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| Ninety Mile Beach  Compulsory Acquisition fact sheet |
| Acquiring the undevelopable land at Ninety Mile Beach for public ownership and management |

The Department of Energy, Environment and Climate Action (DEECA), on behalf of the Victorian Government, is compulsorily acquiring privately-owned, vacant, undevelopable land in the Ninety Mile Beach subdivisions.

Undevelopable land at Ninety Mile Beach

The Ninety Mile Beach subdivision is a 25-kilometre strip of land located between Bass Strait and Lake Reeve that extends north of the Honeysuckles to Paradise Beach.

The land was subdivided into about 11,800 small lots from 1955 to 1969 before the introduction of planning controls.

Much of the area is inappropriate for development because of flooding, erosion, bushfire risk, lack of services and inaccessibility.

Environmental studies have also confirmed that the land should not be used for residential development because of its high conservation values.

### Victorian Ombudsman’s investigation

Since June 2011, Wellington Shire Council has made significant progress towards a long-term solution for the Ninety Mile Beach subdivisions. This was achieved through voluntary assistance/transfer schemes. Compulsory acquisition of undevelopable land was undertaken where landowners could not be identified after thorough searches.

In 2019, the Victorian Ombudsman investigated the situation at Ninety Mile Beach. In their [report](https://www.ombudsman.vic.gov.au/our-impact/investigation-reports/investigation-into-wellington-shire-councils-handling-of-ninety-mile-beach-subdivisons/), the Ombudsman recommended that DEECA work with Wellington Shire Council to facilitate a program of compulsory acquisition of privately-owned undevelopable land in the Ninety Mile Beach subdivisions. The Minister for Environment accepted this recommendation and decided to acquire the land. DEECA, on behalf of the Minister, is working with Wellington Shire Council to achieve this.

### Program overview

In mid-2023, DEECA is commencing compulsory acquisition of the privately-owned vacant, undevelopable land in the Ninety Mile Beach area.

These lots provide the most public benefit, such as increasing recreational opportunities and protecting cultural and environmental values.

Landowners affected in this stage will be contacted before compulsory acquisitions begin.

Land with an existing dwelling will not be affected by this compulsory acquisition program.

Once acquired, the land will be managed consistently with the adjacent Gippsland Lakes Coastal Park for protection and public enjoyment. A small number of lots may be reserved for public purposes such as public utilities, road reserves and other community uses.

#### Compulsory land acquisitions explained

This section outlines the process involved with the compulsory acquisition of land and is intended as a general introduction only — you may wish to seek

professional legal advice regarding your specific circumstances.

The Victorian Government can acquire private property for certain purposes under the *Land Acquisition and Compensation Act 1986*. When your land is compulsory acquired, the process generally follows the steps outlined in the table below.

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| Steps | Details |
| **Step 1**  Notice of Intention to Acquire (NOITA) | DEECA will formally start the acquisition process by serving you with a Notice of Intention to Acquire (NOITA). This notice is given to you as the landowner and to any other interested parties (for example, parties managing mortgages or easements)  The notice will ask you to give DEECA information regarding the land so we can work out who is to be compensated and how much compensation should be paid. |
| **Step 2**  Notice of Acquisition  (NOA) | A Notice of Acquisition (NOA) will be published in the Victoria Government Gazette a minimum of 2 months after issuing the NOITA.  Legal ownership of the land is transferred once the NOA has been published.  DEECA will give you notice of its intention to take possession of the acquired land. |

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| **Step 3**  Possession of the acquired land | Taking possession involves assuming actual control, management and responsibility for the land.  This means you will no longer be able to use this land.  We will work with you to agree on the terms of possession and will give you as much notice as we can during this process. |
| **Step 4**  Offer of compensation and payment | DEECA will obtain a valuation of your land from an independent valuer appointed by the Valuer General to determine the amount you will be offered in compensation.  DEECA will make you a compensation offer within 14 days of the publication of the NOA.  If you are unsatisfied with your compensation offer, you may dispute it. |

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Contact us

If you have a query or require more information, please contact the Ninety Mile Beach program team via:

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