

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these parentheses is Form 4 and is for use from the date specified in the relevant notice of gazette publication, until superseded.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.

- 1. The Owner owns the land described in paragraph 11 of this form.**
- 2. 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**
- 3. 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.