

Individual properties and property acquisition

Land acquisition	
<p>My property is in an area that has been identified for use as public infrastructure, services or space - what does this mean?</p>	<p>To support the success of the Aerotropolis, the NSW Government will need to acquire properties for a range of purposes, such as rail corridors, roads, water and electrical infrastructure, regional parks and environmental protection.</p> <p>Confirmation of which specific parcels of land will need to be acquired will occur as we finalise the SEPP and detailed precinct plans and as the planning of public infrastructure, service and open space for the Aerotropolis progresses.</p> <p>Acquisitions for these different uses and locations within the Aerotropolis will occur at different times. If your property is identified as needing to be acquired you will be contacted directly by the relevant government agency.</p>
<p>Why is this happening now?</p>	<p>Western Sydney is undergoing a major transformation and will grow by almost one million people over the next 20 years. By 2031, it will be home to 50% of Sydney's population. Identifying land for future needs such as rail corridors, roads, water and electrical infrastructure, regional parks and environmental protection before it is needed will allow growth to be managed in a sustainable way.</p>
<p>Why are different parcels of land being acquired at different times?</p>	<p>Confirmation of which specific parcels of land will need to be acquired will occur as we finalise the SEPP and detailed precinct plans, and as the planning of public infrastructure, service and open space for the Aerotropolis progresses.</p> <p>Acquisitions for these different uses and locations within the Aerotropolis will occur at different times depending on the timeframes required by each acquiring agency.</p>
<p>How will I know if my land will need to be acquired by the government?</p>	<p>If your property is identified as needing to be acquired for public infrastructure, services or open space, you will be contacted directly by the relevant government agency. You can find out more about how property acquisition is undertaken by NSW government agencies by visiting the NSW Government's Property Acquisition website www.propertyacquisition.nsw.gov.au.</p>

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How does the land purchase process work?	<p>During the development of the precinct plans and following further consultation, the land that needs to be acquired will be confirmed. Once this land is identified, a process will be undertaken to protect that land.</p> <p>When the government makes a decision to acquire land, it will follow the procedures to buy the property that are established by the Property Acquisition NSW.</p> <p>Some government agencies are authorised to acquire land under the <i>Environment Planning and Assessment Act 1979</i>. The Act that governs compensation payable on purchase is the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.</p> <p>Government agencies will negotiate an agreement with an acceptable sale price. To do this it ignores the fact that your land is to be used for a public purpose (future road, railway or park etc.) and arrives at a current market value, as though the land was unaffected by the planning proposals. Government agencies utilise independent property valuers. As a landowner, you can engage your own valuer as well. The reasonable cost of this valuation will be reimbursed on settlement of the acquisition of the property.</p>
What are the steps in the process of purchase/acquisition?	<p>The acquisition agency will contact you and provide you with a personal acquisition manager to guide you through the process. The process will only start once a letter, “the opening letter” is received.</p> <p>The agency obtains a valuation of the property from an independent valuer. You may also engage the services of a registered real estate valuer to undertake a valuation of your property. The reasonable cost of this valuation will be reimbursed on settlement of the acquisition of the property.</p> <p>The agency makes an offer to you based on the valuation reports.</p> <p>If agreement is reached, a contract will be prepared and exchanged, and transfer of ownership will occur when the contract is settled and final payment made. This is similar to conveyancing procedures adopted for all buyers and sellers of real estate on the open market.</p> <p>If an agreement cannot be reached about the value of the property, the following may occur:</p> <ul style="list-style-type: none"> i) You may request the government agency to take compulsory acquisition action in accordance with the owner-initiated provisions of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. ii) If the land is within a priority land acquisition program (where a rail, road or park proposal has a functional deadline for completion), the government agency may need to commence the compulsory land acquisition process.

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Do I have to wait to be approached by the government to sell my land?	<p>You can sell your property at any time. Current zoning for the Aerotropolis will remain in place until a new State Environmental Planning Policy (SEPP) is finalised and gazetted.</p> <p>In addition, if your land has been identified as being within an area that is required for public infrastructure, services or space and you wish to have your land acquired before the acquisition process has been initiated by the Government, owner-initiated acquisition will be considered in cases of hardship. If you would like to initiate the acquisition process, you will need to submit a written request to the relevant government acquisition agency.</p> <p>The agency will consider whether the landowner will suffer hardship in accordance with section 24 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. Examples of hardship include where the owner: is unable to sell the land, or sell it at its market value, due to the designation of the land for acquisition purposes; or needs to sell the land for pressing personal, domestic or social reasons or to avoid a loss of income.</p> <p>If an owner is unhappy with a hardship decision it is possible to seek a review of the decision.</p>
My land is owned by a corporation. Can I apply for hardship?	<p>If the land is owned by a corporation, hardship is only considered where an individual holds at least 20% of shares in the corporation.</p>
My property is only partially affected by the land acquisition map. Will you acquire all or only a part of my property?	<p>Land that is identified as being partially affected by land acquisition will be carefully considered during the precinct planning phase.</p> <p>Once we have finalised our precinct planning we will be able to confirm the extent of your property that needs to be acquired. We will then be in a position to have more detailed discussions with you.</p>
How is market value calculated and how can I be sure that a reasonable price will be paid?	<p>Government agencies are obligated to acquire land at an amount that will not be less than the market value of the land as if it was unaffected by the proposal. This requirement is set out under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. This does not apply if the land is available for public sale and the land is acquired by Government through this process.</p> <p>For fairness, the Act requires that the purpose of the acquisition is completely ignored. This requires an opinion to be formed as to the highest and best use of your property, had it not been required for government planning/project purposes. To determine what the highest and best use of the land is, all relevant factors will be taken into consideration including any environmental factors.</p>

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Will the government pay my valuation fees and legal costs?	<p>Government agencies are empowered to make a reasonable contribution towards the valuation fees and legal costs incurred by you when selling the property to the government. These allowances will be paid on settlement. The valuer engaged must be registered to carry out valuations for that particular type of property.</p> <p>The valuer must act as an independent expert, not as an advocate for the buyer. Once the valuation report is prepared, the personal acquisition manager can organise an exchange of reports between your valuer and the acquisition agency's valuer.</p>
Property	
If I live in an initial Aerotropolis precinct area, when will I need to sell my home or move?	<p>Existing uses and ownership of the property can continue until and if the property is needed for government purposes.</p> <p>If your property is identified as being required for public infrastructure, services or open space, you will be approached by the relevant government agency regarding the purchase process. The acquisition agency will consider owner-initiated acquisition in cases of hardship. If you would like to initiate the acquisition process, you will need to submit a written request to the relevant government agency.</p> <p>Otherwise you can continue to own your property until you decide to sell.</p>
What if I want to sell my property now?	<p>You can sell your property at any time. Current zoning for the Aerotropolis will remain in place until a new State Environmental Planning Policy (SEPP) is finalised and gazetted.</p> <p>If your property is identified as being required for public infrastructure, services or open space, you will be approached by the relevant government agency regarding the purchase process. The acquisition agency will consider owner-initiated acquisition in cases of hardship. If you would like to initiate the acquisition process, you will need to submit a written request to the relevant government agency.</p> <p>Development of the area including the provision of public infrastructure, services and spaces will occur progressively.</p>
When will my land be rezoned?	<p>The SEPP is expected to come into effect from mid-2020. Until then existing zoning remains in place.</p>

Property	
<p>What if the way I use my property, for example as farmland, is not consistent with the new zoning?</p>	<p>Land uses within the Aerotropolis will gradually transition from rural to urban land uses envisaged in the new zones.</p> <p>The <i>Environmental Planning and Assessment Act 1979</i> includes protections for uses that have been established with appropriate approvals. These are known as ‘existing use rights’ and allow existing uses to continue to operate while preventing any further intensification of those same uses.</p> <p>The proposed rezoning will not negatively affect farming operations, including extensive agricultural uses, if such uses have lawfully commenced prior to the commencement of the SEPP.</p>
<p>When can I lodge a Development Application?</p>	<p>You can currently lodge an application for development on your land. Until the land is rezoned, your application would be assessed against the existing planning controls for your local government area.</p> <p>Any Development Application lodged after the land is rezoned but prior to precinct planning being finalised, will not be able to have consent granted unless certain matters have been satisfied to prevent ad hoc and unplanned development.</p>

