

Frequently Asked Questions

Q: Why am I not being offered more for my land?

A: We can only pay you a fair market value for the land. Independent valuers' advice to us is that the average urban size lots are currently valued at between \$500 and \$1,000. The proposed offer exceeds these amounts and thus cannot be increased.

Q: Is it true that if enough landowners do not sell, then the fragmented unsold lots will interfere with the ability to turn the land into part of Jervis Bay National Park?

A: The Project does not require a majority of lots to be acquired. All acquired lots will be declared as part of Jervis Bay National Park, irrespective of their location or fragmentation. Many lots have already been transferred to the Office of Environment & Heritage for reservation as part of the Park. The rezoning of the remaining lots as E2 by Shoalhaven City Council complement the environmental protection of the total area.

Q: What will happen if I don't sell my land?

A: Heritage Estates lots not sold under the Project will remain in private ownership. The land will continue to be rateable and potentially subject to tax.

Q: If I hold on to my land, is there a chance it will be rezoned to allow development in the future?

A: No, Shoalhaven City Council has rezoned all Heritage Estates land from its previous 'Rural' zoning to 'E2 – Environmental Conservation' which better reflects the land's biodiversity values. The land will not be rezoned in the future to allow development.

Q: Why did the Council, State or Federal Governments allow the original owner and real estate agent to sell Heritage Estates land to us in the first place?

A: No level of government has the power to prevent a person from selling their land. In any land purchase, it is up to the buyer and their legal advisors to investigate the current market value, land title, and zoning restrictions before purchase, so as to satisfy themselves of the permissible uses of the land.

Q: Is the Foundation for National Parks & Wildlife part of the government?

A: No. The Foundation for National Parks & Wildlife is an independent, not-for-profit organisation. The Foundation is funded by donations and grants. Despite the similarities in our names, the Foundation for National Parks & Wildlife is not the NSW Government-run National Parks & Wildlife Service. The Foundation's interest in Heritage Estates is to ensure that the land is protected for all time to preserve its biodiversity. The majority of the funding to purchase Heritage Estates lots was provided by the Australian Government. You can find out more about the Foundation at www.fnpw.org.au.

Q: If I hold onto my land will I be eligible for compensation?

A: This is not a compensation program. You will need to seek your own independent legal advice on the issue of compensation. The voluntary land purchase Project is only funded until 31 December 2017 and there is no guarantee that funding for the voluntary acquisition of lots within Heritage Estates will be available after this date.

Q: I have been advised that if I hold off until after the Project's final deadline, I will receive an offer of more than \$5,000, as you will be forced to buy us out. Is this true?

A: No. The Foundation must refund any unused funding for the purchase of Heritage Estates lots to the Australian Government. This is a once-off opportunity, and if you do not take advantage of it you will miss out. The Foundation is not able to increase the offer price and is not required to purchase 100% of the lots.

Q: If I sell, is there any chance that my land will be onsold and/or developed in the future?

A: No, land purchased through this Project will be added to the Jervis Bay National Park and managed for conservation in perpetuity.

Q: Other landowners have suggested that I will be able to get more money if I don't sell. Is there any truth to this?

A: The Foundation is not aware of any information that supports this claim. This Project is only funded until the end of this year with the offer remaining at \$5,000 per lot. There are no plans to repeat the offer. We strongly encourage people to seek independent legal advice about any such claims.

Q: What properties make up Heritage Estates?

A: About 1,220 lots in the Shoalhaven region that were subdivided in 1915-1916. When the Project started, 1,145 of these were privately owned and the remainder were owned by Shoalhaven City Council. The attached map shows the estate's boundaries.

Q: What is the aim of Heritage Estates Voluntary Land Purchase?

A: To provide a long-awaited solution to landowners by giving them the opportunity to sell their land so that it can be managed for conservation as part of the Jervis Bay National Park. The land will strengthen the wildlife corridor to Booderee National Park and help protect 26 threatened species including the Eastern Bristlebird and the Leafless Tongue-orchid.

Q: How much are you offering?

A: We are offering \$5,000 per lot while our funding lasts.

Q: If I own more than one lot, will you offer to buy each of them at that price?

A: Yes. The price is per lot.

Q: How was the offer price determined?

A: The offer is designed to be a fair and reasonable price for the land, taking into account its market value. Recent valuations put the value of a standard lot at between \$500 and \$1,000, and this offer is well above that.

Q: Is the offer price negotiable?

A: No. The offer is a 'one-off' offer. The amount of funding available to purchase the lots is finite and the offer amount is fair and reasonable, given the current market value.

Q: When does the offer run out?

A: You must have accepted the offer by 5pm on 31 December 2017 so that the paperwork can be finalised and the transfer form signed by 5pm on 28 February 2018.

Q: How do I take up the offer?

A: Complete the *Offer to Sell* form and return it to us by mail, email or fax. If you need another copy of the form call us on 1300 780 143 or email rdelfino@fnpw.org.au. The form creates no legal obligation on you or us. It is just a registration of interest.

Q: What happens next?

A: We will send you a confirmation letter and a Transfer Document. To finalise the sale, you will need the signed Transfer Document, your title deed and a Discharge of Mortgage (if applicable). You will also need to follow the instructions in the confirmation letter.

Q: How will outstanding rates, land tax and mortgage balances be treated?

A: As per normal conveyancing practice, you will need to pay any outstanding amounts at the time of sale. If you have a mortgage, you must arrange with your financier to repay the amount required by them for you to hand over a Discharge of Mortgage on settlement. You can pay any of these amounts by using the payment you will receive for the land.

Find more information on Land Tax at www.osr.nsw.gov.au/taxes/land/.

Get information on rates from the Rates Department of Shoalhaven City Council on 02 4429 3111.

Q: What if I can't find my title deed?

A: Complete the relevant question on the *Offer to Sell* form. We will let you know what other documents can be used to prove your ownership of the property. If you have a mortgage over the land, then your financier probably has the original title.

Q: What if a registered owner has died?

A: The number of original owners that are still registered on title and how the title was originally held will determine what documents are required. Call us on 1300 780 143 or email rdelfino@fnpw.org.au for details.

Q: Can I change my mind after giving you the *Offer to Sell*?

A: Yes, at any time up until settlement. You are under no obligation to sell until you deliver the signed Transfer Document, and we transfer the money to you.

Q: Do I need to hire a lawyer?

A: As with any land sale, you may wish to seek your own independent legal advice. The Foundation cannot give you legal or financial advice.

Q: What if I don't want to sell?

A: You don't have to. Participation in the Project is strictly voluntary. However, we encourage you to think about it as this is a 'one-off' opportunity that is only available until 31 December 2017.

Q: Why can't my land be developed or rezoned for development?

A: The land was zoned 'rural' in 1964, which prevented it from being developed. It provides habitat for many threatened species some of which are protected under State and Australian Government biodiversity laws. This means it cannot be rezoned for development. This was confirmed in 2009, when the then Federal Minister for the Environment rejected a proposed rezoning due to unacceptable impacts on threatened species and on Commonwealth land (Booderee National Park located on the southern peninsula of Jervis Bay). For details on the 2009 rezoning decision, go to www.shoalhaven.nsw.gov.au.

Q: What will happen to my land if I sell it?

A: The land title will transfer to the NSW Minister for the Environment who is administering the *National Parks & Wildlife Act 1974*. The land will be added to Jervis Bay National Park to be managed by the NSW National Parks & Wildlife Service.

Q: If I don't sell, will my land be acquired under the *Land Acquisition (Just Terms Compensation) Act*?

A: This is not a compensation program and there is no proposal for your land to be acquired under the *Land Acquisition (Just Terms Compensation) Act*.

Q: Are there other examples of voluntary land purchase projects?

A: Yes, both in Victoria:

- 90 Mile Beach, Victoria: Wellington Shire Council is buying lots for \$1,500. For details go to www.wellington.vic.gov.au/Developing-Wellington/Planning-Projects/Ninety-Mile-Beach-Plan.
- Northern entrance of the Geelong River: Greater Geelong Council is buying rural-zoned lots in a paper subdivision for \$2,500.

Q: Why will the land be added to Jervis Bay National Park?

A: The land has very high biodiversity values, but the many separately owned lots make it difficult to manage problems such as dumping and trail bike riding. The voluntary land purchase project gives owners a way to realise some value out of their land, and it allows the land to be managed for conservation as part of the existing national park.

Q: What will happen to the land in the future?

A: Shoalhaven City Council has rezoned all Heritage Estates land from its previous 'Rural' zoning to 'E2 – Environmental Conservation' which better reflects the land's biodiversity values. The land will not be rezoned in the future to allow development.

Q: Who is managing the voluntary purchase process?

A: The Foundation for National Parks & Wildlife. You can call us on 1300 780 143 or email rdelfino@fnpw.org.au.

Q: Who is providing the money?

A: All levels of government have come together with the Foundation to provide this solution. The Australian Government is providing funding of \$5,493,400. The State Government will provide ongoing management of Heritage Estates for conservation as part of Jervis Bay National Park. The Council will transfer all Council-owned land to the State Government. The Foundation is contributing \$60,000.

Q: How can I find out more?

A: Call the Foundation on 1300 780 143 and ask to speak to an officer about the Heritage Estates Project. Or email us at rdelfino@fnpw.org.au. Or visit www.fnpw.org.au/projects/heritage-estates-overview

For details on the zoning and planning history, visit Shoalhaven City Council's website: www.shoalhaven.nsw.gov.au/PlanningampBuilding/Strategicplanning/PaperSubdivisions.aspx

Disclaimer: *These FAQs provide general information only. They are not legal or financial advice. They do not give information about specific properties. You should consider them in the context of your specific circumstances. These FAQs may help you decide if you wish to make an Offer to Sell. We encourage you to obtain legal and/or financial advice. Do not rely solely on the information in this mailing.*

The Voluntary Heritage Estates Land Project is a partnership initiative of:



Australian Government



**Office of
Environment
& Heritage**



**Foundation for
National Parks
& Wildlife**