of compensation from the acquiring authority.

Getting your own valuation

You are encouraged to obtain your own advice from an independent valuer and a lawyer. Your own valuation can assure you that the market value of your property has been independently assessed in line with market conditions.

If the local market is fluctuating, your valuer and the acquiring authority's valuer will consider this when reaching an agreement.

When the acquisition is settled, the compensation payment will include a component for valuation fees that you have reasonably incurred as long as the valuer is appropriately qualified.

If you need to engage other services such as accountants, town planners, or quantity surveyors. It may be worthwhile to first discuss with your Acquisition Manager whether the compensation payment is likely to include a component for the cost of obtaining such services.

Speak to your Acquisition Manager for more information.

Valuer qualifications

An appropriately qualified valuer must have one of the following qualifications:

- full membership of the Australian Valuers Institute (not an associate or student membership) or
- full membership of the Australian Property Institute (not a student or provisional membership) acquired because of their occupation as a valuer or
- full membership of the Royal Institution of Chartered Surveyors as a chartered valuer.

Compensation

There are several different types of compensation that you may be eligible to receive.

Market value is the amount that would have been paid for the property if it had been sold on the open market if the proposed project or public purpose did not exist.

Special value applies when a property has a financial value on top of the market value.

Severance generally applies when an acquisition severs part of a property and, as a result, the remaining property may incur a reduction to its market value.

Disturbance may include any or all of the following:

- reasonable legal costs
- reasonable valuation fees
- reasonable relocation costs
- Stamp duty costs where applicable and calculated by reference to the market value of the property acquired

- reasonable financial costs in connection with the discharge of a mortgage and the execution of a new mortgage
- other reasonable financial costs related to the actual use of the property as a result of the property acquisition.

Disadvantage resulting from relocation only applies when a principal place of residence is acquired. It considers:

- your interest in the property
- the length of time you have lived in the property
- the inconvenience likely to occur
- how long after the acquisition you have been, or will be allowed to, remain in possession of the property.

Compensation for *Any decrease in the value of other property* considers any change in the value of other property owned by the same property owner that adjoins or is severed from the property being acquired as a result of the public purpose for the acquisition.

By getting an independent valuation early, negotiations can begin quickly and you'll have more time to find a new home.

Reaching an agreement

Your Letter of Offer

Once your valuation and the acquiring authority's valuation have been completed, the acquiring authority will prepare a Letter of Offer for your consideration.

The Letter of Offer will set out the compensation offered to be paid to you by the acquiring authority.

The offer will be based on the acquiring authority's independent valuation report, and any other expert advice received.

You should take some time to consider the offer alongside the advice of your independent valuer and lawyer.

Negotiation and agreement on your compensation

Once your own valuation report is complete, the acquiring authority can arrange for your valuer and its appointed valuer to exchange reports.

Your Acquisition Manager can arrange for the valuers to meet to discuss the valuations and your Letter of Offer and try to reach an agreement on your compensation, or at least, the valuation components of it.

This may involve one or more meetings where each valuer will present the evidence on which they based their valuation. The meetings can be informal and may be held in person or by phone or video conference. They can be held at your property or another location convenient for you if you are comfortable with this.



It may also be desirable or necessary for the acquiring authority to meet with you to discuss aspects of the compensation package to which you would be entitled, such as out of pocket costs that you incur or intend to or might incur. These meetings can take place with or without lawyers at your choosing.

Where an agreement has been reached

If you accept the offer, you and the acquiring authority will start the process to acquire your property. This will be similar to a sale in the open market except that the acquiring authority's lawyers prepare the contracts.

The acquiring authority may make an advance payment of compensation to you to help with your deposit on a new property. Discuss this with the acquiring authority before legally committing to a new property.

Relocation support

Once an agreement is reached, you will be able to discuss the date of settlement, which is normally the date you need to vacate the property.

Your Personal Manager can provide you with tailored support and guidance for relocating to a new home. Speak to them about what help they can offer you.

Vacating the property after agreement

Where you are required to vacate the property, your agreement will include an agreed date by which to do so.

All possessions must be removed from the property by the agreed date.

The acquiring authority will inspect the property on the date of vacant possession to ensure it has been left in an acceptable condition.

Once you have your own valuation report, your Acquisition Manager can organise an exchange of reports between the valuers.





If an agreement can't be reached

If you and the acquiring authority are unable to reach an agreement on compensation, the property may be acquired compulsorily under the Just Terms Act. Compensation is then determined by the Valuer General although, should you not accept the final determination, you have a right to object to the determination in the Land and Environment Court.

Compulsory acquisition

Following a period of negotiation (normally a minimum of six months from the Commencement Letter), the first official step in the **compulsory acquisition** process is for the acquiring authority to issue a **Proposed Acquisition Notice (PAN)** to the property owner.

This notice will state the acquiring authority's intention to compulsorily acquire an interest in the property (that is, either acquiring the property outright or an interest in it, or part of it) after a certain time, usually 90 days. This timeframe can be shortened in certain circumstances in accordance with the Just Terms Act.

You should complete a **Section 39 Claim for Compensation** form within the time stated in the Proposed Acquisition Notice (PAN), including all information you would like the Valuer General to consider when determining your compensation. You will have at least 60 days from the PAN to complete the Claim for Compensation form.

You can send the completed form to either the Valuer General or the acquiring authority. It is important that you fully explain and justify your claim and include all the issues that you wish the Valuer General to consider.

You can continue negotiations and agree any compensation payable with the acquiring authority after a PAN has been issued.

You need to complete a Section 39 Claim for Compensation form within 60 days of receiving the Proposed Acquisition Notice.

What happens next?

If an agreed acquisition is not concluded within the 90-day notice period, the acquiring authority will arrange for an **Acquisition Notice** to be published in the **NSW Government Gazette**. This is often referred to as the Gazettal.

The Gazettal happens as soon as practicable after the end of the PAN period and within 120 days of the PAN being issued.

The acquiring authority takes ownership of the property from the date the Acquisition Notice is published in the NSW Government Gazette.

Your interest in the property is converted to an entitlement to compensation.

Despite the above, you will be entitled to remain in the property (if you were occupying it before the acquisition) until compensation is paid in accordance with the Act, to give you time to find a new home, unless the acquiring authority needs it to be vacated earlier.

Talk to your Acquisition Manager for further details.

Who determines the compensation payable?

The **Valuer General** determines the amount of compensation following Gazettal. The Valuer General is independent of both State and local government and does not act for the property owner or the acquiring authority.

The Office of the Valuer General will:

- carry out their own valuation in line with the Just Terms Act
- speak with you and the acquiring authority and may seek further information from you.
- meet with you or your representative to discuss the valuation
- share all information being considered for the valuation report with the parties involved — including information provided to the Valuer General by you and by the acquiring authority, and any information sourced directly by the Valuer General

- issue you with a **Preliminary Determination** showing the draft amount of compensation proposed to be determined as being payable, and how it was determined, generally allowing you 10 working days to give feedback on the report before the Valuer General finalises the determination
- issue a determination of compensation including a property report explaining the determination to you and the acquiring authority.

The acquiring authority will issue you with a **compensation notice** which must offer you the amount determined by the Valuer General.

For more information about the Valuer General, visit valuergeneral.nsw.gov.au

Agreeing with the compensation notice

If you agree with the compensation notice, you must complete a **Deed of Release and Indemnity** and return it to the acquiring authority.

The acquiring authority will pay your compensation within 28 days of receiving the Deed of Release and Indemnity.

Disagreeing with the compensation notice

If you disagree with the compensation notice, you are entitled to lodge an objection with the **NSW Land and Environment Court**.

The objection must be lodged within 90 days of the compensation notice being issued to ensure the Court will hear the objection and determine the amount of compensation to be paid. As the applicant, you must also give the acquiring authority notice that you have begun proceedings in the NSW Land and Environment Court by serving a copy of the application on the authority.

Advance payments while the Court proceedings are under way

If you disagree with the Valuer General's compensation determination and have commenced Court proceedings, you will be entitled to receive 90 per cent of the Valuer General's determination of compensation within 28 days of the commencement of Court proceedings (this is called the advance). Accepting the advance will not affect your objection to the Valuer General's determination — that is, you are not deemed to have accepted the Valuer General's compensation determination by accepting the advance.

The acquiring authority will also pay interest on the advance for the period from the date the Acquisition Notice was published in the NSW Government Gazette to the date the advance is paid.

If you don't accept the advance, the advance and interest will be deposited into a statutory trust account pending the NSW Land and Environment Court's decision.

If you disagree with the Valuer General's compensation notice, you are entitled to lodge an objection with the NSW Land and Environment Court.

The NSW Land and Environment Court

Former landowners not satisfied with the amount of compensation determined by the Valuer General and offered to them by the acquiring authority can lodge an objection with the Land and Environment Court.

The Just Terms Act provides that a person who has not been given a compensation notice and whose claim for compensation is rejected (or taken to be rejected) may appeal to the Land and Environment Court against the rejection of the claim.

For more information, visit lec.justice.nsw.gov.au





Partial acquisition of property

Sometimes only part of a property will need to be acquired. In this situation, the acquiring authority will provide you with a plan of the required partial acquisition. It will also include the proposed new boundary as a result of the partial acquisition and identify the likely dimensions and area of the part of the property that's needed.

Property adjustments

When part of a property is acquired, the acquiring authority will discuss with you and agree on what property adjustments are needed as a result of the acquisition, such as changes to driveways or fencing.

If services and public utilities need to be adjusted as the result of a partial acquisition, they will be undertaken at the cost of the acquiring authority, prior to or during project construction. The property boundary will be relocated. If new fencing is required, it will be built to a standard similar to the existing fence. If necessary, a plan detailing property adjustments will be prepared for the property owner to consider. If this plan is agreed, it may form part of the contract for sale (if there is one). If no agreement is reached on compensation, the acquiring authority will issue a Proposed Acquisition Notice (PAN). During the PAN period, you may continue to negotiate with the acquiring authority. Should an agreement not be reached, that part of your property required will be compulsorily acquired. At the date of gazette, that part of your property will transfer in ownership to the acquiring authority and your interest in the acquired property will convert to a claim for compensation.

Requesting that all of your property to be acquired

You can ask the acquiring authority to acquire your whole property, even though only part of it is needed for a proposed project. The decision to do so is at the discretion of the acquiring authority.

We're here to help you through every step of the process.

Property acquisition by agreement — what to expect

Initial consultation period approximately 1–2 weeks

Agreement can be reached at any time during this six-month period

Key stages

1

2

3

4

5

6

7

8

You can talk to your acquisition support team at any time, including while your lawyer is representing you.

The Project is announced

Community information sessions and public announcements will inform you about the project plans.

The acquiring authority contacts you

If you are directly impacted, you'll be assigned a Personal Manager who will guide you through the acquisition process.

Your Personal Manager will try to meet with you face to face to:

- confirm that your property needs to be acquired
- introduce the acquisition support team
- explain the process.

You may also receive an Introductory Letter as part of this process.

If your Personal Manager has been unable to reach you face to face, they will send you an email or letter.

You meet to discuss the process

Your acquisition support team will arrange to meet with you to discuss the next steps.

They will provide more information about the acquisition process and answer any questions you may have.

You receive a Commencement Letter

Also known as an Opening Letter, this will:

- explain the property acquisition process including your rights and obligations,
- explain that the acquiring authority will seek to acquire the land by agreement, normally with a minimum six-month negotiation period,
- advise that the acquiring authority will arrange a valuation of the property by an independent valuer,
- encourage you to also get your property valued by an independent valuer, and to obtain independent legal advice, and
- explain that reasonably incurred legal and valuation costs will be paid to you as part of the compensation package.

Valuation reports are carried out

An independent valuer will inspect the property to be acquired on behalf of the acquiring authority to determine your entitlement to compensation.

Your own valuer should also carry out a valuation and prepare a valuation report.

The valuation report outlines the types of compensation you may be eligible for and how the amount of compensation was calculated.

You receive an offer

Once the acquiring authority's valuation has been completed, the acquiring authority will provide you with a Letter of Offer.

This offer will be based on information from the acquiring authority's valuation report and your discussions.

It will set out the authority's offer of compensation for the market value of your property and other compensation you may be eligible for.

Working to reach an agreement

By this stage, the valuers will usually have exchanged valuation reports.

Your Acquisition Manager will arrange for both valuers — and any other experts who have been engaged to help work out the right amount of compensation — to meet and try to reach agreement.

This may involve one or more meetings where each valuer presents the evidence their valuation is based on. You are welcome to attend these meetings.

Note: The actions listed in Steps 6 and 7 may occur in a different order depending on the circumstances.

Agreement reached and relocation

Once an agreement on compensation is reached, the Acquisition Manager will arrange for legal documents to be prepared and sent to you or your lawyer.

Legal documents will be prepared and a date for completion of the acquisition agreed upon.

You will be paid the agreed compensation and you will vacate the premises within an agreed period.

If you need to relocate, your Personal Manager will be available to help.

The acquiring authority will invite you to complete a survey and give feedback on the acquisition process.

What you can do

- Check websites, your mailbox, local newspapers, and local signage for project information.
- Attend community information sessions.

- Be available to speak with your Personal Manager.
- Make a list of questions you would like to ask.

- Talk to your Personal Manager about the acquisition process and ask them any questions.
- Talk to your acquisition support team about how to select an independent valuer and lawyer.

- Note any key dates or questions you have.
- Discuss next steps with your acquisition support team.

- Seek and engage independent valuation and legal services.
- Arrange an independent valuation of your property.
- If you need to engage other services such as accountants, town planners or surveyors it is suggested that you first discuss this with the acquiring authority.

- Submit your own valuation to the acquiring authority.
- Seek independent legal advice on the details of the offer if you feel it necessary.

- Attend meetings if necessary.
- Consider the acquiring authority's offer.
- Seek legal advice before you formally accept the offer if you want to.

- Be prepared to sign any necessary documents.
- Work with your acquisition support team to relocate.

Compulsory property acquisition — what to expect

You have 90 days to reach an agreement

Key stages

1

You receive a Proposed Acquisition Notice

If, after at least a period normally of six months from the Commencement Letter, you have not reached agreement on compensation with the acquiring authority, you will be sent a Proposed Acquisition Notice (PAN). The acquiring authority will also advise the Valuer General a PAN has been issued.

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

You will have at least 60 days from receipt of the PAN to complete the Claim for Compensation.

2

Negotiations may continue

Negotiations between you and the acquiring authority can continue — and an agreement can still be reached — after a PAN has been issued.

The Valuer General will contact you to explain their role and the next steps.

Your Claim for Compensation form will ensure your interests are recorded and the Valuer General will take this into consideration.

An independent valuer will make a new valuation for the determination of your compensation on behalf of the Valuer General.

3

Your property is acquired

If an agreement still isn't reached, the acquiring authority will compulsorily acquire your property.

The acquiring authority will publish a notice in the NSW Government Gazette. Following gazettal, the Valuer General will determine the compensation owed to you. The acquiring authority then takes ownership of the property.

4

The Valuer General determines compensation

The Valuer General will determine the amount of compensation based on their own independent valuation and will supply information to both you and the acquiring authority.

The Valuer General shares all valuation information with both you and the acquiring authority before determining compensation.

5

You receive a Preliminary Determination

The Valuer General will send you a Preliminary Determination before finalising their determination.

The Preliminary Determination shows the proposed amount of compensation and how it was determined.

The Valuer General will provide the Preliminary Determination to both you and the acquiring authority to review and respond to.

6

You receive a compensation notice

When the valuation report is finalised, the Valuer General will provide you and the acquiring authority a determination of compensation. This determination must be used by the acquiring authority to issue you with a compensation notice.

If you accept the offer in the compensation notice, you will receive payment within 28 days of the acquiring authority receiving a signed Deed of Release and Indemnity.

You will be paid interest on the compensation calculated from the day the acquisition notice was published in the NSW Government Gazette to the date of payment.

7

If you don't agree with the compensation notice

If you don't agree with the compensation notice, you can lodge an application with the NSW Land and Environment Court.

You must lodge an application within 90 days of receiving your compensation notice from the acquiring authority.

You must also give the acquiring authority notice that you have begun proceedings in the NSW Land and Environment Court.

The Valuer General's determination is independent of the acquiring agency's offer and may be higher, lower or the same.

What you can do

- Complete the Section 39 Claim for Compensation form available at nsw.gov.au/property-acquisition and include all information you would like the Valuer General to consider when making the determination of compensation.
- Continue working to reach an agreement with the acquiring authority.
- Seek advice from your lawyer and Acquisition Manager on the compulsory acquisition process.

- Note the timelines outlined in your letter.
- Provide any additional information requested by the Valuer General in a timely way.

- Continue to seek legal and valuation advice.
- Arrange for the Valuer General to inspect your property so a full valuation report can be made.

- Remain in contact with the Valuer General.

- Consider the Valuer General's Preliminary Report and submit your feedback. This feedback will be addressed before the acquiring authority issues the final determination.
- You generally have 10 working days to give feedback on the report before the determination is finalised.

- Consider the acquiring authority's compensation notice.
- If you agree with the compensation notice complete a Deed of Release and Indemnity form and send it to the acquiring authority.

- Lodge an application with the NSW Land and Environment Court within 90 days of receiving the compensation notice. The Court may accept late applications in some cases.

Send in your feedback

At the end of the settlement period, you will be invited to complete a survey where you can share your thoughts and experiences. This feedback will help to continually improve the acquisition process.

The survey is conducted by a market research company on behalf of the NSW Government. Your responses will remain anonymous and confidential.

You can complete the survey online or by phone. It will take you around 10 minutes to complete.

More information can be found at nsw.gov.au/property-acquisition

Definitions

Acquiring authority

A NSW authority that has legal power to acquire land.

Acquisition by agreement

The process by which property is acquired for a public purpose by agreement with the owner.

Acquisition notice

A notice under Section 19 of the Just Terms Act, published in the NSW Government Gazette, declaring that property described in the notice is acquired by compulsory process.

Acquisition support team

A specially trained support team provided free-of-charge by the acquiring authority to help you through the property acquisition process.

Claim for Compensation form

A form to be completed by the property owner when making a claim for compensation under Section 39 of the Just Terms Act.

Compensation notice

A written notice under Section 42 of the Just Terms Act, notifying former property owners of the amount of compensation offered by the acquiring authority (as determined by the Valuer General).

Compulsory acquisition

The process by which property is acquired by Acquisition Notice published in the NSW Government Gazette.

Deed of Release and Indemnity

A legal document setting out a binding agreement that confirms the agreed compensation is the only compensation payable for the acquisition and dealing with the risk to the acquiring authority of other people coming forward for compensation in connection with the same interest in land.

Introductory Letter

The first written contact from the acquiring authority to notify you of the proposal to acquire an interest in some or all of your property.

Land Acquisition (Just Terms Compensation) Act 1991 (the Just Terms Act)

The legislation that governs the process for acquisition of land in NSW and defines compensation entitlements, also referred to as the Just Terms Act in this guide.

NSW Government Gazette

The official Government Gazette that is published weekly, in which official proclamations, orders, declarations and notices are published at legislation.nsw.gov.au

NSW Land and Environment Court

A specialist NSW Court that has the authority to hear claims for compensation arising from property acquisitions where the property owner disagrees with the Valuer General's determination of compensation.

Commencement Letter (or Opening Letter)

A letter from the acquiring authority that may often mark the start of the minimum six-month negotiation period for you to reach an agreement with the acquiring authority. This letter will also include the contact details of your acquisition support team and information about the acquisition process.

Preliminary Determination

A report issued by the Valuer General that shows a draft determination of the amount of compensation payable to you, and the reasons for that draft determination.

Proposed Acquisition Notice (PAN)

A notice, under Section 11 of the Just Terms Act, of the intention to acquire property by compulsory process.

Valuer General

An independent statutory officer appointed by the Governor of NSW. The Valuer General is required to independently determine the amount of compensation to be paid by the acquiring authority to the property owner when an agreement can't be reached.

Valuation report

A comprehensive document used to form the basis of an offer from the acquiring authority or explain the determination of the Valuer General.

Contacts and services

An overview of the property acquisition process in NSW can be found by visiting nsw.gov.au/property-acquisition

Centre for Property Acquisition

The NSW Government agency that oversees the property acquisition process in NSW.

nsw.gov.au/property-acquisition
1300 029 146

Australian Property Institute

Provides independent information on qualified valuers

api.org.au
1800 111 274

Australian Valuers Institute

Provides independent information on qualified valuers

valuersinstitute.com.au
1300 748 506

Royal Institute of Chartered Surveyors

Provides independent information on qualified valuers

rics.org/oceania
1300 737 657

NSW Law Society

Provides independent information on finding a lawyer

lawsociety.com.au
02 9926 0333

NSW Government Gazette

Publishes official notices issued by the NSW Government.

legislation.nsw.gov.au
02 9321 3333

Translating and Interpreting Service

Provides interpreting services over the phone

tisnational.gov.au
131 450

Valuer General

Determines compensation claims independently

valuergeneral.nsw.gov.au
1800 110 038

