



**SUBURBAN
RAIL LOOP**

November 2020

Land acquisition and compensation

General 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.

The scale and complexity of Suburban Rail Loop means there will be some unavoidable impacts on land, including some acquisition of 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 people and support them throughout the process. This brochure provides information about the land acquisition and compensation process.

It is important to note that project design and construction methodology is not finalised and remains subject to ongoing refinement and a planning approvals process.

It is our priority to keep the community informed about potential project impacts as they become clearer.

Further technical and design work and geotechnical investigations will help us identify specific land and property requirements. Once this work is complete, we will engage directly with affected landowners and tenants to notify them whether their property is likely to be required for the project and to provide information about next steps.

This brochure provides general information about the land acquisition and compensation process.

Key legislation

Compulsory acquisition of land is expected to be undertaken by the Department of Transport 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



**SUBURBAN
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AUTHORITY

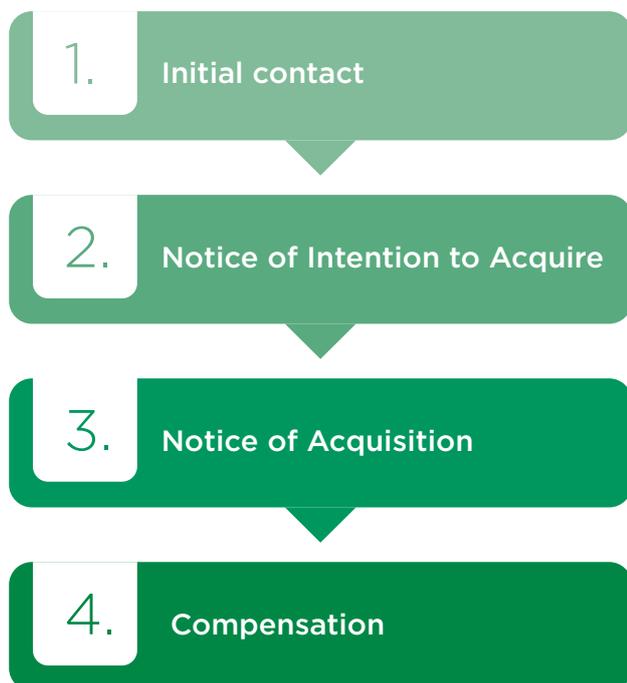


Key steps in the compulsory land acquisition process

If private land is to be acquired for the Suburban Rail Loop project, relevant landowners and tenants will be supported through the process by a Case Manager.

The acquisition process typically happens after the independent assessment process for a project is complete, planning approval is granted, and the project area is designated. SRLA is currently preparing for this assessment process with a view to obtaining planning approval in 2022.

The process generally proceeds in the following stages:



1. Initial contact

Well before any formal acquisition process begins, the Suburban Rail Loop project team will make initial contact with affected landowners and tenants to provide information about the potential for a property to be required for construction of the project. SRLA will provide as much advance notice as possible to potentially affected parties.

2. Notice of Intention to Acquire

Following an environmental assessment, statutory approvals and designation of a project area, the Suburban Rail Loop project team will contact landowners and tenants again to confirm whether or not their property is required. These processes will likely conclude by the end of 2022. If a property is required, a Notice of Intention to Acquire will be issued to formally let them know that SRLA intends to compulsorily acquire their property.

This Notice provides affected landowners and tenants time to consider their options and seek professional advice such as legal or valuation advice in order to commence negotiations with SRLA.

Owners who would prefer that SRLA acquire the land by agreement rather than waiting for the compulsory acquisition process may be able to reach agreement with SRLA on the amount of compensation at this stage of the process. Owners will not be disadvantaged by reaching agreement with SRLA, as they are entitled to the same elements of compensation as under the compulsory acquisition process.

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

3. Notice of Acquisition

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

In these circumstances the landowner will receive a Notice of Acquisition, which will also be published in the Victoria Government Gazette. The Notice of Acquisition formalises the acquisition, meaning that the landowner is 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 affected landowners. 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 affected landowners to agree the date they will need to vacate their property, wherever possible. 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, without the landowner's prior agreement.

SRLA will give affected landowners as much notice as possible of the date their land will be required.

4. Compensation

If SRLA acquires land, the landowner will be compensated. The amount of compensation will be determined in accordance with the *Land Acquisition and Compensation Act 1986*.

This means that:

- Compensation will be assessed on the basis of the market value of the land being acquired, plus any additional amounts and allowances which may apply in particular circumstances, such as the stamp duty and conveyancing costs of buying a replacement property of similar value
- Market value will be assessed by an independent property valuer based on the unaffected value of the land (that is, the land value without the disruption associated with Suburban Rail Loop being built)
- The compensation offer is based on valuations from the Valuer-General Victoria and approved by the Government Land Monitor if required
- Landowners may wish to obtain advice from a solicitor, valuer and/or other professional advisors regarding their rights in relation to SRLA's intention to acquire the land and to assist them through the acquisition process. Landowners 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
- Depending on 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 sets out the criteria that must be considered as relevant to individual circumstances and this may include the length of time the landowner has occupied the land and the inconvenience likely to be suffered

- If the landowner operates a business on the affected land, compensation may be payable for financial loss suffered to the business as a result of the acquisition. People in this category may wish to discuss this with SRLA at an early stage.
- These processes will likely conclude by the end of 2022.

Timeframes

The acquisition process typically happens after the independent assessment process for a project is complete, planning approval is granted, and the project area is designated.

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

The assessment of Suburban Rail Loop's potential impacts will include an assessment of land acquisition.

Where a property may be affected by land acquisition, SRLA will make direct contact to formally discuss the process and provide information on next steps.

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:

 suburbanrailloop.vic.gov.au

 1800 105 105 (24 hours a day, 7 days a week)

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



Interpreter Service (03) 9209 0147

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.