



**SUBURBAN  
RAIL LOOP  
EAST**

2022 UPDATE

# Land acquisition and compensation process

## Information for landowners and tenants

The 90-kilometre Suburban Rail Loop (SRL) 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 SRL for the Victorian Government.**

SRL will be delivered in stages over several decades. SRL East will be a twin-tunnel 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 SRL East.

The scale and complexity of SRL 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 is continuing to work with landowners and tenants with properties that will be required for SRL East to support and keep them informed throughout the process.

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*. The project area for SRL East was designated on 16 September 2022, enabling SRLA to use project delivery powers, including land acquisition.

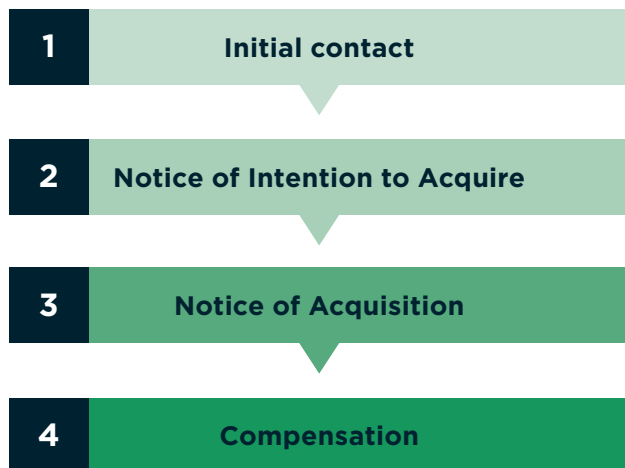
The Land Acquisition and Compensation Act ensures that property owners are fully and fairly compensated for the market value of their land.

Full versions of these Acts are available at [legislation.vic.gov.au](https://legislation.vic.gov.au)



# Key steps in the compulsory land acquisition process

If the land you own or occupy needs to be compulsorily acquired for the SRL East project, the process generally proceeds in the stages outlined below.



## 1. Initial contact

SRLA has written to affected landowners and tenants advising their properties are required for SRL East. We have been engaging with landowners and tenants since 2020, providing updates and information about next steps.

## 2. You will receive a Notice of Intention to Acquire

Now that statutory approvals and project area designation are in place, SRLA will take steps to commence compulsory acquisition of land. This will occur in a staged approach depending on when properties are required.

If your property is required, SRLA will issue a Notice of Intention to Acquire to formally advise you that SRLA intends to compulsorily acquire part or all of your property. SRLA intends issuing Notices of Intention to Acquire throughout 2023.

Once the formal acquisition process begins, relevant landowners and tenants will be supported through the process by a Case Manager. It is at this stage that you may seek your own professional advice such as legal or valuation advice in order to commence negotiations with SRLA.

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 may wish to arrange for your advisors to submit fee proposals to SRLA prior to undertaking work for you.

You may decide to sell your property to SRLA at this time, rather than waiting for the next step in the formal acquisition process. Consideration for your property may include market value of the land, reimbursement of your reasonable professional costs, property replacement and relocation costs.

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

## 3. You may receive a Notice of Acquisition

Alternatively, we will progress to the next stage which is issuing you a Notice of Acquisition following a certain timeframe.

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.

SRLA can only take possession of the land 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 always give relevant landowners and tenants as much notice as possible of the date land will be required for the project.

## 4. Compensation

If SRLA needs to acquire all or part of your land, you will be fully 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 circumstances, such as stamp duty and conveyancing costs of buying a replacement property of similar value;
- Market value is 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 SRL East being built). A compensation offer is required to be made by SRLA 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 as a result of the acquisition process after SRLA has issued a formal Notice of Intention to Acquire. 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 formal Notice of Intention to Acquire will generally not be considered for reimbursement;
- Depending on your individual circumstances, additional compensation for non-financial disadvantage, known as solatium, may be paid. Solatium is assessed as a dollar amount and is capped at 10 per cent of the land's 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.

### Opt-in early option

We want to provide maximum flexibility for affected landowners and tenants and will provide an opt-in early option for anyone who may wish to commence the compulsory acquisition process prior to SRLA issuing a Notice of Intention to Acquire.

Under this initiative, landowners and business owners have the option to start the acquisition process any time from now when it best suits their individual circumstances.

If this is something you would be interested in, please contact us on 1800 105 105 to discuss further.

### Payment

Once you have received an offer of compensation, you can request in writing that SRLA pay an advance of the offer at any time.

If you are eligible, 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 must be paid within 30 days of agreement.

# Your questions answered

## How will I know for certain that my property will be compulsorily acquired?

SRLA has written to affected landowners and tenants advising that their properties are required for SRL East. We commenced this engagement well before the formal acquisition process begins because SRLA wanted to provide plenty of notice and keep affected property owners informed as the project's design and planning progressed.

Now that we have received relevant approvals, SRLA will take steps to commence compulsory acquisition of land for the purposes of SRL East.. This will occur in a staged approach depending on when properties are required.

We intend to serve formal Notices of Intention to Acquire throughout 2023. At the same time, we will confirm the exact date a property is required and will assign a case manager to work with landowners through the acquisition process.

## Are there different types of property acquisition?

SRL East 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):**

Properties that are required for surface (above ground) construction (either all or part of a property).

### **Underground strata acquisition:**

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 SRL East being built). The assessment of market value takes into account the value of existing improvements and renovations 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 SRLA agrees these fees are reasonable, you may wish to arrange for your advisors to submit fee proposals to SRLA prior to undertaking work for you.

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

Now that we have received relevant approvals, SRLA will take steps to commence compulsory acquisition of land for the purposes of SRL East. This will occur in a staged approach depending on when properties are required.

We intend to serve formal Notices of Intention to Acquire throughout 2023.

This Notice provides you time to consider your options. At this stage after the formal acquisition process begins, 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 has been identified as being required for the delivery of SRL East, it 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 SRL East construction.

You are encouraged to discuss your individual circumstances with the SRLA, and we will seek to work with you on a mutually convenient timeframe.



# Your questions answered

## When will I receive a compensation offer?

SRLA will obtain independent valuation advice enabling compensation offers to be prepared and made within 14 days of Notices of Acquisition being published.

## Do I 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 through negotiation. 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?

We want to provide maximum flexibility for affected landowners and tenants and are providing an opt-in early option for anyone who may wish to commence the compulsory acquisition process prior to a Notice of Intention to Acquire being issued.

Under this initiative, landowners and business owners have the option to start the acquisition process any time from now when it best suits your individual circumstances. If this is something you would be interested in, please contact us on 1800 105 105 to discuss further.

## When will I need to vacate my property?

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. The first properties required for SRL East will not need to be vacated until at least mid-late 2023, with most not required until 2024 or 2025.

SRLA intends issuing Notices of Intention to Acquire throughout 2023. At this time, we will confirm the exact date your property is required and will assign a case manager to work with you through the acquisition process.

Where the land is a principal place of business or residence, SRLA will not seek to take possession of the land until at least three months following publication of the Notice of Acquisition. This timeframe is specified in the relevant legislation. 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 (which is the point when ownership transfers to SRLA).

## 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 able to proceed with plans. Once a formal 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.



## Your questions answered

### 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?

SRLA 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 SRLA.

### 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.

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

Property acquisition is a difficult but unavoidable part of projects such as SRL East. 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 also offers a free and confidential professional counselling service run by New View Psychology.

**To book an appointment, please call 1300 830 687 and quote SRLA as the project client code.**

### 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](http://suburbanrailloop.vic.gov.au)
- ✉ [contact@srla.vic.gov.au](mailto:contact@srla.vic.gov.au)
- 📞 1800 105 105 (24 hours a day, 7 days a week)

Suburban Rail Loop Authority  
PO Box 24214, 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](http://suburbanrailloop.vic.gov.au) for the latest updates.