

## CLAIM FOR COMPENSATION

[What follows after these parentheses is Form 2 and is for use from the date specified in the relevant notice of gazette publication, until superseded.] If you wish to claim compensation for the compulsory acquisition of your interest in land, you will need to make a claim for compensation using this form. Compulsory acquisition of land is a significant matter and you may wish to seek legal, valuation or other independent advice when completing this form.

The Proposed Acquisition Notice (PAN) will specify the period of time within which the Acquiring Authority requires you to return this form. You will have a minimum of 60 days from the date you receive the Acquiring Authority's PAN to submit the completed claim for compensation form to the address below, or directly to the Valuer General at [Just\\_Terms@dpi.nsw.gov.au](mailto:Just_Terms@dpi.nsw.gov.au). A valuer acting for the Valuer General will then contact you to discuss your compensation claim.

If you are entitled to compensation, the Valuer General will determine an amount of compensation for you whether or not you submit a claim (provided that the Acquiring Authority or the Valuer General is aware that you hold an interest in the land). However, making a claim will help to ensure that your views on compensation, including any issues or concerns you have, are considered by the Valuer General.

It is an offence under Part 5A of the *Crimes Act 1900* to make a false or misleading statement in this form.

You are required to complete a Statutory Declaration at the end of this form declaring or affirming that the information you provide in this form is correct. The Statutory Declaration must also be signed by an authorised witness, being a person referred to in section 21(1) of the *Oaths Act 1900*. These persons are the Registrar General, a Deputy Registrar General or any Justice of the Peace, notary public, commissioner of the court for taking affidavits, Australian legal practitioner authorised by section 27(1) of the *Oaths Act 1900* to take and receive any affidavit, or other person by law authorised to administer an oath.

This form consists of the three Parts.

- **Part A** must be completed by the Acquiring Authority.
- **Part B** must be completed by the Acquiring Authority. You should check that the Acquiring Authority has completed Part B correctly and note any corrections on the form.
- **Part C** must be completed by you, the claimant.

## PART A TO BE COMPLETED BY THE ACQUIRING AUTHORITY

This section is to be completed by the Acquiring Authority.

YOUR PROPOSED ACQUISITION  
NOTICE IS DATED (DD/MM/YYYY)

PLEASE SEND YOUR COMPLETED CLAIM  
FORM BY (DD/MM/YYYY)

PLEASE SEND YOUR COMPLETED CLAIM FORM TO

Attention

Acquiring Authority

ADDRESS

Street number and name

Suburb

State

Postcode

Email

Telephone

ALTERNATIVELY YOU CAN SEND THE FORM TO THE VALUER GENERAL NSW

**Email:** [Just\\_Terms@dpi.nsw.gov.au](mailto:Just_Terms@dpi.nsw.gov.au)

**Telephone:** 1800 110 038 or (02) 8831 4241

In the event that it is not possible to submit this claim for compensation form for any reason before the date required, please contact the Valuer General as soon as possible.

## **PART B**

### **TO BE COMPLETED BY THE ACQUIRING AUTHORITY**

This section is to be completed by the Acquiring Authority. Claimants should read the information and, if you think any of the information about you is incorrect, please note this on the form.

#### **1. CLAIMANT NAME AND CONTACT ADDRESS**

Family/Surname of claimant

Given name of claimant

OR Corporation name and ACN

ADDRESS:

Street number and name

Suburb

State

Postcode

Email

Telephone

#### **2. DESCRIPTION OF LAND AFFECTED BY COMPULSORY ACQUISITION**

ADDRESS

Unit number/Street number/Property number (include Lot number, if applicable)

Street name

Suburb

State

Postcode

LAND TITLE DETAILS

Lot number

Deposited Plan / Strata Plan

Title Reference

INTEREST IN THE LAND IDENTIFIED ABOVE TO BE ACQUIRED (Please tick the appropriate box)

Acquisition of the whole of the claimant's land or interest in the land

Acquisition of part of the claimant's land or interest in the land

Acquisition of a new interest (such as a lease or an easement) that will affect the claimant's land

Other - Please provide a brief description:

## PART C

### TO BE COMPLETED BY THE CLAIMANT (THE PERSON CLAIMING COMPENSATION)

#### 1. CLAIMANT'S INTEREST IN THE LAND

An "interest" in land is defined in the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act). This includes where a person owns the land and is recorded on the title to the land as the "registered proprietor". However, there are many other ways a person can have an interest in land, including as the mortgagee of the land (for example, a bank that has lent money to the registered proprietor to buy the land and has a mortgage as security for the loan repayment), as a tenant occupying the land under a lease or as a person with the benefit of an easement (for example, a neighbour with registered access rights over the land).

Please tick the box that describes your interest in the land.

##### **Registered proprietor of the land**

A registered proprietor is the owner of the land and is recorded on the title to the land.

##### **Mortgagee**

A mortgagee is a bank, financial institution or other person that has lent money to the registered proprietor of the land (or has refinanced a loan) and has a mortgage as security for the loan repayment.

##### **Lessee**

A lessee is a person (including a residential tenant) who leases the land or a building on the land from the registered proprietor.

##### **Licensee**

A licensee is a person (who is not a lessee or residential tenant) with permission under licence or other agreement to occupy or use land. Please note that in most instances a licence is unlikely to be an "interest" in land as defined in the Act.

##### **Other**

If your interest in the land to be acquired does not fall into the above categories, please outline your interest below.

If you ticked the box "Other" please provide full details of your interest in the land.

For example, you may have an easement for access, the benefit of a restriction on the use of the land, or interest under a Contract for Sale and Purchase of Land.

Is your principal place of residence located on the land?

Yes

No

**NOTE** that if your interest is not registered on the title to the land, you will need to provide written evidence or other proof of the interest claimed. This evidence may include copies of signed documents to show a legally valid interest.

## 2. ARE YOU AWARE OF ANY OTHER PERSON WHO HAS AN INTEREST IN THE LAND?

Please note that a “person” may include an individual, a corporation or other entity.

PLEASE TICK THE APPROPRIATE BOX

Yes. Please proceed to question 3.

No. Please proceed to question 4.

Please include details of both registered and unregistered interests in the land to be acquired. Please do not assume the acquiring authority will know of other interests in the land.

For example:

- A purchaser under a signed, but not yet settled contract to purchase the land.
- A person who has agreed to lease the land or a building on the land but does not occupy the land or building until the land is subdivided or building fit-out is completed.
- A person occupying the land or building on the land without a signed lease or agreement, or even if there is a signed document, it is not registered on the title to the land.
- A person with a right to access the land even though it is not registered on the title to the land.
- A person or corporation under a mortgage which is not registered on the title to the land.

## 3. PLEASE PROVIDE THE NAME AND ADDRESS OF THE PERSON/S.

### PERSON 1

Family/Surname

Given name

OR Corporation name and ACN

Interest in the land

Address

Street number and name

Suburb

State

Postcode

Email

Telephone

**PERSON 2**

Family/Surname

Given name

OR Corporation name and ACN

Interest in the land

Address

Street number and name

Suburb

State

Postcode

Email

Telephone

**PERSON 3**

Family/Surname

Given name

OR Corporation name and ACN

Interest in the land

Address

Street number and name

Suburb

State

Postcode

Email

Telephone

**NOTE** If there are additional persons with an interest in the land please include their details as an attachment to the form

#### 4. AMOUNTS CLAIMED

The Valuer General will determine the amount of compensation to be offered to you for the compulsory acquisition of your interest in the land or the acquisition of the new interest in the land.

Section 55 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act) sets out the relevant matters to be considered by the Valuer General in determining the amount of compensation\*. You should consider each of the following heads of compensation and, where appropriate, indicate the amount claimed.

For more information about each of the heads of compensation, please see sections 55 - 60 of the Act.

A	Market value of the land on the date of the acquisition See section 56 for the definition of market value of land	\$
B	Any special value of the land to the claimant on the date of its acquisition See section 57 for the definition of special value of land	\$
C	Any loss attributable to severance See section 58 for the definition of loss attributable to severance of land	\$
D	Any loss attributable to disturbance See section 59 for the definition of loss attributable to disturbance of land	\$
E	The disadvantage resulting from relocation See section 60 for the definition of disadvantage resulting from relocation Note: Complete this section if the compulsory acquisition will result in the need to relocate your principal place of residence. The maximum statutory amount is \$ [acquiring authority to insert current amount as amended by CPI (see section 60 and Schedule 1A of the Act)].	\$



F	Any increase or decrease in the value of any other land of the claimant at the date of the 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	\$
<b>TOTAL COMPENSATION CLAIMED</b>		\$

\* Section 55 of the Act does not apply to all compulsory acquisitions (for example, compulsory acquisitions where sections 204 - 206 of the *Roads Act 1993* or section 2.24 of the *Crown Land Management Act 2016* apply).

## 5. SUPPORTING DOCUMENTS

Please list below descriptions of any documents that supports the amounts claimed as compensation, and attach them to this claim for compensation form.

For example, these may include stamp duty receipts, business records, relocation expense quotes, proof of length of residency, personal statements regarding your non-financial loss as a result of having the land acquired.

Are there any other relevant issues that you wish to raise in support of your claim?

**6. PLEASE PROVIDE DETAILS OF YOUR SOLICITOR OR AGENT (if applicable)**

Name of Solicitor or Agent

Name of Firm

ADDRESS

Street number and name

Suburb

State

Postcode

Email

Telephone

**STATUTORY DECLARATION**  
*OATHS ACT 1900, NSW, NINTH SCHEDULE*

I, ..... , of .....  
[name of declarant] [residence]

do hereby solemnly declare and affirm that the information supplied by me / us in response to questions 1 to 6 above is correct.

And I make this solemn declaration, as to the matters aforesaid, according to the law in this behalf made - and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declared at: ..... on .....  
[place] [date]

.....  
[signature of declarant]

in the presence of an authorised witness, who states:

I, ..... , a .....  
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: [\* please select the text that does apply]

\*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and

\*I have known the person for at least 12 months OR \*I have confirmed the person's identity using an identification document and the document I relied on was

.....  
[describe identification document relied on]

.....  
[signature of authorised witness]

**PLEASE SEND THIS FORM AND ANY SUPPORTING DOCUMENTS TO:**  
**THE ACQUIRING AUTHORITY**  
**OR**  
**THE VALUER GENERAL**  
**BY THE DATE LISTED ON PAGE 1 AND TO THE**  
**RELEVANT ADDRESS LISTED ON PAGE 2**