



The Coordinator-General

Land acquisition information brochure



The Coordinator-General coordinates sustainable development through planning implementing and regulating complex developments and projects significant to the state.

About the Coordinator-General

The role of the Coordinator-General was established in 1938 to coordinate the provision of public infrastructure and encourage the creation of jobs in post-Depression times.

The Coordinator-General administers the *State Development and Public Works Organisation Act 1971* (SDPWO Act), along with the relevant Minister. Under the SDPWO Act, the Coordinator-General has wide-ranging powers to, among other things, plan, deliver and coordinate large-scale infrastructure projects, while ensuring their environmental impacts are managed. These projects, in turn, promote economic and social development in Queensland.

Land acquisition

The SDPWO Act provides the Coordinator-General with the power to acquire and deal with land, when necessary. Land may be acquired in

order to undertake works, or to implement a development scheme or other approved purposes. The Coordinator-General can also vest the land in a relevant authority or agency once it is taken.

The Coordinator-General can purchase land or assets by contract or agreement, or compulsorily acquire land by using the processes outlined in the *Acquisition of Land Act 1967*. You can find a copy of the legislation at www.legislation.qld.gov.au.

Under the SDPWO Act, the Governor in Council may declare any part of the State to be a State development area in the interests of the public, or the general welfare of residents or for the provision of infrastructure.

The ownership of the land does not change with the declaration of a State development area. However, the Coordinator-General uses the process set out in the *Acquisition of Land Act 1967* to acquire land and/or easements within the State development area.



Methods of acquisition

If your land, or land in which you have a legal interest, is required by the Coordinator-General, you will be contacted by a representative of the Office of the Coordinator-General to discuss the requirements.

Your land can be acquired either by agreement or through a compulsory acquisition process.

Acquisition by agreement

It is the Coordinator-General's preference to negotiate to acquire land by agreement in accordance with the provisions of the *Acquisition of Land Act 1967*.

An independent valuer is engaged to prepare a compensation assessment based on current market values.

If an agreement can be reached between all parties the acquisition can take place as soon as possible.

However, agreement does not have to be reached on the compensation amount before the acquisition can take place. You can agree to the acquisition of your land and reserve your rights to have the compensation negotiated at a later time or if agreement is not reached, have it determined by the Land Court at a later date.

This agreement is referred to as an Agreement to Take Land under section 15 of the *Acquisition of Land Act 1967*.

Compulsory acquisition

If an agreement between you as the landowner and the Coordinator-General cannot be reached, the Coordinator-General may acquire property through compulsory acquisition.

The acquisition process is commenced by issuing you with a Notice of Intention to Resume (NIR).

An NIR must be in writing and must:

- state the particular purpose for which the land is required

- provide an accurate description of the land or easement required, by a lot on a plan of survey, or by means of a map referenced to cadastral boundaries (an "about plan")
- in the case of an easement to be acquired, state the rights and obligations to be imposed by the easement
- state that you may lodge an objection within a certain timeframe (at least 30 days)
- state the Coordinator-General's willingness to negotiate to acquire your land
- explain the three year time limit on claiming compensation
- explain that contracts, agreements, licences or other arrangements entered into after the service of an NIR must not be taken into account when assessing compensation if they were entered into for the purpose of allowing someone to claim compensation.

At any time during the period of the NIR, the Coordinator-General is willing to negotiate to acquire by agreement and to negotiate the amount of compensation payable if the land is taken.

Throughout the process of land acquisition, a representative of the Coordinator-General will contact you to answer your questions and assist you with the process.

You are entitled to reimbursement of reasonable legal, valuation and other professional costs associated with making a claim for compensation.

Making an objection

The NIR will outline the procedure to follow if you wish to object to the acquisition of your land. If you object, your objection must:

- be in writing
- be made on or before the date specified in the NIR, which is at least 30 days from the date of the NIR
- state the grounds for objection with supporting details



- state whether you wish to be heard in support of your objection.

Any matter relating to payment of compensation is not a ground for objection.

The Coordinator-General will consider the objection and decide whether to proceed with the acquisition in its current form, to amend the NIR or not to proceed at all.

If the Minister approves the Coordinator-General's application for the acquisition, the Governor in Council will declare the taking of the land and notify this in the Government Gazette. You will be advised of this action.

Taking of Land Notice

If the land is taken, a Taking of Land Notice is published in the Government Gazette and your interest in the land converts to a right to claim compensation. The Coordinator-General then becomes the owner of the interest in the land taken, free of all mortgages and charges over the land.

"Land" can include all of your land, part of your land, or an easement over your land, as defined in the NIR.

Seeking compensation

If your land is acquired you are entitled to compensation which is the amount of money that will be paid to you as a result of the acquisition.

From the date of publication of the Taking of Land Notice, any person with an interest in the land can lodge a claim for compensation.

Following lodgement of your written claim for compensation, you (as the claimant) can also apply in writing for an advance payment against the compensation.

You can apply for a payment of an advance against compensation at any time after the land is taken and you have lodged a claim for compensation.

Payment of an advance does not in any way affect your right to negotiate final compensation, or to have the matter determined by the Land Court.

How much compensation will be paid?

The Coordinator-General will engage an independent registered valuer to assess the amount of compensation to be offered to you.

The compensation paid should not financially disadvantage or advantage you.

If the amount of compensation cannot be agreed, either you or the Coordinator-General can refer the matter to the Land Court for determination.

The party that refers the matter to the Land Court is usually responsible for their own costs associated with the preparation and costs of the hearing. However, the Land Court will usually determine which party should pay costs.

Vacating the land

At the date of the Taking of Land Notice, the Coordinator-General becomes the owner of your interest in the land. Therefore, the Coordinator-General can take possession of the property acquired at any time after that notice.

However, where the land is not required immediately, the actual date of vacant possession of the property can be negotiated with the Coordinator-General.

If the property is acquired through agreement, a date for vacant possession would generally be set during the agreement process. In certain circumstances a landholder or lessee can arrange to continue to occupy the land for a set period of time following the acquisition, if both parties agree.

In the event an easement is taken, the Coordinator-General may enter upon the land subject to the easement and use the easement from the date of the Taking of Land Notice.



Consultants

If you engage a consultant to help you object against a proposed acquisition, these costs are your responsibility and will not be paid by the Coordinator-General.

When it comes to negotiating compensation, it is quite appropriate to engage a registered valuer and legal assistance to lodge your claim. In this regard, reasonable fees incurred will be paid in the overall compensation package.

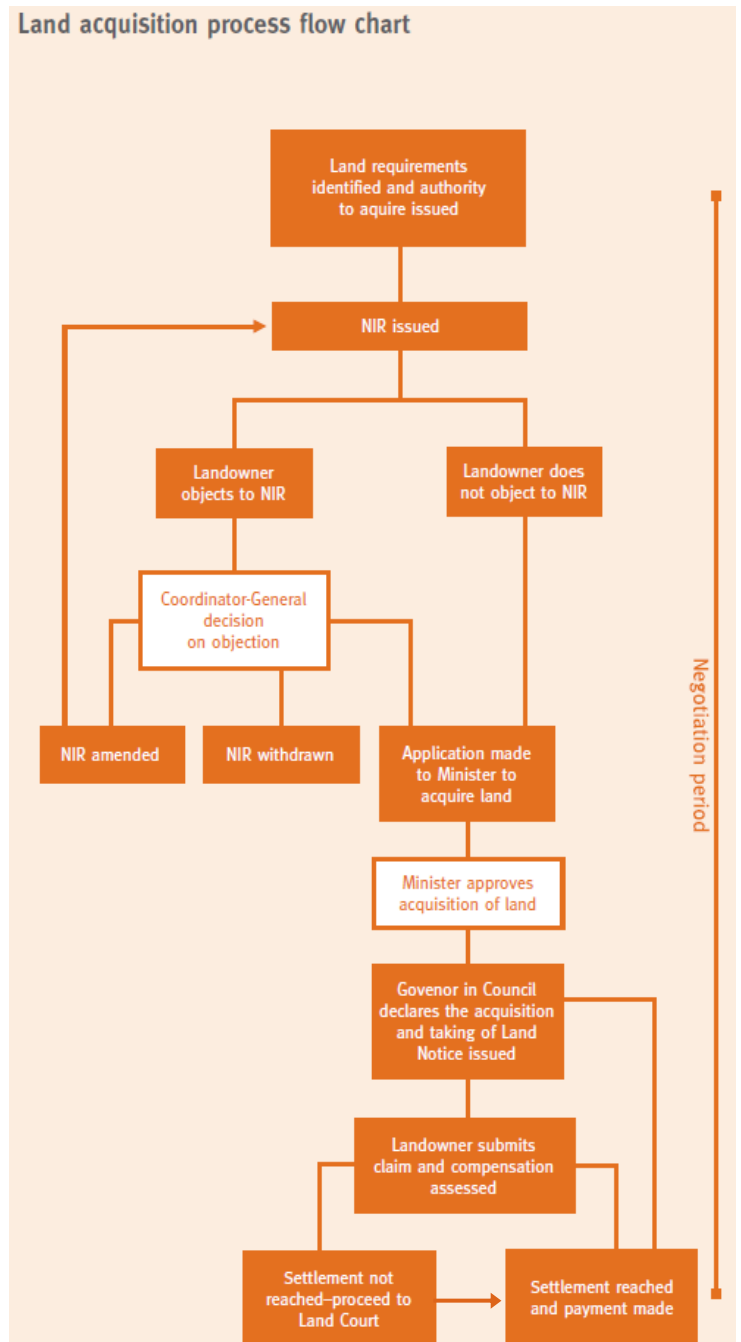
Easements

An Easement gives a right to one party to use land owned by another party for limited purposes. Registration of an easement does not transfer ownership of the land subjected to the easement.

The easement will be registered on the title in the name of the Coordinator-General and will remain as such. Future landowners will be subject to these easement conditions.

The easement will allow the Coordinator-General (or authorised licensee) to undertake all actions to enter, construct, operate and maintain what is needed for the infrastructure in the easement. The easement document will provide specific details of the actions, including the Coordinator-General's rights and obligations and any restriction on usage of the land subject to the easement by the landowner and any other interest holder.

The Coordinator-General may license third party entities to build and operate allowable infrastructure within the easement. The licence agreement will contain a land use protocol that will specify the alignment of infrastructure to be constructed within the easement area and establish conditions that will minimise construction and operational impacts of the infrastructure on the landowner.





Your contact

If your land is proposed to be taken, you will be contacted directly by a project manager assigned to the project.

Further information

If you would like more information, you can visit the following websites:

Office of the Coordinator-General

www.deedi.qld.gov.au/cg/land-acquisition.html

Queensland Land Court

www.landcourt.qld.gov.au

About the Acquisition of Land Act 1967 and State Development and Public Works Organisation Act 1971

www.legislation.qld.gov.au

Contact us

If you would like more information regarding the acquisition of land please contact us.

Write to:

The Land Acquisition and Management Branch
Office of the Coordinator-General
PO Box 15517 City East QLD 4002

Email: acquisition@deedi.qld.gov.au

Web:

<http://www.deedi.qld.gov.au/land/acquisition.html>

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