



Frequently Asked Questions

PROPERTY AND LAND ACQUISITION

1 Why is Council acquiring my land?

Local Councils have a range of roles and responsibilities in their communities, including the provision of facilities and the supply of public services.

Council's will sometimes be required to acquire land to achieve its roles and responsibilities.

2 What power do you have to acquire my land?

In NSW, acquiring authorities, including Government agencies, some State-owned corporations and local councils, have the power to acquire privately owned land for public purposes.

Local councils can only acquire land if it has the power to do so under an Act.

Currently, the only Acts under which a Council can compulsory acquire land are the *Local Government Act 1993* and the *Roads Act 1993*.

The process for acquiring land needs to comply with *Land Acquisition (Just Terms Compensation) Act 1991*.

3 My land is to be acquired for a public purpose. What does this mean?

Land that has been identified to be acquired by Council or the relevant State agency is for major works, such as new or wider roads, drainage infrastructure or public space, to ensure the future population is serviced by essential infrastructure.

Camden Council has a guide on how this is done, which can be viewed at camden.nsw.gov.au/assets/pdfs/Council/Policies/Land-Acquisition-Information-Guide.pdf

4 What advice can I get?

It is recommended you obtain your own advice from a lawyer and a qualified valuer. It is important that you remain empowered to make your own decisions during the property acquisition process. Council will assign you an Acquisition Manager who will manage the acquisition of your property. You can direct any questions about the acquisition of your property to the Acquisition Manager.

5 How much are you going to pay for my land?

During the acquisition process, Council will instruct an independent valuer to inspect your property. The valuer will determine the market value of your property.

6 How is my property valued?

The valuer will consider a number of factors including:

- size of the property, location, quality of improvements and zoning
- recent sales in the area and other market conditions
- any pest or building inspection that may be carried out to assess the building's structure and condition

7 Can I get my own valuation?

Yes. In fact, it is recommended you obtain your own independent valuation to submit to the acquiring authority.

Your own valuation will also give you peace of mind that your property is in line with market price rises. If the local market is fluctuating, your valuer and the Acquiring Authority's valuer will take this into consideration during the discussions.

8 How do I receive an offer?

You will receive a Letter of Offer from the Acquiring Authority, which will contain the total compensation Council is offering for the purchase of your property.

9 What happens if I am not happy with the offer made?

You should provide your valuation report to your Acquisition Manager. There may be a valuation conference between the valuers, which you are able to attend. The aim of the conference is to reach a mutually acceptable agreement.

10 What if we can't reach agreement?

If we cannot reach agreement on the compensation payable to purchase the property, the property can be acquired compulsorily under the *Land Acquisition (Just Terms Compensation) Act 1991*.

11 What is Compulsory Acquisition?

Compulsory acquisition is a statutory process under the *Land Acquisition (Just Terms Compensation) Act 1991*. The Act sets out the process that Council must follow when it is necessary to acquire property using a compulsory process. The statutory process also provides the means for resolving disputes about the amount of compensation that is payable to you.

More information on the compulsory acquisition process can be found in Council's Land Acquisition Information Guide, which can be viewed at camden.nsw.gov.au/assets/pdfs/Council/Policies/Land-Acquisition-Information-Guide.pdf

12 Where can I access more information?

Information relating to land acquisitions and hardship claims can be found at Camden Council's website camden.nsw.gov.au, or at Centre For Property Acquisition NSW website propertyacquisition.nsw.gov.au

13 Who can I contact for more information?

Michael Kay, Property Liaison Officer (02) 4654 7819