



Department of Environment, Land, Water and Planning

8 Nicholson Street
East Melbourne, Victoria 8002
DX 210098
delwp.vic.gov.au

BY REGISTERED POST

Phillip Storer
Chief Executive Officer
Boroondara City Council
Private Bag 1
Camberwell VIC 3124

Dear Phillip Storer

**Proposed acquisition for the Sandbelt Parklands (Parklands) by the Minister for Environment and Climate Action - Notice of Intention to Acquire
Land proposed to be acquired: Partial acquisition of 654-718 Clayton Road, Clayton South VIC 3169, being Reserve No. 1 on proposed Plan of Subdivision 904624V and being part of Lot 1 on Title Plan 254522M contained in Certificate of Title Volume 05720 Folio 817 (Property)**

We refer to our recent correspondence regarding the proposed acquisition of the Property. We are writing to advise that the Minister for Environment and Climate Action (**the Authority**) has since determined to proceed with the compulsory acquisition of the Property to ensure that the Parklands can be delivered to the community.

We confirm that the Department of Environment, Land, Water and Planning (**DELWP**) is delivering the Parklands on behalf of the Authority.

Notice of intention to acquire (Notice)

The Notice is issued jointly to Whitehorse City Council (ABN 39 549 568 822), Glen Eira City Council (ABN 65 952 882 314), Stonnington City Council (ABN 67 688 032 530), Monash City Council (ABN 23 118 071 457) and Boroondara City Council (ABN 83 441 314 965) (**the Councils**) as tenants in common of the Property.

The *Land Acquisition and Compensation Act 1986 (Vic)* requires us to provide you with formal documents outlining the process on how the Property will be compulsorily acquired. We therefore **enclose** the following documents by way of service:

1. Form 1 - Notice of intention to acquire dated 5 August 2022;
2. Proposed Plan of Subdivision 904624V; and
3. Form 4 - Statement of principal rights and obligations to accompany notice of intention to acquire interest in land (**Statement**), which provides information in respect of the Notice.

Costs and expenses

As outlined in paragraph 12 of the Statement, you may claim reimbursement of reasonable legal, valuation and professional expenses that you necessarily incur by reason of the acquisition of the Property.

Offer of compensation

The Authority is obtaining independent valuation advice regarding the market value of the interest in the Property. The valuation will disregard the effect that the proposed acquisition has upon the value of the Property. Market value forms one of the components of the offer of compensation that will be made to you after the Property has been acquired. This occurs when a notice of acquisition is published in the Victoria Government Gazette, which is likely to be in **October 2022**.

You may be contacted by representatives from valuation firms and other consultant firms engaged by DELWP to inform the valuation to make suitable arrangements to inspect the Property. Your co-operation in facilitating access to the Property when sought by the valuer and/or other consultants would be greatly appreciated.

Further information

In the meantime, please provide us with the information requested in the Notice. In particular, we draw your attention to the request that you supply information which would be relevant to the assessment of compensation in respect of the acquisition of any interest in the Property, including:

1. information relating to any proposed development of the Property and/or occupation of the Property including any prepared plans for the purpose of obtaining a building permit, approval or a planning permit applying to all or any part of the Property; and
2. the name of any other person who has, or you think may have, an interest in the Property (such a person might be an occupier of the Property, a tenant, a mortgagee or a person to whom you have agreed to sell the Property, or part thereof).

Possession of the Required Land

You will see from the Notice that the Authority is seeking possession of the Property in October 2022. We will let you know if this date changes and will also provide formal notice of possession at the required time.

The Authority may consider an alternative date for vacant possession where special circumstances apply.

DELWP, on behalf of the Authority, will diligently endeavour to obtain agreement with you or the occupier as to the terms on which it will enter into possession of the Property.

Your privacy

To satisfy the requirements of the *Privacy and Data Protection Act 2014 (Vic)*, you are advised that:

- 1 personal information obtained will be used in connection with the assessment of the compensation;
- 2 the personal information and details of your dealings with the Authority and/or DELWP in respect of this matter may be disclosed to other Government departments, instrumentalities and the Authority and/or DELWP's contractors as may be necessary in connection with this assessment;
- 3 you may gain access to the personal information provided access is not prohibited by law; and
- 4 if all or part of the information requested is not provided, it may lead to delays or reductions in the sum payable.

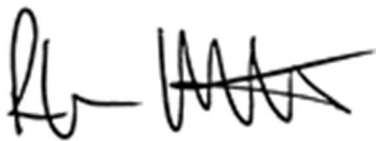
The information you supply will be treated in confidence and used to inform the offer of compensation for your interest in the Property.

We understand that Daniel Freer, Director of Places and Spaces, Boroondara City Council is your nominated point of contact. Can you please confirm that Daniel Freer remains your nominated point of contact?

We understand that Barnaby McIlrath of PE Law is your legal representative in relation to this matter. Can you please confirm if Mr McIlrath is acting on behalf of some or all of the tenants in common of the Property? Once confirmation of your legal representation is provided, DELWP will instruct its legal representatives, Clayton Utz, to contact your legal representatives to discuss this matter going forward.

Should you have any questions in relation to this letter, please contact Cindy Wood, Sandbelt Project Lead on 0458 793 819 or Joanne Lee, Senior Project Officer on 0436 859 346 or via email at sandbeltparklands@delwp.vic.gov.au.

Yours faithfully



Peter Laslett
Director of Suburban Parks Program
Date: 5 August 2022

Enclosure(s)

Form 1 - Notice of Intention to Acquire
Form 4 - Statement
Proposed Plan of Subdivision 904624V

Copy to:

By registered post:

Simon McMillan
Chief Executive Officer
Whitehorse City Council
Locked Bag 2
Nunawading VIC 3131

Rebecca McKenzie
Chief Executive Officer
Glen Eira City Council
PO Box 42
Caulfield South VIC 3162

Jacqui Weatherill
Chief Executive Officer
Stonnington City Council
PO Box 58
Malvern VIC 3144

Dr Andi Diamond
Chief Executive Officer
Monash City Council
PO Box 1
Glen Waverley VIC 3150

By email:

Barnaby McIlrath, PE Law, barnabym@pelaw.com.au

Daniel Freer, Director of Places and Spaces, Boroondara City Council,
Daniel.Freer@boroondara.vic.gov.au