

Frequently asked questions

When will I receive a compensation offer?

The planning and environmental assessment process and statutory approvals process are expected to conclude by the end of 2022. Following this, SRLA will obtain independent valuation advice enabling compensation offers to be prepared and made within 14 days of Notices of Acquisition being published. If you choose to negotiate compensation following receipt of a Notice of Intention to Acquire, a compensation offer may be made earlier.

Do I have to accept the compensation offer?

No, you do not have to accept the compensation offer. As the owner, you can obtain your own valuation advice to help decide whether to accept the offer. SRLA will reimburse the reasonable cost of obtaining this advice.

What happens if we can't agree on the compensation payment?

All endeavours will be made to reach an agreement. If an agreement can't be achieved, the matter may be referred (by either you or SRLA) to the Victorian Civil and Administrative Tribunal or the relevant Court for resolution.

I would like to sell my property. Can SRLA purchase my property now?

SRLA is preparing for the assessment process with a view to obtaining approvals in 2022.

The formal acquisition process will commence when the approvals are obtained. The minimum timeframes for this process are set out in the *Land Acquisition and Compensation Act 1986* and depend on the type of property as well as the timeframes for staging of Suburban Rail Loop construction. You are encouraged to discuss your individual circumstances with the Suburban Rail Loop project team, and we will work with you as best we can.

When will I need to vacate my property?

When the formal acquisition process commences, if your property is required, SRLA will be in direct contact to inform you of the process and timeframes in relation to when you will need to vacate. Different properties will be required at different times, depending on construction staging. Affected landowners, tenants, and businesses will be fairly compensated and will be provided a reasonable period of time to vacate the property. SRLA expects the first properties required for Stage One will not need to be vacated until at least late 2022.

SRLA will keep talking to affected landowners and tenants well before the formal process starts, including about individual circumstances and timings.

Where the land is a principal place of business or residence, SRLA cannot seek to take possession of the land acquired before the expiration of three months following publication of the Notice of Acquisition. SRLA will work with you while you relocate to another property.

If the land is a principal place of business or residence, you will be entitled to a rent-free period of at least three months following publication of a Notice of Acquisition in the Victorian Government Gazette.

I have plans to renovate/redevelop – should I go ahead?

Compensation is based on the market value of your property at the time of acquisition and is based on the highest and best use of the land and recognises improvements and renovations that add value to the property. It also recognises the value of a well-maintained property.

Until the formal acquisition process begins, you are free to proceed with plans. Once a Notice of Intention to Acquire is issued, you cannot make any permanent improvements to your property without first obtaining SRLA approval. Please contact SRLA to discuss any concerns or proposals.

I am a residential tenant – what are my rights?

Tenants may be eligible to receive compensation. The amount likely to be paid, if any, depends on the nature of your occupancy. For example, a tenant with a long-term lease may be able to demonstrate a more significant impact than a tenant with a short-term lease. Generally, compensation may include removalist fees and fees incurred in changing residences, such as utility connection fees.

You are encouraged to discuss your circumstances with SRLA.

I operate a business – what are my rights?

Every business is unique and so compensation for business is determined on an individual basis.

Business disturbance losses, removal costs and costs such as stamp duty and the conveyancing costs of purchasing a replacement property may be paid. As circumstances vary, it is important that you discuss your options with SRLA and your legal advisors.

How will SRLA support my business?

We will be working directly with businesses affected by acquisition to understand their individual circumstances and how we can best support them.

Every business is unique and so compensation for business is determined on an individual basis, including relocation support. You are encouraged to discuss your individual circumstances with the Suburban Rail Loop project team.

Frequently asked questions

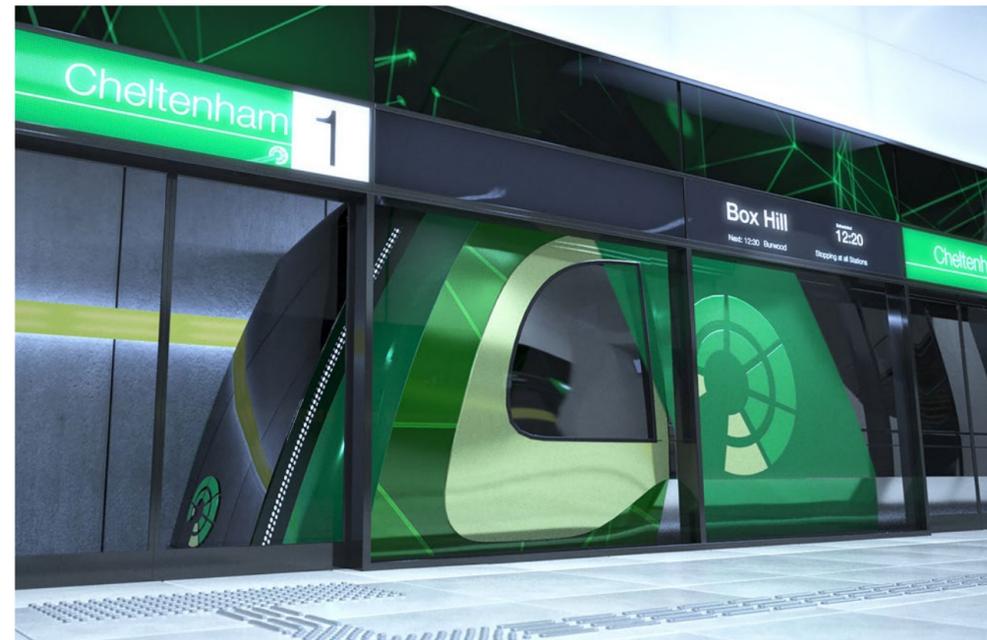
Will anyone need to enter my property prior to commencement of acquisition?

To provide landowners with an offer of compensation, a valuer will need to inspect your property. If this is necessary, you will be notified in advance and where appropriate you may be served with a Notice of Entry to enable the contractor to enter your property. In other circumstances, such as when part of your property or land is required, a licensed surveyor may need to enter your land to establish accurate survey boundaries.

This will not happen before statutory approvals have been granted.

I feel stressed about this process, is there any support available?

Property acquisition is a difficult but unavoidable part of projects the size and scale of Suburban Rail Loop. SRLA is focused on providing landowners and tenants with information as early as possible and supporting them through this process. In addition to compensation and support with relocation, SRLA can provide access to free and independent personal support through New View Psychology. This counselling service is available to provide support on a strictly confidential basis. For assistance, please call **1300 830 687** and quote **SRLA**.



Contact us

If you have any questions about the project, or the land acquisition and compensation process, please contact us – see details below.

More information

To find out more about Suburban Rail Loop:

- W suburbanrailloop.vic.gov.au
- E contact@srla.vic.gov.au
- T 1800 105 105 (24 hours a day, 7 days a week)

Suburban Rail Loop Authority
PO Box 4509, Melbourne, VIC 3001



It should be noted that this information is current at the time of printing, however changes may occur. Please visit suburbanrailloop.vic.gov.au for the latest updates.



March 2021

Land acquisition and compensation process

Information for landowners and tenants

The 90-kilometre Suburban Rail Loop will link every major rail line from the Frankston line to the Werribee line, via Melbourne Airport, better connecting Victorians to jobs, retail, education, health services and each other.

Suburban Rail Loop Authority (SRLA) is leading the planning and delivery of Suburban Rail Loop for the Victorian Government.

Suburban Rail Loop will be delivered in stages over several decades. Stage One will be a twin-tunnel, to minimise impacts above ground, with new underground stations built at Cheltenham, Clayton, Monash, Glen Waverley, Burwood and Box Hill, and a stabling facility at Heatherton.

Technical and design work, including geotechnical investigations, have helped identify specific land and property requirements for Stage One.

The scale and complexity of Suburban Rail Loop means there will be some unavoidable impacts on land, including private property, for construction.

We know that for people whose properties are impacted by the project - it can be a very challenging and difficult time. SRLA will work with landowners and tenants with properties that may be required for Stage One to support them throughout the process and to provide information about next steps.

This brochure includes information about the land acquisition and compensation process and answers to some common questions.

Key legislation

Compulsory acquisition of land will be undertaken in accordance with the *Land Acquisition and Compensation Act 1986*. Compulsory acquisition can usually only occur once the land has been reserved for a public purpose in the relevant Planning Scheme, also known as a Public Acquisition Overlay (PAO), or the project area is designated under the *Major Transport Project Facilitation Act 2009*.

Full versions of these Acts are available at legislation.vic.gov.au



Key steps in the compulsory land acquisition process

If the land you own or occupy is to be compulsorily acquired for the Suburban Rail Loop project, the process generally proceeds in stages outlined below.

1. Initial contact

SRLA will reimburse the reasonable costs of professional advisors such as your own solicitor or valuer. To ensure SRLA agrees these fees are reasonable, you should arrange for your advisors to submit fee proposals to SRLA prior to undertaking work for you.

2. Notice of Intention to Acquire

You may decide to sell your property to SRLA at this time, rather than waiting for us to take the next step in the acquisition process. You will be paid the same compensation allowances as would apply under the compulsory acquisition process.

3. Notice of Acquisition

If agreement is reached at this point, there may be no need to proceed to the next stage.

Once the formal acquisition process begins, relevant landowners and tenants will be supported through the process by a Case Manager.

4. Compensation

3. You may receive a Notice of Acquisition

If agreement has not been reached, negotiations will progress to the next stage which is a Notice of Acquisition. The Notice of Acquisition protects your rights to receive compensation while enabling SRLA to obtain possession of the land within a certain timeframe (sometimes before negotiations and compensation is finalised).

In these circumstances you will receive a Notice of Acquisition, which will also be published in the Victorian Government Gazette. The Notice of Acquisition formalises the acquisition, meaning that you are no longer the legal owner of the land.

Following issue of the Notice of Intention to Acquire (currently expected in 2022/2023) and the expiry of the applicable statutory timeframe, a Notice of Acquisition will be issued to you. Entry into possession of the land cannot occur until after the expiry of specific timeframes as set out in the legislation. These timeframes may differ depending on whether a property is vacant or whether it is a principal place of residence or business.

SRLA will work with you to agree the date you will need to vacate your property. If the land is the principal place of residence or business, SRLA will not take possession of the land for at least three months after issuing a Notice of Acquisition in accordance with the *Land Acquisition and Compensation Act 1986*.

SRLA will give you as much notice as possible of the date your land will be required for the project.

4. Compensation

If SRLA needs to acquire any part of your land, you will be compensated in accordance with the *Land Acquisition and Compensation Act 1986*.

This means that:

– Compensation will be assessed on the basis of the market value (based on the highest and best use of the land) of the land being acquired, plus any additional amounts and allowances which may apply in your particular circumstance, such as stamp duty and conveyancing costs of buying a replacement property of similar value

– Market value will be assessed by an independent property valuer appointed by the Valuer-General Victoria. The valuation considers the unaffected value of the land (that is, the land value without Suburban Rail Loop being built). A compensation offer is required to be made within 14 days of the Notice of Acquisition being published

– You may wish to obtain advice from a solicitor, valuer and/or other professional advisors regarding your rights in relation to SRLA's intention to acquire the land and to assist you through the acquisition process. You are entitled to be compensated for professional expenses necessarily incurred because of the acquisition process. SRLA will assess entitlement to compensation for professional expenses upon receipt of a claim. SRLA will not pay invoices from professional advisors directly. Any costs incurred prior to SRLA issuing a Notice of Intention to Acquire will generally not be considered for reimbursement

Timeframes

The formal acquisition process typically happens after the independent assessment process for a project is complete, statutory approvals are granted, and the project area is designated.

Rail infrastructure for Stage One will be assessed through an Environment Effects Statement (EES), to assess the potential impacts or effects of the project, including an assessment of land acquisition.

SRLA is currently preparing for this assessment process with a view to obtaining statutory approvals in 2022.

More information about the assessment process is available at suburbanrailloop.vic.gov.au/planning.

– Depending on your individual circumstances, additional compensation for non-financial disadvantage, known as solatium, may be paid. Solatium is assessed as a dollar amount but is capped at 10 per cent of the market value and is to compensate for non-financial disadvantage caused by the acquisition. This is assessed on a case-by-case basis. The *Land Acquisition and Compensation Act 1986* outlines what must be considered as relevant to your circumstances and this may include the length of time you have occupied the land and the inconvenience likely to be suffered

– If you operate a business on your land, compensation may be payable for financial loss suffered to the business as a result of the acquisition. You may wish to discuss this with SRLA at an early stage.

Payment

Once you have received an offer of compensation, you can request in writing that SRLA pay an advance of the offer (providing the compensation exceeds \$5,000) at any time.

The advance payment will be made within 30 days of receiving the request and will not affect your entitlement to continue negotiating a final settlement.

Once agreement is reached on the amount of compensation payable, the balance of the compensation payment will be paid as soon as possible.

Frequently asked questions

I am concerned about my property. How will I know if my property will be compulsorily acquired?

SRLA will be making direct contact with landowners and tenants to provide information about the project including to let them know that their property is likely to be required, well before the formal acquisition process begins.

It's our priority to directly engage with landowners and tenants about potential impacts as soon as possible.

Confirmation of whether your property is required for the project will occur after the planning and environmental assessment process is complete, statutory approvals are granted and the project area is designated.

When will I know if my property is going to be required for Suburban Rail Loop?

The formal compulsory acquisition process typically happens after the assessment process for a project is complete, statutory approvals are granted, and the project area is designated. SRLA is currently preparing for this process and it is likely to conclude by the end of 2022.

Where your property (or part of your land) is affected, the Suburban Rail Loop project team will make direct contact with you to provide an update on the acquisition process and information about next steps.

SRLA will be talking to affected landowners and tenants well before the formal process starts, including about individual circumstances and timings. Directly affected landowners will be assigned Case Managers as required to work with them throughout the acquisition and compensation process.

Are there different types of property acquisition?

Suburban Rail Loop includes surface construction, tunnels and relocation of services, and there will be different types of acquisition. Property acquisition can be full or partial meaning all or part of a property may be required.

Property acquisition (at surface level):

Acquiring properties that are required for surface (above ground) construction can be all or just part of the property.

Underground strata acquisition:

Acquiring land below the surface, where the tunnels pass underneath properties. The property at surface level is not required in this type of acquisition.

Easement acquisition:

Where services (such as drainage or power lines) are relocated as a result of the project, SRLA will need to acquire an easement over that land. Ownership of the land does not change, but an interest in the land is acquired to protect the service above or below the property.

How is the value of my property assessed?

Compensation is based on the market value of your property at the date of acquisition. It is based on the unaffected value of the land (that is, the value without Suburban Rail Loop being built). The assessment of market value takes into account the value of existing improvements and renovations that add value to your property.

How can I be sure I am getting a fair deal?

SRLA will reimburse reasonable costs if you engage your own legal advisor, and any other relevant professional advisor, such as your own valuer. This independent advice will help you understand and respond to SRLA's compensation offer. To ensure these fees are reasonable, you may wish to arrange for your advisors to submit fee proposals to SRLA prior to them undertaking work for you.

At what stage should I seek independent advice if I choose to do so?

Following the planning and environmental assessment process, statutory approvals and designation of a project area, if your property is required, a Notice of Intention to Acquire will be issued to formally let you know that SRLA intends to compulsorily acquire your property.

This Notice provides you time to consider your options. At this stage after the formal acquisition process begins, you may seek your own professional advice such as legal or valuation advice. SRLA will reimburse reasonable costs if you engage your own legal advisor, and any other relevant professional advisor, such as your own valuer.

While landowners and tenants may choose to seek legal advice at any time prior to the start of the formal acquisition process, any fees incurred prior to a Notice of Intention to Acquire is issued will generally not be considered for reimbursement.

Can I choose not to sell my property?

If your property is identified as being required for the delivery of Suburban Rail Loop, and the project receives statutory approvals, your property or part of your property required will be compulsorily acquired. This is not an optional or discretionary process.

Once the acquisition process begins, how long does it take?

The minimum timeframes are set out in the *Land Acquisition and Compensation Act 1986* and depend on the type of property as well as the timeframes for staging of Suburban Rail Loop construction. You are encouraged to discuss your individual circumstances with the Suburban Rail Loop project team, and we will work with you as best we can.