

[What follows after these parentheses is Form 3 and is for use from the date specified in the relevant notice of gazette publication, until superseded. Footnotes and parts in square parentheses are for assistance of the Acquiring Authority when using the form and are not part of the form and words may need to be varied in any particular case as indicated by a footnote.]

Form 3

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

SECTION 42(2)

Compensation Notice

This is a notice for the purposes of section 42 of the *Land Acquisition (Just Terms Compensation) Act 1991* (“the Act”), which provides you with written notice of the compulsory acquisition, your entitlement to compensation, the amount of compensation offered (as determined by the Valuer General) and your right to object to the amount offered.

To: [insert name and address of the owner(s) of the land]

From: [insert name and address of the Acquiring Authority of the State] (“the Acquiring Authority”)

1. The Acquiring Authority has compulsorily acquired the whole of your interest in the land¹ located at [insert street address or other convenient description].
2. A description identifying the land or interest in the land affected by the compulsory acquisition including title details of the land is in the Schedule to this notice.
3. The acquisition notice was published in Government Gazette No. [insert] of [insert date of Gazette] with unique identifier number [insert number/s]². A copy of the published notice is enclosed for your information/is available at [insert link to acquisition notice]³.
4. The effect of publication of the acquisition notice is that the land/interest in the land⁴ described in the notice is vested in the Acquiring Authority and, because your interest in the land is divested, extinguished or diminished by the acquisition notice, you are entitled to be paid compensation by the Acquiring Authority.
5. The Valuer General has determined the amount of compensation to be offered to you under Part 3 of the Act. The Valuer General will provide you with a copy of the determination of compensation (together with any report on the value of the land prepared by or for the Valuer General)⁵.

¹ [if not whole of the interest amend as appropriate]

² [insert details of Government Gazette]

³ [delete whichever is not applicable. It is envisaged that an authority of the State will only provide a link if the acquisition notice relates to a large number of properties]

⁴ [delete whichever is not applicable]

⁵ [see s. 41(3) of the Act]

6. The Acquiring Authority offers to pay you \$[insert]⁶, being the amount of compensation as determined by the Valuer General.
7. Interest is payable on the amount of compensation from the date the land is acquired until the payment is made to you or is paid into a trust account held in trust for you under Part 3 of the Act. Such interest becomes part of the amount of compensation payable by the Acquiring Authority.
8. You may accept the amount of compensation offered by the Acquiring Authority.
9. Payment of the compensation will be made by the Acquiring Authority within 28 days of the receipt by the Acquiring Authority of the following documents from you:
 - a) a completed claim for compensation form, including statutory declaration, signed by you before an authorised witness (if you have not previously provided this form),
 - b) the deed of release and indemnity (duly completed), signed by you and witnessed; and
 - c) any relevant documents of title.
10. If you do not wish to accept this offer of compensation and you have provided a claim for compensation, you may, within 90 days after receiving this compensation notice, lodge with the Land and Environment Court an objection to the amount of compensation offered by the Acquiring Authority.
11. If you lodge an objection with the Land and Environment Court you will receive an advance payment comprising an amount of 90% of \$[insert amount in figures] within 28 days after notice of institution of proceedings is given to the Acquiring Authority. If you do not wish to receive an advance payment, it will be paid into a trust account pending the resolution of the proceedings in the Land and Environment Court. Please note that receiving an advance payment does not affect the outcome of the court compensation proceedings, but if the final amount of compensation awarded to you by the Land and Environment Court is lower than the advance payment, you must repay any excess to the Acquiring Authority.
12. If you do not, within 90 days after receiving this compensation notice:
 - a) accept the amount of compensation offered by the Acquiring Authority, or
 - b) lodge with the Land and Environment Court an objection to the amount of compensation offered,

the offer of compensation is taken to have been accepted. On such acceptance taking place, the Acquiring Authority will pay the amount of compensation into a trust account under Part 3 of the Act to be held in trust for you. The Acquiring Authority will pay the money to you on receipt of a completed claim for compensation signed by you and witnessed, deed of release and indemnity (duly completed) and any relevant documents of title.
13. Compulsory acquisition of land is a significant matter and you may wish to consult a lawyer and consider the terms of the Act as to your rights (a link to a website which has the Act is www.legislation.nsw.gov.au). You may find that there is further information publicly

⁶ [insert compensation amount]

available on the website of the Acquiring Authority or at
www.propertyacquisition.nsw.gov.au.

SCHEDULE

[insert address of land and particulars of title so as to describe the land, for example, lot and deposited plan number, and land title details. Attach relevant title documents.]

OR

[insert description of interest in land compulsorily acquired or, if applicable, the new interest in land acquired by compulsory process]

To accept compensation, please return the documents listed in paragraph 9 above to the Acquiring Authority at the following address:

[Insert address of Acquiring Authority]

[Acquiring Authority's delegate to sign]

Date: