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LawTalk Blog



Compulsory acquisition of South Road properties for Darlington upgrade project

Date: Wednesday August 20, 2014

"I want you to get on that phone right now and tell 'em where they can shove their 25 grand" Darryl Kerrigan "The Castle".

"Let's just keep our cool. We don't want to do anything stupid". Darryl Kerrigan "The Castle"

Some residents along Main South Road, Darlington have already received a letter of Proposed Acquisition from the Department of Planning Transport and Infrastructure ("**the Department**") advising them of the Departments intention to compulsory acquire their property for the North South Corridor - Darlington Upgrade Project.

The next step is that the Department will send out a Notice of Intention to Acquire Land, pursuant to section 10 of the *Land Acquisition Act 1969*. This Notice commences the formal compulsory acquisition process.

If your property is one of those affected by the compulsory acquisition by the Department for the next stage of the North South Corridor - Darlington Upgrade Project between the Southern Expressway and Ayliffes Road, it is essential that you obtain legal advice to protect your interests.

If you are the registered owner of the land or a tenant, whether as a residential tenant or a commercial tenant, of the land then you have an interest in the land and you are able to claim compensation from the Department for the acquisition of the land; that is the value of the land that is being acquired, and also for disturbance to the tenant for moving to other premises.

Legal experience and expertise in land acquisition

Andersons Solicitors have the expertise in the area of compulsory acquisition to assist you.

Toni Monteleone and the team of Commercial solicitors at Andersons can advise you and also deal with the legal issues pertaining to compulsory acquisition. Over the course of his career Toni has dealt with, and is currently dealing with *Land Acquisition Act* matters for property owners. He is currently acting for land owners, business owners and tenants that are affected by the compulsory acquisition of properties for the South Road Upgrade Project - Torrens Road to River Torrens.

Compulsory acquisition issues

Any person with an interest in land acquired has rights under the *Land Acquisition Act*. This includes not only the owner but also a mortgagee or a lessee/tenant, who is the owner of a business.

The compensation to be paid includes sums not only for the value of the real estate but also for disturbance, injurious affect to the value of the remaining land and severance. This means that owners and tenants can claim removal costs and owners can claim stamp duty on the purchase of another property and other costs.

A business owner can claim for the adverse effect on the business of relocating, including loss of goodwill. Alternatively, if the business has to close, the owner may be entitled to compensation for the value of the business and other losses.

Various arrangements may be able to be negotiated with the acquiring authority concerning the time available to vacate the property.

What about legal costs of pursuing compensation?

The acquiring authority is obliged to pay the reasonable valuation and legal costs of any person whose interest in land is acquired. This includes assistance with negotiation. Therefore the Government will pay your reasonable costs to you in obtaining this advice as well as other associated costs such as obtaining a valuation. Andersons can provide advice and assist you in this aspect.

Would you like to attend an information session?

If you are affected by the compulsory acquisition of your property then we are here to assist you. We are keen to hold an information evening, where we will discuss the issues of compulsory acquisition and answer questions you may have, at a venue close to the Darlington area.

If you are interested in attending such an information evening please register your interest by:

Telephone: Call Barbra Reid on 8238 6632

or...

Email Barbra or Toni with your contact details to:

Barbra Reid - breid@andersons.com.au

Toni Monetleone - tmonteone@andersons.com.au

You will be under no obligation after the first interview should you choose not to continue with our services.

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.