

# land holder information session.

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**forewarned is forearmed.**

# trauma of losing land.



# the basics.

**WHY:** Construction of inland rail transport supply chain

**WHAT:** The compulsory acquisition of all or part of your properties.

**WHO:** Queensland Government - Department of Transport and Main Roads

**HOW:** Under the authority of the Acquisition of Land Act 1967

# who is affected?

Parties with an interest in land can include:

- landowner
- easement holder
- leaseholder
- mortgagee
- native title holder

# 2 ways to acquire your land.

## Agreement

- Preference is to negotiation with the landowner to compulsorily acquire his or her land by agreement.
- If the landholder agrees to the resumption of their land, an agreement can be struck before or after the formal process has begun
- If the landowner agrees to the acquisition, the amount of compensation can be finalised at a later date. However, if compensation is also agreed to, this will be included in the agreement.

## Without Agreement

- If the landowner does not agree to the compulsory acquisition of their land, the statutory land acquisition process will run its course.

# the formal process.

1. Notice of Intention to Resume (NIR)
2. Objections
3. Gazettal
4. Negotiation
5. Litigation

# the NIR sets out:

- the land or easement required (lot on a plan of survey, or a map that sufficiently describes the land)
- purpose for which the land is required
- rights and obligations to be imposed by the easement (if applicable)
- right to object.

**grounds for objection to  
the Notice of Intention to  
Resume.**

# objections.

- Landowners and other parties on whom the NIR is served have at least **30 days to object** to the proposed compulsory land acquisition.
- Objections must be in writing
- Objectors must state the reasons for their objection and the facts and circumstances supporting those reasons.

# examples.

- the need for the project, that a lesser or different area or interest should be resumed,
- the location of the proposed infrastructure,
- access to land following the project's construction, and other issues likely to affect landowners' properties.

**Matters relating to the amount of compensation to be paid are not valid grounds for objection.**

# resumption notice.

- If the Governor in Council approves the compulsory land acquisition, a resumption notice is published in the Queensland Government Gazette (a copy of the notice is sent to all interested parties).
- **On the date the notice is published, the Coordinator-General becomes the owner of the land (or easement). Anyone else's interest in the land converts to a right to claim compensation.**

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*Acquisition of Land Act 1967*  
*Transport Infrastructure Act 1994*  
*Transport Planning and Coordination Act 1994*

**TAKING OF LAND NOTICE (No. 2024) 2010**

**Short title**

1. This notice may be cited as the *Taking of Land Notice (No. 2024) 2010*.

**Land to be taken [s.9(7) of the Acquisition of Land Act 1967]**

2. The land described in the Schedule is taken for a purpose incidental to the purpose of transport (light rail and light rail transport infrastructure), namely, road relocation, as from 2 July 2010, and vests in the Chief Executive, Department of Transport and Main Roads, as constructing authority for the State of Queensland, for an estate in fee simple.

**SCHEDULE**

**Land Taken**

*County of Ward, Parish of Nerang* - an area of about 21.1 square metres being part of Lot 38 on Crown Plan S182153 contained in Title Reference: 18174248.

*County of Ward, Parish of Nerang* - an area of about 52.9 square metres being part of Lot 75 on RP28685 contained in Title Reference: 12482062.

*County of Ward, Parish of Nerang* - an area of about 26.6 square metres being part of Lot 1 on RP96432 contained in Title Reference: 13402067.

**timings – 3 years to lodge  
your claim for  
compensation.**

# construction.

Any time following once the land has been resumed, the Coordinator-General has the right to access the land (or easement) to construct any proposed infrastructure. Construction can proceed before compensation is paid.

# vacating the land – any time following gazettal

- Can be negotiated.
- If an easement is resumed, the Coordinator-General may begin using the easement from the date of the notice.

**compensation.**

# heads of damages.

impact on value of land (Valuer)

A. Loss of land taken

B. Severance and Injurious Affection

C. Enhancement

disturbance

# disturbance costs can include:

- legal costs, and other professional fees
- costs relating to the purchase of a replacement property
- removal and storage costs
- costs reasonably incurred to connect to any services or utilities upon relocating from the land resumed
- loss of profit or other economic losses resulting from the interruption to a business directly attributable to the resumption
- other financial costs that have been, or may be, reasonably incurred or that might reasonably be incurred, relating to the use of the land resumed, as a direct and natural consequence of the resumption of the land.

**can apply for advance.**

# existing mortgages.

If there is a mortgage over an acquired property, the mortgagee (e.g. the relevant bank) is entitled to be paid the compensation (up to the full mortgage amount owing), unless the mortgagee agrees otherwise. A clearance from the mortgagee/bank will be required prior to any compensation payment being made.

**no claim for emotional  
impact.**

**each claim is different.**

**legal fees.**

# other professional fees.

- A. Valuation
- B. Financial - accounting
- C. Other - agronomist, engineer

# what can you be doing now?

1. Keep a diary and notes
2. Confirm a conversation in email



**find out more:**

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