Compulsory Property Acquisition Process – what to expect

You have 90 days to reach an agreement

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YOU'LL RECEIVE A PROPOSED ACQUISITION NOTICE

If you have not reached an agreement on compensation with Council, you will be sent a Proposed Acquisition Notice (PAN), and the Valuer General becomes involved.

This notice will state Council's intention to compulsorily acquire the property after a certain time.

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

You have 60 days from receiving the PAN to lodge your Section 39 Claim for Compensation form.

Your Claim for Compensation form will ensure your interests are recorded and the Valuer General can take them into consideration. 2

NEGOTIATIONS CONTINUE

Negotiations between you and Council can continue and an agreement can still be reached after a PAN has been issued.

The Valuer General will send you a letter explaining their role and informing you that work will begin on their determination.

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

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YOUR PROPERTY WILL BE ACQUIRED

If an agreement still isn't reached, Council will compulsorily acquire your property.

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

- the NSW Governor has approved the acquisition.
- following Gazettal, the Valuer General will determine the compensation owed to you.
- Council becomes the owner of the property.

You will be able to stay in the property for up to three months (without paying rent), unless Council needs it to be vacated earlier. 4

VALUER GENERAL DETERMINES COMPENSATION

The Valuer General will review your claim and make a new assessment on the amount of compensation owing.

The determination is provided to both you and Council for feedback and consideration before the final determination of compensation is issued.

YOU'LL RECEIVE A PRELIMINARY VALUATION REPORT

Following the NSW
Government Gazette
notice, the Valuer General
will send you and Council a
Preliminary Valuation
Report.

The report shows the amount of compensation and how it was determined.

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YOU WILL RECEIVE A FINAL DETERMINATION

Council will send you a compensation notice that will contain the Valuer General's final determination.

If you agree with the compensation notice, you can be paid the compensation within 28 days, once the Deed of Release and Indemnity has been received by Council.

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

You have 90 days to lodge an

objection with the NSW Land and Environment Court

IF YOU DON'T AGREE WITH THE FINAL DETERMINATION

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

You must lodge your objection within 90 days of receiving your compensation notice from Council.

The Court will determine your compensation following necessary proceedings.