



Government Gazette

of the State of

New South Wales

Number 148—Compulsory Acquisitions

Friday, 8 April 2022

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

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

GOVERNMENT GAZETTE – NEW SOUTH WALES

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

EXECUTIVE COUNCIL MINUTE NUMBER 06

APPROVAL DATE: 30th MARCH 2022

LOCAL GOVERNMENT ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

NOTICE OF COMPULSORY ACQUISITION OF LAND

Clarence Valley Council declares with the approval of Her Excellency the Governor that the lands described in the Schedule below are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of resolving an existing encroachment of a council-owned building and resale.

Dated at Grafton this 31st day of March 2022



.....
General Manager (Acting)

Schedule

Lot 1 DP1270948 being part of the land comprised in 197/751371

Lot 2 DP1270948 being part of the land comprised in 202/751371

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

NOTICE OF COMPULSORY ACQUISITION OF LAND

Shoalhaven City Council declares with the approval of Her Excellency the Governor that the land described in the Schedule below is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of a public road.

Dated at Nowra this 31st day of March 2022

Stephen Dunshea

.....
General Manager

Schedule

Lot 5 DP1265268 being part of the land comprised in 460/1062117

Land Acquisition (Just Terms Compensation) Act 1991
Approved Forms

Notice is hereby given that forms have been approved for the stated purpose and sections of the *Land Acquisition (Just Terms Compensation) Act 1991*, as set out in the Schedule below.

The forms in the Schedule below supersede all previous versions and will operate from the 40th working day after the date of publication in the NSW Government Gazette.



The Hon. Kevin John Anderson, MP
Minister for Lands & Water
Minister for Hospitality and Racing

Date: 24.3.2022

Schedule

- Form 1 - Proposed Acquisition Notice [Section 11]
- Form 2 - Claim for Compensation
- Form 3 - Compensation Notice [Section 42(2)]
- Form 4 - Notice Requiring Acquisition of Land [Section 23(1)]
- Form 5 - Claim for Compensation for Abandoned Acquisition of Land [Section 71(1)]

[What follows after these parentheses is Form 1 and is for use from the date specified in the relevant notice of gazette publication, until superseded. Footnotes and parts in square parentheses are for assistance of the Acquiring 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 section 10A(2). Additional information may be included in this form where appropriate.]

Form 1

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

SECTION 11

Proposed Acquisition Notice

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

To: [insert names and addresses of owners of land as defined in section 4]

1. [insert name of Acquiring Authority] ("the Acquiring Authority") proposes to acquire the land described in the schedule to this notice.
2. The land will be compulsorily acquired as soon as practicable after 90¹ days from the giving of this notice and, in any event, within 120 days from the giving of this notice, unless you and the Acquiring Authority agree in writing to a longer period (see sections 13 and 14 of the Act). The acquisition will be effected by the publication of an acquisition notice in the NSW Government Gazette.
3. When the acquisition notice is published, the legal effect will be that the land/interest in the land² described in the notice will be vested in the Acquiring Authority and, because your interest in the land will be divested, extinguished or diminished by the acquisition notice, you may be entitled to be paid compensation by the Acquiring Authority.
4. If you wish to claim compensation for the acquisition you are requested to lodge with the Acquiring 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 giving of this notice (see section 15(e))].

¹ [if shorter period has been determined under section 13(2), amend as appropriate]

² [delete whichever is not applicable]

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.³
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). You may wish to contact the Acquiring Authority for further information and you may find that there is further information publicly available on the website of the Acquiring Authority or at www.propertyacquisition.nsw.gov.au.

SCHEDULE

[if acquiring a freehold interest in the whole or part of the land, insert address of land and particulars of title so as to describe the land or relevant part of the land, for example, lot and deposited plan number, and land title details. Attach relevant plans if required for a partial acquisition of the land.]

OR

[if acquiring an interest other than a freehold interest in the land, insert description of interest in land to be compulsorily acquired (for example, the registered number of the leasehold interest) or, if applicable, the details of the new interest in land to be acquired by compulsory process]

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

³ [make sure that a Claim for Compensation physically accompanies this notice and is in the current form pursuant to section 39(2)]

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@property.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@property.nsw.gov.au

Telephone: 1800 110 038 or (02) 9860 5211

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	\$
TOTAL COMPENSATION CLAIMED		\$

* 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**

[What follows after these parentheses is Form 3 and is for use from the date specified in the relevant notice of gazette publication, until superseded. Footnotes and parts in square parentheses are for assistance of the Acquiring 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.]

Form 3

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

SECTION 42(2)

Compensation Notice

This is a notice for the purposes of section 42 of the *Land Acquisition (Just Terms Compensation) Act 1991* (“the Act”), which provides you with written notice of the compulsory acquisition, your entitlement to compensation, the amount of compensation offered (as determined by the Valuer General) and your right to object to the amount offered.

To: [insert name and address of the owner(s) of the land]

From: [insert name and address of the Acquiring Authority of the State] (“the Acquiring Authority”)

1. The Acquiring Authority has compulsorily acquired the whole of your interest in the land¹ located at [insert street address or other convenient description].
2. A description identifying the land or interest in the land affected by the compulsory acquisition including title details of the land is in the Schedule to this notice.
3. The acquisition notice was published in Government Gazette No. [insert] of [insert date of Gazette] with unique identifier number [insert number/s]². A copy of the published notice is enclosed for your information/is available at [insert link to acquisition notice]³.
4. The effect of publication of the acquisition notice is that the land/interest in the land⁴ described in the notice is vested in the Acquiring Authority and, because your interest in the land is divested, extinguished or diminished by the acquisition notice, you are entitled to be paid compensation by the Acquiring Authority.
5. The Valuer General has determined the amount of compensation to be offered to you under Part 3 of the Act. The Valuer General will provide you with a copy of the determination of compensation (together with any report on the value of the land prepared by or for the Valuer General)⁵.

¹ [if not whole of the interest amend as appropriate]

² [insert details of Government Gazette]

³ [delete whichever is not applicable. It is envisaged that an authority of the State will only provide a link if the acquisition notice relates to a large number of properties]

⁴ [delete whichever is not applicable]

⁵ [see s. 41(3) of the Act]

6. The Acquiring Authority offers to pay you \$[insert]⁶, being the amount of compensation as determined by the Valuer General.
7. Interest is payable on the amount of compensation from the date the land is acquired until the payment is made to you or is paid into a trust account held in trust for you under Part 3 of the Act. Such interest becomes part of the amount of compensation payable by the Acquiring Authority.
8. You may accept the amount of compensation offered by the Acquiring Authority.
9. Payment of the compensation will be made by the Acquiring Authority within 28 days of the receipt by the Acquiring Authority of the following documents from you:
 - a) a completed claim for compensation form, including statutory declaration, signed by you before an authorised witness (if you have not previously provided this form),
 - b) the deed of release and indemnity (duly completed), signed by you and witnessed; and
 - c) any relevant documents of title.
10. If you do not wish to accept this offer of compensation and you have provided a claim for compensation, you may, within 90 days after receiving this compensation notice, lodge with the Land and Environment Court an objection to the amount of compensation offered by the Acquiring Authority.
11. If you lodge an objection with the Land and Environment Court you will receive an advance payment comprising an amount of 90% of \$[insert amount in figures] within 28 days after notice of institution of proceedings is given to the Acquiring Authority. If you do not wish to receive an advance payment, it will be paid into a trust account pending the resolution of the proceedings in the Land and Environment Court. Please note that receiving an advance payment does not affect the outcome of the court compensation proceedings, but if the final amount of compensation awarded to you by the Land and Environment Court is lower than the advance payment, you must repay any excess to the Acquiring Authority.
12. If you do not, within 90 days after receiving this compensation notice:
 - a) accept the amount of compensation offered by the Acquiring Authority, or
 - b) lodge with the Land and Environment Court an objection to the amount of compensation offered,

the offer of compensation is taken to have been accepted. On such acceptance taking place, the Acquiring Authority will pay the amount of compensation into a trust account under Part 3 of the Act to be held in trust for you. The Acquiring Authority will pay the money to you on receipt of a completed claim for compensation signed by you and witnessed, deed of release and indemnity (duly completed) and any relevant documents of title.
13. 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). You may find that there is further information publicly

⁶ [insert compensation amount]

available on the website of the Acquiring Authority or at
www.propertyacquisition.nsw.gov.au.

SCHEDULE

[insert address of land and particulars of title so as to describe the land, for example, lot and deposited plan number, and land title details. Attach relevant title documents.]

OR

[insert description of interest in land compulsorily acquired or, if applicable, the new interest in land acquired by compulsory process]

To accept compensation, please return the documents listed in paragraph 9 above to the Acquiring Authority at the following address:

[Insert address of Acquiring Authority]

[Acquiring Authority's delegate to sign]

Date:

NOTICE REQUIRING ACQUISITION OF LAND

[What follows after these parentheses is Form 4 and is for use from the date specified in the relevant notice of gazette publication, until superseded. Footnotes and parts in square parentheses are for assistance of the owner 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. Owners should seek legal advice in completing this form.]

This is a notice for the purposes of section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act), for use by a person who has the fee simple estate in land or a person who has become entitled to exercise a power of sale of the land and who requires an authority of the State to acquire land designated for acquisition¹ because the owner considers that he or she will suffer hardship if there is any delay in the acquisition of the land under the Act. If there is more than one owner of the land, it is sufficient if any of those owners will suffer hardship.

TO: (the Acquiring Authority)
[name of Acquiring Authority] [address] contact person (if known)

FROM: (the Owner)
[name] [address]

or if the Owner is a corporation:

[corporation name] [ACN]

OWNER'S AGENT/SOLICITOR:

[name] [telephone]

[email]

Please note that it is a criminal offence under Part 5A of the *Crimes Act 1900* to make a false or misleading statement in this form.

- The Owner owns the land described in paragraph 11 of this form.**
- The Owner states that the Owner is not a public company or subsidiary of a public company within the meaning of the *Corporations Act 2001* (Cth).²**
- Pursuant to section 23(1) of the Act, the Owner requests that the Acquiring Authority acquires the land described in paragraph 11 of this form by compulsory process.**

¹ [refer to section 21 of the Act for definition of "land designated for acquisition for a public purpose"]
² [Part 2 Div. 3 of the Act does not apply to an owner of land which is a public company or a subsidiary of a public company]

4. The grounds for the Owner's application are:

- a) the land has been designated for acquisition by the Acquiring Authority for a public purpose, and
- b) the Owner considers that the Owner will suffer hardship if there is any delay in the acquisition of the land under the Act.

5. Select the most appropriate option below:

The Acquiring Authority has, in connection with an application for development consent or building approval, given the local authority or other person dealing with the application written notice that the land has been designated by the Acquiring Authority for future acquisition by it for a public purpose,

or

the land is reserved by an environmental planning instrument for use exclusively for a purpose referred to in section 3.14(1)(c) of the *Environmental Planning and Assessment Act 1979* and the instrument (or some other environmental planning instrument) specifies the Acquiring Authority is the authority required to acquire the land.

Attach evidence that the land is designated for acquisition for a public purpose to this form.

6. In the Owner's opinion, the Owner will suffer hardship if there is any delay in the acquisition of the land under the Act because:

If the Owner is an individual YES NO

- a) The Owner is unable to sell the land, or is unable to sell the land at its market value, because of the designation of the land for acquisition for the public purpose, and
- b) It has become necessary for the Owner to sell all or any part of the land without delay:

for pressing personal, domestic or social reasons; or

in order to avoid the loss of (or a substantial reduction in) the Owner's income.

If the Owner is a corporation³ YES NO

- c) It has become necessary for the Owner to sell all or any part of the land without delay:

for pressing personal, domestic or social reasons of an individual who holds at least 20 per cent of the shares in the Owner; or

in order to avoid the loss of (or a substantial reduction in) the income of an individual who holds at least 20 per cent of the shares in the Owner.

³ [if the owner of the land is a corporation, see section 24(3) of the Act]

7. Provide details to support your response to part 6

8. The Owner attaches evidence of the hardship the Owner will suffer if there is any delay in the acquisition of the land under the Act.

Attach evidence of hardship to this form.

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

YES

NO

10. If you answered YES to part 9 above, please provide further details including the name, address and nature of the interest of each person or corporation holding an interest in the land. Attach documentary evidence supporting the interest in the land. Each person or corporation must also sign below.

PERSON 1

Name:

Address:

Nature of interest:

TICK APPROPRIATE BOX

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 (other than 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 a licence may not be an "interest" in land as defined in the Act.

Residential tenant

Note: A residential tenant is a person who leases and lives in a property (such as a house or an apartment) under a residential tenancy agreement.

Other

If you have ticked "Other", please provide full details of the interest in the land.

Pursuant to section 23(3) of the Act, requests that the Acquiring Authority acquires the interest in land.

[Signature of person 1]

PERSON 2

Name:

Address:

Nature of interest:

NOTE TICK APPROPRIATE BOX

Registered proprietor of the land

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

Mortgagee

Note: 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

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

Licensee

Note: 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 a licence may not be an "interest" in land as defined in the Act.

Residential tenant

Note: A residential tenant is a person who leases and lives in a property (such as a house or an apartment) under a residential tenancy agreement.

Other

If you have ticked “Other”, please provide full details of the interest in the land.

Pursuant to section 23(3) of the Act, requests that the Acquiring Authority acquires the interest in land.

[Signature of person 2]

PERSON 3

Name:

Address:

Nature of interest:
TICK APPROPRIATE BOX

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 (other than 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 a licence may not be an “interest” in land as defined in the Act.

Residential tenant

A residential tenant is a person who leases and lives in a property (such as a house or an apartment) under a residential tenancy agreement.

Other

If you have ticked “Other”, please provide full details of the interest in the land.

Pursuant to section 23(3) of the Act, requests that the Acquiring Authority acquires the interest in land.

[Signature of person 3]

NOTE If there are additional persons with an interest in the land please include their details and signature(s) as an attachment to the form.

11. Describe the land to be acquired

Land

[insert address of land and particulars of title so as to describe the land, for example, lot and deposited plan number and title reference]

Interests in land

[insert address of land and particulars of title so as to describe the interest in land, for example, lease and registered dealing number or mortgage and registered dealing number]

12. Signature(s) of the Owner(s) (must be signed by all the owners)

Date:

NOTES

1. The Acquiring Authority is not required to acquire the land unless it is of the opinion that the owner will suffer hardship if there is any delay in the acquisition.
2. The Acquiring Authority is not required to acquire more land than it requires for the public purpose for which the land was designated or more interests in the land than it requires for that purpose.
3. Before it is required to acquire the land, the Acquiring Authority may give the owner of the land written notice that the land is no longer designated by the Acquiring Authority for future acquisition.
4. An owner of land may apply to the Secretary of the Department of Planning and Environment for a review of a decision of the Acquiring Authority not to acquire the land. An application for the review of any such decision is to be made within 28 days after the owner of the land is notified of the decision by the Acquiring Authority or the Acquiring Authority is taken (for the purposes of the application) to have made a decision not to acquire the land. See section 27A of the Act.

CLAIM FOR COMPENSATION FOR ABANDONED ACQUISITION OF LAND

[What follows after these parentheses is Form 5 and is for use from the date specified in the relevant notice of gazette publication, until superseded. Owners should seek legal advice in completing this form.]

This is a claim for compensation for the purposes of section 71(1) of the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act), for use by a person who wishes to claim compensation under Part 4 of the Act for the withdrawal of a proposed acquisition notice or the rescission of an acquisition notice by the authority of the State.

TO: (the Acquiring Authority)
[name of Authority] [address] [contact person (if known)]

FROM: (the Owner)
[name] [address]

Please note that it is a criminal offence under Part 5A of the *Crimes Act 1900* to make a false or misleading statement in this form.

- 1. The Owner owns the land described in the Schedule to this form (the Schedule).**
- 2. In accordance with section 71(1) of the Act, the Owner claims compensation for the financial costs or any damage actually incurred or suffered by the Owner as a direct consequence of:**

TICK BOX TO INDICATE BASIS FOR YOUR CLAIM

a) the giving of the proposed acquisition notice dated _____ by the Acquiring Authority and its later withdrawal

OR

b) the compulsory acquisition by the Acquiring Authority of the land described in the Schedule and its rescission by rescission notice published in Government Gazette No. _____ on _____

- 3. Full details are provided here of the financial costs or any damage the Owner has actually incurred or suffered as a direct consequence of:**

TICK BOX TO INDICATE BASIS FOR YOUR CLAIM

a) the giving of the proposed acquisition notice and its later withdrawal

OR

b) the compulsory acquisition and its rescission.

4. The Owner attaches evidence of these financial costs or other damage actually incurred.

NOTE: Evidence of costs or damages, such as receipts or invoices, should be attached to this form and submitted to the Acquiring Authority.

SCHEDULE

[Insert particulars of title to describe the land, part of land or interest as described in the proposed acquisition notice, acquisition notice or rescission notice.]

Signature(s) of the Owner(s) (must be signed by all the owners):

Date:

NOTES

1. The Acquiring Authority may accept a claim for compensation (in whole or in part) or reject any claim notice made under section 71 of the Act.
2. Compensation is not payable in respect of any change in the value of the land.
3. Compensation payable in the case of a rescission of an acquisition notice (but not the withdrawal of a proposed acquisition notice) includes compensation for any easement or other interest which was created after the acquisition of the land and which subsists after the rescission of the acquisition notice.
4. Compensation is not payable unless a claim for the compensation is made within three years after the withdrawal of the proposed acquisition notice or the rescission of the acquisition notice.
5. A claim for compensation is taken to have been rejected if the Acquiring Authority has not dealt with the claim within 60 days after receiving the claim.
6. If your claim is rejected (or taken to be rejected) or is accepted in part only, you may appeal to the Land and Environment Court against that decision.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for the Purposes of the Transport Administration Act 1988

Sydney Metro by its delegate declares, with the approval of Her Excellency the Governor, that the easement described in the Schedules below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* as authorised by section 38C and clause 11 of Schedule 1 of the *Transport Administration Act 1988* for the purposes of the *Transport Administration Act 1988*.

PETER REGAN
Chief Executive
Sydney Metro

SCHEDULE 1

An easement for rock anchors on the terms set out in Schedule 2, and over that part of that piece or parcel of land situated at Waterloo, in the Local Government Area of Sydney, Parish of Alexandria and County of Cumberland, being that part of Lot 1 in Deposited Plan 88581, shown marked "(X)" in Drawing No. SMCSWSWL-RPS-SWL-SR-DWG-000001-A 47 Botany Rd Rock Anchors, a copy of which is set out in Schedule 3.

SCHEDULE 2

1. EASEMENT FOR ROCK ANCHORS

1.1 Easement summary

This Easement provides the Authority Benefited with:

- (a) access to the Easement Site for the purpose of installing Rock Anchors; and
- (b) the right to have the Rock Anchors remain on the Easement Site at all times until expiry of the Easement under clause 1.3.

1.2 Terms of the Easement

- (a) The Owner of the Lot Burdened grants to the Authority Benefited full, free and unimpeded right for the Authority Benefited to:
 - (i) enter on, pass and repass over the Easement Site at all times with or without Equipment for the Permitted Purpose and do anything reasonably necessary for that purpose including:
 - (A) entering the Easement Site; and
 - (B) taking anything on to the Easement Site; and
 - (ii) have the Rock Anchors remain on the Easement Site until expiry of the Easement under clause 1.3.
- (b) In exercising its rights under this Easement, the Authority Benefited must:
 - (i) make good any damage to the Easement Site, Lot Burdened and Building to the extent caused by the Authority Benefited;
 - (ii) carry out all activities so as to cause as little inconvenience as is reasonably practicable to the Owner of the Lot Burdened or any Occupier;
 - (iii) take all necessary steps to minimise any adverse interference caused by the Authority Benefited to the Owner of the Lot Burdened or any Occupier; and
 - (iv) comply with all relevant laws relating to the exercise of those rights.

1.3 Expiry of the Easement

- (a) As soon as practicable after the date on which the Authority Benefited no longer requires the rights under this Easement, the Authority Benefited must:
 - (i) de-stress any stressed Rock Anchors but is not required to remove any Rock Anchors installed on the Easement Site pursuant to this Easement; and
 - (ii) notify the Owner of the Lot Burdened in writing.
- (b) This Easement will expire on the earlier to occur of:
 - (i) 31 October 2022; and
 - (ii) the date on which the Authority Benefited gives the Owner of the Lot Burdened notice under clause 1.3(a)(ii).

- (c) If this Easement has expired under clause 1.3(b):
 - (i) the Owner of the Lot Burdened and the Authority Benefited must take all reasonable steps to remove this Easement from the title of the Lot Burdened as soon as practicable, including preparing and executing all necessary documents and producing the relevant certificates of title at Land Registry Services NSW; and
 - (ii) the Owner of the Lot Burdened may, at its risk and cost, cut the Rock Anchors at any location within the Easement Site and otherwise deal with any part of the Rock Anchors within the Easement Site as the Owner of the Lot Burdened sees fit.

1.4 **Incorporation of definitions and interpretation clauses**

The provisions of clause 2 apply to this Easement to the extent relevant.

The name of the persons empowered to release, vary or modify this Easement:

The Authority Benefited.

2. GENERAL

2.1 Exercise of the benefit of the Easement

The Authority Benefited may, in its discretion, permit any of its Authorised Users to exercise its rights and perform its obligations under any Easement from time to time.

2.2 Conditions

Each of the Conditions constitute and are covenants and agreements by and between the Authority Benefited and the Owner of the Lot Burdened for themselves and their respective successors, assigns and transferees with the intention and agreement that the benefit and burden of such covenants and agreements must pass with the benefit and burden of the Easement.

2.3 Definitions

Acquisition Notice means the acquisition notice effecting the acquisition of this Easement published in the Government Gazette.

Authorised Users means the agents, employees, contractors (and each of their subcontractors at any level) and consultants of the Authority Benefited and any other person authorised by the Authority Benefited to exercise the rights and perform the obligations of an Authorised User under this Easement.

Authority Benefited means Sydney Metro (ABN 12 354 063 515), a New South Wales Government agency constituted by section 38 of the *Transport Administration Act 1988* (NSW).

Building means the building and other structures (or any part of the building or other structures) on the Lot Burdened from time to time.

Conditions means the conditions contained in each Easement, excluding the section titled "Easement summary" and including the general provisions set out in this clause 2.

Easement means each easement in this instrument and includes the Conditions in relation to that easement.

Easement Site means the easement site described in Schedule 1 of the Acquisition Notice.

Equipment means all necessary tools, implements, materials, machinery and vehicles.

Government Gazette means the official journal published by the NSW Government containing proclamations and notifications, including land acquisition notices.

Lot Burdened means the Lot described in Schedule 1 of the Acquisition Notice.

Occupier means any person who is legally entitled and authorised to occupy any part of Lot Burdened from time to time.

Owner of the Lot Burdened means every person who is at any time entitled to an estate or interest in the Lot Burdened, including without limitation any freehold or leasehold estate or interest in possession in the Lot Burdened and each part of the Lot Burdened and any Owners Corporation in relation to the Lot Burdened.

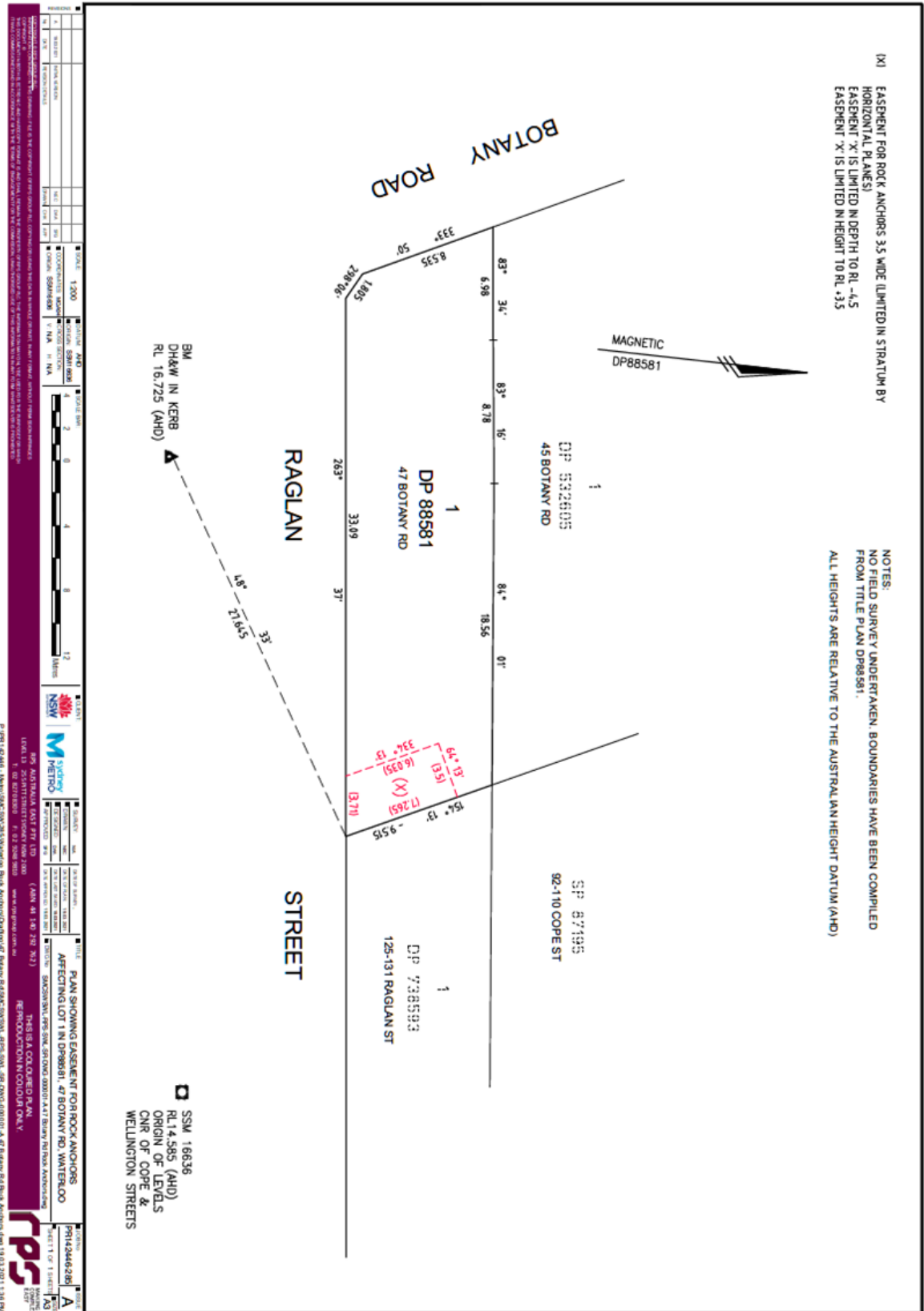
Owners Corporation means an owners corporation constituted under the *Strata Schemes Management Act 2015* (NSW) or community association constituted under the *Community*

Land Development Act 1989 (NSW) and any similar body corporate serving the same functions and purposes as an owners corporation or a community association.

Permitted Purpose means installing Rock Anchors within the Easement Site and all works and activities associated with such installation, including replacement or removal of the Rock Anchors.

Rock Anchors means ground anchors, rock anchors, rock bolts, rock pinning, soil nails, rock dowels and other structures or equipment for the purpose of temporarily supporting or temporarily protecting the works on land owned by the Authority Benefited or temporarily underpinning and supporting improvements erected on the Lot Burdened.

SCHEDULE 3



(Sydney Metro Document Number: SM/22-000026; XCO22/00024)

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for the Purposes of the Transport Administration Act 1988

Sydney Metro by its delegate declares, with the approval of Her Excellency the Governor, that the easement described in the Schedules below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* as authorised by section 38C and clause 11 of Schedule 1 of the *Transport Administration Act 1988* for the purposes of the *Transport Administration Act 1988*.

PETER REGAN
Chief Executive
Sydney Metro

SCHEDULE 1

An easement for rock anchors on the terms set out in Schedule 2, and over that part of that piece or parcel of land situated at Waterloo, in the Local Government Area of Sydney, Parish of Alexandria and County of Cumberland, being that part of Lot 1 in Deposited Plan 217386, shown marked "(Y)" in DP1278244 , a copy of which is set out in Schedule 3.

SCHEDULE 2

1. EASEMENT FOR ROCK ANCHORS

1.1 Easement summary

This Easement provides the Authority Benefited with the right to have the Rock Anchors remain on the Easement Site at all times until the expiry of the Easement under clause 1.3.

1.2 Terms of the Easement

The Owner of the Lot Burdened grants to the Authority Benefited full, free and unimpeded right for the Authority Benefited to have the Rock Anchors remain on the Easement Site at all times until the expiry of the Easement under clause 1.3, where the Rock Anchors were installed on the Easement Site by the Authority Benefited or its Authorised Users:

- (a) pursuant to this Easement; or
- (b) prior to the acquisition of this Easement.

1.3 Expiry of the Easement

- (a) At any time after 31 December 2022, the Owner of the Lot Burdened may notify the Authority Benefited in writing that the Owner of the Lot Burdened intends to cut or de-stress the Rock Anchors for the purpose of redevelopment of the Lot Burdened.
- (b) As soon as practicable after the date on which the Rock Anchors are cut or de-stressed, the Owner of the Lot Burdened must provide written evidence to the reasonable satisfaction of the Authority Benefited that the Rock Anchors have been cut or de-stressed (including any other information the Authority Benefited may reasonably require for this purpose).
- (c) Following receipt of the information referred to in clause 1.3(b) and the Authority Benefited confirming in writing to the Owner of the Lot Burdened that the Authority Benefited is satisfied that the Rock Anchors have been cut or de-stressed, this Easement will expire on the date of such confirmation.
- (d) If this Easement has expired under clause 1.3(c):
 - (i) the Owner of the Lot Burdened and the Authority Benefited must, if requested by the other party, take all reasonable steps to remove this Easement from the title of the Lot Burdened as soon as practicable, including preparing and executing all necessary documents and producing the relevant certificates of title at Land Registry Services NSW; and
 - (ii) whether or not the Easement has been removed from the title of the Lot Burdened under clause 1.3(d)(i), the Owner of the Lot Burdened may at any time after the Easement has expired under clause 1.3(c), at its risk and cost, cut the Rock Anchors at any location within the Easement Site and otherwise deal with any part of the Rock Anchors within the Easement Site as the Owner of the Lot Burdened sees fit.
- (e) For the avoidance of doubt, nothing in this Easement requires the Authority Benefited to de-stress, cut or remove any Rock Anchors installed on the Easement Site.

1.4 Incorporation of definitions and interpretation clauses

The provisions of clause 2 apply to this Easement to the extent relevant.

The name of the persons empowered to release, vary or modify this Easement:

The Authority Benefited.

2. GENERAL

2.1 Exercise of the benefit of the Easement

The Authority Benefited may, in its discretion, permit any of its Authorised Users to exercise its rights and perform its obligations under this Easement from time to time.

2.2 Conditions

Each of the Conditions constitute and are covenants and agreements by and between the Authority Benefited and the Owner of the Lot Burdened for themselves and their respective successors, assigns and transferees with the intention and agreement that the benefit and burden of such covenants and agreements must pass with the benefit and burden of the Easement.

2.3 Definitions

Acquisition Notice means the acquisition notice effecting the acquisition of this Easement published in the Government Gazette.

Authorised Users means the agents, employees, contractors (and each of their subcontractors at any level) and consultants of the Authority Benefited and any other person authorised by the Authority Benefited to exercise the rights and perform the obligations of an Authorised User under this Easement.

Authority Benefited means Sydney Metro (ABN 12 354 063 515), a New South Wales Government agency constituted by section 38 of the *Transport Administration Act 1988* (NSW).

Conditions means the conditions contained in this Easement, excluding the section titled "Easement summary" and including the general provisions set out in this clause 2.

Easement means the easement in this instrument and includes the Conditions in relation to that easement.

Easement Site means the easement site set out in Schedule 1 of the Acquisition Notice.

Government Gazette means the official journal published by the NSW Government containing proclamations and notifications, including land acquisition notices.

Lot Burdened means the Lot set out in Schedule 1 of the Acquisition Notice.

Owner of the Lot Burdened means every person who is at any time entitled to an estate or interest in the Lot Burdened, including without limitation any freehold or leasehold estate or interest in possession in the Lot Burdened and each part of the Lot Burdened and any Owners Corporation in relation to the Lot Burdened.

Owners Corporation means an owners corporation constituted under the *Strata Schemes Management Act 2015* (NSW) or community association constituted under the *Community Land Development Act 1989* (NSW) and any similar body corporate serving the same functions and purposes as an owners corporation or a community association.

Rock Anchors means ground anchors, rock anchors, rock bolts, rock pinning, soil nails, rock dowels and other structures or equipment for the purpose of supporting or protecting the works on land owned by the Authority Benefited or underpinning and supporting improvements erected on the Lot Burdened.

