



# *Government Gazette*

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, private and other notices.

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# GOVERNMENT NOTICES

## Land Acquisition (Just Terms Compensation) Act 1991

### Approved Forms

The forms in the Schedule have been approved for the following purposes under the *Land Acquisition (Just Terms Compensation) Act 1991*:

Form 1 – Proposed Acquisition Notice (Section 11)

Form 2 – Claim for Compensation (Section 39)

All previous approved Proposed Acquisition Notice forms and Claim for Compensation forms are revoked.

Victor Dominello  
Minister for Finance, Services and Property.

### SCHEDULE

Form 1

[What follows after these parentheses is Form 1 and is for use from date of appearance in Gazette until superseded. Footnotes are for assistance of the 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. Authorities are encouraged to provide information in accompanying letters and assistance to landowners in dealing with questions. Authorities are also encouraged to make reasonable attempts to provide information to landowners during the six month period referred to in s 10A(2).]

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT, 1991

SECTION 11

Proposed Acquisition Notice

This is a proposed acquisition notice for the purposes of s.11 of the *Land Acquisition (Just Terms Compensation) Act 1991* ("the Act"), which provides you written notice of the intention of the Authority specified below to acquire land by compulsory process.

TO: (insert names and addresses of owners of land as defined in section 4).

1. The [insert name of authority] ("the Authority") proposes to acquire the whole<sup>1</sup> of your interest in the land located at [insert street address or other convenient description].
2. A description sufficient to identify the land which it is proposed to be acquired including title details of the land is in the schedule which follows.
3. The period within which the land will be compulsorily acquired is as soon as practicable after 90<sup>2</sup> days from the date of this notice (see ss 13(1) and 14(1)).
4. If you wish to claim compensation for the acquisition you are requested to lodge with the Authority a claim for compensation. If you wish to lodge a claim for compensation you must lodge it before [insert a date more than 60 days after the date of this notice (see s.15(e))].

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<sup>1</sup> [if not whole of the interest amend as appropriate]

<sup>2</sup> [if a shorter period has been determined under s.13(2) amend as appropriate]

5. A claim for compensation, should you wish to make one, must be in the form which accompanies this notice and is entitled Claim for Compensation.<sup>3</sup>
6. 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](http://www.legislation.nsw.gov.au)). You may wish to contact the Authority for further information and you may find that there is further information publicly available on the website of the Authority or at <http://www.propertyacquisition.nsw.gov.au/>.

SCHEDULE REFERRED TO IN PARAGRAPH 2

[particulars of title]  
[full description of land]  
[and part to be acquired]

[Authority to sign and complete form in the manner it ordinarily signs and completes documents]

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<sup>3</sup> [make sure that a blank Claim for Compensation physically accompanies this notice and is in the current form pursuant to s.39(2)]

Form 2

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

SECTION 39

Claim for Compensation

TO: (insert authority name and address) }  
FROM: (name and address of claimant) } To be  
} completed  
1. Description of land } by the  
a) Address } Authority  
b) Title particulars }

2. What is your interest in this land?

- Registered Proprietor                       Mortgagee
- Lessor     Licensee
- Lessee     Other
- Residential Tenant

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

4. Are you aware of any other persons or corporations that may have an interest in this land?

Tick appropriate box

- YES
- NO

5. If you ticked the "YES" box in 4, provide here full details including name, address, nature and extent of interest.

6. Compensation for your interest in the land that has been compulsorily acquired will be determined by the Valuer-General. You may provide here details of any matters that should be taken into account by the Valuer-General when determining the amount of compensation payable to you.

You should consider each of the following compensation items and where appropriate indicate the amount claimed:

- a) the market value of the land on the date of its acquisition \$
  - b) any special value of the land to the person on the date of its acquisition \$
  - c) any loss attributable to severance \$
  - d) any loss attributable to disturbance \$
  - e) the disadvantage resulting from relocation \$
  - f) any increase or decrease in the value of any other land of the person at the date of 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 \$
  - g) any other matter \$
- Total compensation claimed: \$

7. State short description of documents of title (leases, mortgages, etc.) which support your claim to your stated interest in the land.

8. Provide the following information:

a) Names and addresses of persons having custody of the above documents.

b) Where can the above documents be inspected?

c) If documents are held or in the custody of someone other than the claimant, in what capacity does that other person hold or have custody of the documents?

d) Name and address of your solicitor or agent.

Signature(s) of claimant(s)

Date

The following statutory declaration must be completed by the claimant(s):

**STATUTORY DECLARATION**

OATHS ACT 1900, NINTH SCHEDULE DECLARATION

NEW SOUTH WALES

Name in Full I/we, .....

Residence of.....

do hereby solemnly declare and affirm that the information supplied by me/us in paragraphs 1 to 8 above is correct.

And I/we make this solemn declaration, as to the matter (or 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.

TAKEN and declared at ..... in )  
[include State] this ..... day of )  
..... 20 before me ) .....

CLAIMANT(S)

.....

Qualified witness

NOTES

1. If this Notice of Claim is not returned to this Authority by [insert date] the Valuer-General will determine your interest without the benefit of information you may have been able to provide.
2. The services of a solicitor, qualified valuer and/or accountant may be of assistance in providing information relating to question 6. Where appropriate claims should be supported by relevant business records.
3. No compensation will be payable to you until you have satisfactorily completed this Claim for Compensation form and returned it to [insert Authority/Department].
4. It is a criminal offence to supply false information in this Claim for Compensation.
5. A qualified witness for the purpose of declaring or affirming this declaration is a person stated in s21 of the *Oaths Act 1900* to be so qualified. 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 s27 (1) of the *Oaths Act 1900* to take and receive any affidavit, or other person by law authorised to administer an oath.