

Land Acquisition and Compensation Act 1986
STATEMENT OF RIGHTS AND OBLIGATIONS TO
ACCOMPANY NOTICE OF ACQUISITION

1 What does the notice of acquisition do?

You have been given a copy of a notice of acquisition. This notice was published in the Government Gazette on 22 July 2021. This means the Wellington Shire Council has compulsorily acquired all interests described in the notice and any person who had an interest in that land which was acquired by the notice is now entitled to claim compensation.

2 You should get an offer of compensation within 14 days

The Wellington Shire Council must make an offer of compensation to you within 14 days of 22 July 2021 unless you agree to give the Wellington Shire Council more time or unless the Minister permits it to have more time to make an offer.

The offer must be fair and reasonable and will be based on a valuation and other information available at the time the offer is made.

3 If you do not receive an offer

If you think you had an interest in the land and you do not receive an offer from the Wellington Shire Council, you can make a claim to the Wellington Shire Council for compensation. You may want to seek advice from a solicitor, valuer or other professional adviser. Reasonable expenses which you have to pay because of the acquisition of your interest in the land can be claimed from the Wellington Shire Council.

4 What compensation is for

The compensation will include amounts for the value of the land and may include amounts for any special value to you of the land acquired, any legal, valuation or other professional costs which you have to pay and compensation for disadvantage or loss to you which cannot be valued purely in terms of money. Compensation may also include an amount for disturbance (for instance if you have to move to other land) or an amount for the decrease in value of other land which you own and which is connected with the land which is acquired.

The **Land Acquisition and Compensation Act 1986** sets out the scope of compensation available when land has been acquired compulsorily; see Parts 3 and 4 of that Act.

5 A loan may be provided in certain circumstances

If the Wellington Shire Council has acquired a house which you occupied as your principal place of residence, the Wellington Shire Council may provide you with a loan under certain circumstances in accordance with section 45 of the **Land Acquisition and Compensation Act 1986**.

6 You will have time to consider the offer

When you receive the offer from the Wellington Shire Council you will have 3 months to accept the offer or to claim compensation.

7 Advance of compensation may be payable

When you receive an offer you may have the full amount of the offer paid to you even if you later claim more compensation.

If you wish to do this, you must make a written request to the Wellington Shire Council when you receive the offer. An advance is not payable unless the offer is for \$5000 or more. If the advance paid is greater than the compensation finally determined you will have to repay the difference.

8 Authority may take possession of the land

The Wellington Shire Council is now able to enter the land and occupy it. The Authority will try to agree with you about possession. If the Wellington Shire Council wants to occupy the land and you live on the land as your principal place of residence or if it is your main place of business then you can continue to occupy the land for 3 months from the day the land was acquired rent-free unless—

- a) you agree with the Wellington Shire Council to leave earlier; or
- b) you leave the land earlier; or
- c) the Governor in Council certifies that it is not practicable for the Wellington Shire Council to wait 3 months.

In any case, the Wellington Shire Council must give you at least 7 days' written notice before it can take possession.

You may be permitted to stay longer than 3 months if you reach agreement with the Wellington Shire Council to remain and agree on an amount of rent you will pay.

If you have agreed to leave or if the 7 days' notice has expired and you do not leave, you may incur extra costs for which you will not be compensated, including fair market rent.

9 Professional advice and expenses

You may want to discuss the notice of acquisition or this statement with a solicitor, valuer or other professional adviser. Reasonable expenses which you have to pay because of the acquisition of your interest in the land can be claimed from the Wellington Shire Council.