



Property Acquisition Standards

Understanding the Property Acquisition Standards

This document sets out the standards for acquiring authorities that undertake acquisitions under the *Land Acquisition (Just Terms Compensation) Act 1991*.

The standards and minimum requirements have been developed together with the Office of the Customer Service Commissioner and acquiring authorities. They commit acquiring authorities to improving the experience of property owners, while ensuring that project objectives are delivered.

The standards continue the Government's commitment to improve the land acquisition process following the reviews by David Russell SC and Michael Pratt AM.

The standards are interconnected, interdependent and overlapping, and must be read together with the minimum requirements issued by the Centre for Property Acquisition. Acquiring authorities are expected to comply with minimum requirements, which are available on the Centre for Property Acquisition's website at www.nsw.gov.au/property-acquisition.

Scope

These standards apply to all acquiring authorities that acquire land under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Terminology

The following definitions are to be used for the purposes of this document:

“Property owner” is used to describe any person that has an interest in land as defined in section 4 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

“Acquiring authority” is used to describe an authority authorised to acquire land by compulsory process as defined in section 4 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

“Market value” is used consistent with the definition outlined in section 56 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Review

The standards will be periodically reviewed jointly by the Department of Planning, Industry and Environment and the Centre for Property Acquisition to ensure their continuous improvement.

Contact

For any questions relating to the standards or minimum requirements please contact info@propertyacquisition.nsw.gov.au.

1. Property owners will be treated fairly and with empathy and respect.

- a) During the statutory six month negotiation period, acquiring authorities must make a reasonable effort to meet face-to-face with impacted property owners.
- b) In determining the compensation payable for market value, an acquiring authority must consider any applicable evidence supplied by the property owner. Where there is reasonable evidence to support it, an acquiring authority should resolve any minor discrepancies in market valuation in favour of the property owner.

2. Property owners will be provided with clear information about their rights.

- a) Prior to commencing negotiations, acquiring authorities must provide impacted property owners with clear and concise information about the acquisition process and their rights and obligations under the *Land Acquisition (Just Terms Compensation) Act 1991*.
- b) Acquiring authorities must issue property owners with a letter advising of the acquiring authority's statutory obligation to make a genuine attempt to acquire the land by agreement, and that the minimum six month negotiation period commences when the property owner receives the letter.

3. Property owners will be supported throughout the acquisition process with assistance tailored to meet individual circumstances.

- a) Acquiring authorities must provide an appropriately trained primary point of contact to undertake the Personal Manager function by helping residential property owners navigate the acquisition process.
- b) Acquiring authorities must provide an appropriately trained person to undertake the Community Place Manager function by providing timely and accurate information to the community on all relevant infrastructure projects that require property acquisitions.
- c) Acquiring authorities must ensure that all personal or commercially sensitive information is managed safely and securely.

4. The acquisition process will be consistent across projects and acquiring authorities.

- a) Any valuation commissioned by an acquiring authority must be consistent with Valuation and Property Standards jointly issued by the Australian Property Institute and the Property Institute of New Zealand.
- b) Acquiring authorities must exchange valuation reports with property owners as soon as practicable after both parties have received their final respective valuations, and where the property owner is willing to do so.

5. The Government will monitor and report publicly on the effectiveness of the land acquisition process.

- a) Acquiring authorities must capture and store accurate, comprehensive and current data for all property acquisition activity.
- b) Acquiring authorities must report as required to the Centre for Property Acquisition on acquisition activity.
- c) Acquiring authorities must invite property owners to participate in the acquisition feedback process managed by the Centre for Property Acquisition at a time and through a channel which is appropriate for the property owner.