



## Maddocks

Lawyers  
Collins Square, Tower Two  
Level 25, 727 Collins Street  
Melbourne VIC 3008  
Australia

Telephone 61 3 9258 3555  
Facsimile 61 3 9258 3666

info@maddocks.com.au  
www.maddocks.com.au

DX 259 Melbourne

### Email Letter

**From**  
Terry Montebello

**Direct**  
03 9258 3606

**Date**  
16 December 2019

**Email**  
terry.montebello@maddocks.com.au

**To**  
Craig MacDougall  
DLM:ALS:170443

**And To**  
Mark Egan  
1900353

**Organisation**  
Rennick & Gaynor  
Solicitors

Victorian Government  
Solicitor's Office

**Email**  
craigm@rennicks.com.au

mark.egan@vgso.vic.gov.au

Our Ref TGM:7824892

Dear Mr MacDougall

**Mitchell Shire Council (Council)**  
**4 Lithgow Street, Beveridge VIC 3753 (Land)**  
**CDH Properties Pty Ltd**

We refer to your letter of 26 September 2019, a copy of which was sent to the Victorian Government Solicitor's Office (**VGSO**) on behalf of the Victorian Planning Authority. As above, this letter has also been copied to the VGSO.

Your letter makes the following request on behalf of your client, the owner of the above Land:

We have been instructed to request the Victorian Planning Authority and/or Mitchell Shire Council to purchase the Property on the basis that the designation of the Property in the Planning Scheme as being required for a public asset, namely a sports reserve, has caused and will continue to cause our client financial hardship.

Council does not agree to this request.

As you may be aware, the Land is identified as public purpose land under the incorporated Beveridge Central Infrastructure Contributions Plan, July 2019 (**ICP**), forming part of Open Space Project SR-01 (Sports Reserve: Lithgow and Patterson Street). Because it is inside the boundary of the ICP, it is therefore *inner public purpose land*.

The staging for ICP Project SR-01 is identified as being in the *short to medium* term. This means the expected timing for delivery of the project is up to 10 years. At present, the ICP plan area is at a very early stage of its development. There is no immediate need for Project SR-01 to be delivered at this time, so Council does not see a need to seek the early provision of the Land for purposes of the project

Council is the collecting agency and the development agency under the ICP. As such, Council is empowered to compulsorily acquire the Land under s 172D of the *Planning and Environment Act 1987* if and when Project SR-01 is needed.

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The *parcel contribution percentage* applying to the Land is greater than the *ICP land contribution percentage* as set out in the ICP. Accordingly, your client (or its successor in title) will be entitled to a *land credit amount* in respect of the Land if and when it is provided to Council or compulsorily acquired. The value of that *land credit amount*, as at the date of the ICP, is \$3,913,041.80.

Council may consider requesting the provision of the Land from your client once the ICP plan area has reached a more mature stage of its development and the proper planning of the precinct requires Project SR-01 to be delivered. However, it would be premature for Council to make that request at this time.

If there is anything you wish to discuss in relation to this matter, please contact David Litwin on **9258 3766**.

Yours faithfully

Terry Montebello  
Partner