



6 August 2014

EAST WEST LINK PROJECT (EASTERN SECTION)
[REDACTED]

I refer to recent correspondence regarding inclusion of the property you occupy, located at [REDACTED] Collingwood, in the Project Area for the East West Link Project - Eastern Section (**the Project**).

As you are aware, properties located within the Project Area are required for the purposes of the Project. I am writing to advise you that Linking Melbourne Authority (LMA), as Project Authority, intends to acquire your interest in the property in accordance with the provisions of the *Land Acquisition and Compensation Act 1986* (the LACA), as modified by the *Major Transport Projects Facilitation Act 2009*.

Notice of Intention to Acquire

The LACA requires that the acquisition process commence with service of Notices of Intention to Acquire all interests in the property, including your interest as occupant/s. Please find enclosed a Notice of Intention to Acquire for your interest in the property, together with a Statement which sets out your principal rights and obligations.

Property Valuation

LMA has sought valuation advice to assist in determining whether you have a compensable interest in the property. LMA's valuers will contact you shortly to arrange a suitable time to undertake an inspection of the property, assuming these arrangements have not been made with you already. Your co-operation in facilitating access to the property when sought by the valuers would be appreciated.

Professional Advice & Expenses

As outlined in paragraph 11 of the attached Statement you are entitled to seek the assistance of a solicitor or other professional adviser. It is recommended that before formally engaging an adviser, you arrange for them to discuss their proposed fee with LMA.



The Next Steps

The Notice of Intention to Acquire requires that you provide LMA with further information and your co-operation in supplying this information would be greatly appreciated. In particular, should the property be subject to a lease, it would be of assistance if you would provide a copy of this lease to LMA at the earliest opportunity.

This information is of importance in assessing the compensation that may be payable for the proposed acquisition of the property. It will also assist in identifying all other persons that may hold an interest in the property, which may need to be notified of the proposed acquisition.

It is anticipated that LMA will proceed to the next stage of the acquisition process by publishing a Notice of Acquisition in the Government Gazette in October 2014, compulsorily acquiring all interests in the property. LACA provides that an offer of compensation will be made to you within 14 days after this time.

It is expected that LMA will not require physical possession of the property until 3 August 2015, although you may vacate the property earlier should you wish. Arrangements for possession will be made nearer the time possession is required.

Your Personal Information

In order to satisfy the requirements of the *Information Privacy Act (Vic) 2000*, you are advised that:

- Personal information collected by LMA will only be used in connection with the proposed acquisition of the property and the assessment of compensation.
- LMA may need to disclose personal information to other Government agencies and/or LMA's consultants or contractors as necessary to contact you and to assess compensation.
- Details of your address and interest in the property may have been sought through your Council Rates Office, the Registrar of Titles, Company searches, the White Pages and internet searches of other publicly available documents.

Further information including LMA's privacy statement, privacy principles and how to gain access to information we hold on you can be obtained from:
www.linkingmelbourne.vic.gov.au.

Should you have any questions or would like to meet to discuss the acquisition process or the Project in greater detail, then please do not hesitate to contact David Willmott on 8681 4555 or by email: david.willmott@linkingmelbourne.vic.gov.au.

Yours sincerely,



Greg Holland
Director Property Services



If you require the assistance of an interpreter please phone (03) 9280 0753

FORM 4

S. 8(2)
Reg. 10

STATEMENT TO ACCOMPANY NOTICE OF INTENTION TO ACQUIRE INTEREST IN LAND

1 What is a notice of intention to acquire land?

The attached NOTICE OF INTENTION TO ACQUIRE informs you that the Linking Melbourne Authority intends to acquire your interest in the land described in that notice.

The Linking Melbourne Authority has the power to acquire compulsorily or by agreement your interest in the land because of the **Major Transport Projects Facilitation Act 2009**.

In acquiring your land the Linking Melbourne Authority must follow certain steps set out in the **Land Acquisition and Compensation Act 1986**.

Your land has either been reserved for a public purpose or the **Land Acquisition and Compensation Act 1986** permits the Linking Melbourne Authority to acquire your land without reservation.

In the case of your land, the land is, pursuant to section 118(2) of the **Major Transport Projects Facilitation Act 2009**, taken to have been reserved under a planning instrument for a public purpose for the purposes of section 5 of the **Land Acquisition and Compensation Act 1986**.

2 What does the notice do?

The notice informs you that the Linking Melbourne Authority requires your land and at this stage intends to acquire it compulsorily or by agreement from you.

The notice is not an offer or agreement to buy the land and it does not mean that the Linking Melbourne Authority will definitely acquire the land.

3 What you cannot do with the land

Now that you have received the notice you must not, unless the Linking Melbourne Authority gives you permission—

- sell the land or any part of the land;
- give anybody any interest in the land;
- put any lasting improvements (such as a house or dam or swimming pool) on the land.

But a person to whom you owe money under a mortgage for the land can still, if you don't pay that person as you are required, exercise any rights. Any mortgage may be discharged by you if you wish.

4 You have been asked for certain information

You will see that the notice asks you to give the Linking Melbourne Authority certain information. This information will help the Linking Melbourne Authority work out who is to be compensated for the land and how much compensation should be paid.

5 You may sell the land to the Authority by voluntary agreement

If you wish to sell your interest in the land to the Linking Melbourne Authority by agreement rather than wait for the Linking Melbourne Authority to take the next step in the acquisition, you may be able to come to an agreement with the Linking Melbourne Authority as to the compensation to be paid for the land. If you want to do this, you should contact

David Willmott on 8681 4555 or email david.willmott@linkingmelbourne.vic.gov.au. If you do not want to do this, the Linking Melbourne Authority may take the next step towards acquiring the land.

In most cases the Linking Melbourne Authority must wait for 2 months before taking the next step which is giving you a notice of acquisition. (This notice must also be published in a newspaper and in the Government Gazette).

You do not have to wait for this if you wish to sell to the Linking Melbourne Authority.

6 Compensation

If the land is acquired by agreement or compulsion by the Linking Melbourne Authority you may be able to claim compensation.

The amount of the compensation may include a sum for certain things which have affected you or the land as a result of the acquisition, for example, the special value of the land to you or losses you suffer because the Linking Melbourne Authority will not permit you to build on the land.

The compensation may also include an amount for some disadvantage or loss which cannot be assessed purely in terms of money.

You may also be able to claim compensation even if the Linking Melbourne Authority does not proceed to acquire your interest in the land.

7 The notice may lapse

The Linking Melbourne Authority may give you a notice of acquisition after 2 months but must do so within 6 months unless you agree that the Linking Melbourne Authority may have more time.

8 The notice can be amended

If any of the information on the notice concerning your interest or the description of the land is wrong, the Linking Melbourne Authority can amend the notice if you agree. The notice will then still be effective.

9 The notice can be cancelled

The Linking Melbourne Authority can cancel the notice. If this happens, you will be told what this means.

10 If you received an earlier notice

If you received an earlier notice which lapsed or was cancelled, the new notice does not affect your right to make your claim within 2 years of the day on which the earlier notice lapsed or was cancelled.

11 Professional advice and expenses

As the process of acquisition can be complicated, you may consider obtaining the help of a solicitor, valuer or other professional adviser. Reasonable expenses which you have to pay because of the acquisition of your interest in the land will be paid by the Linking Melbourne Authority.

FORM 1

Ss 6 and 8(1)(a)
Reg. 7

NOTICE OF INTENTION TO ACQUIRE

To:

[REDACTED]
[REDACTED]

And all other parties holding an interest in the land described below.

The Linking Melbourne Authority intends to acquire an interest in the following:

Land: The whole of the land contained within Certificate of Title Volume [REDACTED] Folio [REDACTED] being the property known as [REDACTED] Collingwood.

Interests to be acquired: Freehold together with all other interests held in the Land.

The Linking Melbourne Authority thinks that the land is suitable for the purpose of constructing the East West Link Project (Eastern Section) as the land is within the 'project area' for the East West Link Project (Eastern Section) within the meaning of the **Major Transport Projects Facilitation Act 2009**.

Pursuant to section 118(2) of the **Major Transport Projects Facilitation Act 2009**, the land is taken to have been reserved under a planning instrument for a public purpose for the purposes of section 5 of the **Land Acquisition and Compensation Act 1986**.

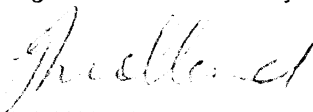
At the present time it is expected that the Linking Melbourne Authority may require possession of the land on approximately 3 August 2015. This date may change.

The Linking Melbourne Authority requires you to provide it with information about the following -

1. The name of any other person who has, or you think may have, an interest in the land. (Such a person might be a tenant or a mortgagee or a person to whom you have agreed to sell the land.)
2. If you have a current building permit or approval or a planning permit concerning the land.
3. If you have sold or let or in any other way dealt with the land or were intending to deal with the land immediately before you received this notice.
4. If you know of any other person proposing to do any of those things mentioned in paragraph 3.
5. Any other matters of which you are aware which will help the Linking Melbourne Authority to work out what compensation you should receive for the land. (This information may include details of any mortgage, lease or other arrangement affecting the land. If you claim financial loss, please provide financial documents and other records to substantiate all losses. All documents provided will be treated in confidence).

For and on behalf of the Linking Melbourne Authority

Signed:



Name:

Greg Holland, Director Property Services

Date:

6 August 2014

LMA Reference: [REDACTED]

File Number: [REDACTED]