

## FORM 4

Regulation 10

### Land Acquisition and Compensation Act 1986

#### STATEMENT OF PRINCIPAL RIGHTS AND OBLIGATIONS TO ACCOMPANY NOTICE OF INTENTION TO ACQUIRE INTEREST IN LAND

##### 1 What is a notice of intention to acquire land?

The attached NOTICE OF INTENTION TO ACQUIRE informs you that the Minister for Environment and Climate Action (**Authority**) intends to acquire all or part of your interest in the land described in that notice.

The Authority has the power to acquire your interest in the land compulsorily or by agreement because of section 5 of the **Crown Land (Reserves) Act 1978**.

In acquiring your interest in the land, the Authority must follow certain steps set out in the **Land Acquisition and Compensation Act 1986**.

Your land has either been reserved for a public purpose or the **Land Acquisition and Compensation Act 1986** permits the Authority to acquire your land without reservation.

In the case of your interest in land, the land is reserved for a public purpose in the Kingston Planning Scheme.

##### 2 What does the notice do?

The notice informs you that the Authority requires your land and at this stage intends to acquire it compulsorily or by agreement from you.

The notice is not an offer or agreement to buy the land and it does not mean that the Authority will definitely acquire the land.

##### 3 What you cannot do with the land

Now that you have received the notice you must not, unless the Authority gives you permission—

- sell the land or any part of the land; or
- give anybody any interest in the land (such as a lease, licence, easement, right of way, mortgage or covenant); or
- put any lasting improvements (such as a house or dam or swimming pool or undertake any other major renovations) on the land.

However, a person to whom you owe money under a mortgage for the land can still exercise any rights if you do not pay that person as you are required to do. You may discharge any mortgage if you wish.

##### 4 You have been asked for certain information

The notice asks you to give the Authority certain information. This information will help the Authority work out who is to be compensated for the interest in the land and how much compensation should be paid.

## **5 What happens if the land is acquired compulsorily?**

If the Authority decides to acquire your interest in land compulsorily, it must publish a notice of acquisition in the Government Gazette. In general, it cannot publish a notice of acquisition until at least 2 months after the date it gave you the notice of intention.

If your land is acquired by notice of acquisition, the Authority will give you a copy of the notice and other information within 14 days of the acquisition.

## **6 You may sell the land to the Authority by voluntary agreement**

If you wish to sell your interest in the land to the Authority by agreement rather than wait for the Authority to take the next step in the acquisition, you may be able to come to an agreement with the Authority as to the compensation to be paid for the land. If you want to do this, you should contact the case manager listed on the covering letter to this notice. If you do not want to do this, the Authority may take the next step towards acquiring the land.

You do not have to wait for this if you wish to sell to the Authority.

## **7 Compensation**

If the land is acquired compulsorily by the Authority you may be able to claim compensation.

The amount of the compensation may include a sum for certain things which have affected you or the land as a result of the acquisition.

The compensation may also include an amount for some disadvantage or loss which cannot be assessed purely in terms of money.

You may also be able to claim compensation even if the Authority does not proceed to acquire your interest in the land.

The **Land Acquisition and Compensation Act 1986** sets out the scope of compensation available; see Parts 3 to 5 of that Act.

## **8 The notice may lapse**

In general, if the Authority has not acquired your land within 6 months of giving you the notice of intention to acquire, that notice will lapse, unless you agree that the Authority can have more time.

Section 106 of the **Land Acquisition and Compensation Act 1986** provides for extending and abridging time periods under that Act.

## **9 The notice can be amended**

If any of the information on the notice of intention to acquire concerning your interest or the description of the land is wrong, the Authority can amend the notice if you agree. The notice of intention to acquire is still effective.

## **10 The notice can be cancelled**

The Authority can cancel the notice of intention to acquire. If this happens, you will be sent a statement which explains what this means.

## **11 If you received an earlier notice**

If you received an earlier notice of intention to acquire which lapsed or was cancelled, the new notice does not affect your right to make your claim for compensation within 2 years of the day on which the earlier notice lapsed or was cancelled.

## **12 Professional advice and expenses**

As the process of acquisition can be complicated, you may want to obtain the help of a solicitor, valuer or other professional adviser. Reasonable expenses which you have to pay because of the intended acquisition of your interest in the land can be claimed from the Authority.