**Ninety Mile Beach Compulsory Land Acquisition FAQs**

**Q1. What land is being acquired?**

Privately owned, vacant land in the Ninety Mile Beach area that cannot be developed because planning controls have identified these lots are at risk of flood, fire or erosion.

Lots with the highest environmental or cultural value will be acquired first.

You can find out more information and view maps at: [www.marineandcoasts.vic.gov.au/ninetymilebeach](http://www.marineandcoasts.vic.gov.au/ninetymilebeach)

**Q2. When is the land being acquired?**

Compulsory acquisition will start in mid-2023.

If you are a landholder, the Department of Energy, Environment, and Climate Action (DEECA) will contact you about the program and inform you when your land is ready to be acquired. The process is slow: it may take several years for all the lots to be acquired, as they must be worked through in batches. We will keep you informed as the program progresses.

**Q3. Why is the land being acquired?**

This land is at risk of flooding, erosion, and/or bushfire. Planning controls prohibit development of this land because of those dangers.

Additionally, the land is important for environmental reasons, and it may contain cultural heritage sites that require protection.

Acquisition will allow the undevelopable land to be managed and also protected for cultural values, environmental conservation and public use.

**Q4. Why is it compulsory, not voluntary?**

The decision to move to compulsory acquisition was reached after a 2019 investigation by the Victorian Ombudsman.

The Ombudsman’s report concluded that following all efforts to voluntarily acquire the land, compulsory acquisition was required to complete the acquisition. It was decided that government acquisition of the land was the solution that would provide the most benefit to the public, the environment, Traditional Owners, and the landholders. The report identified state government as the most appropriate body to manage this process, which is why DEECA (formerly DELWP) has taken over the process from Wellington Shire Council.

The Victorian Ombudsman’s final report statement:

*“…it is my firm view that this long-running saga must be brought to an end, and the only way this will happen is if the land that cannot ever be developed is acquired, in the public interest, for the benefit of all.”*

You can access the Ombudsman’s report [here](https://www.ombudsman.vic.gov.au/our-impact/investigation-reports/investigation-into-wellington-shire-councils-handling-of-ninety-mile-beach-subdivisons/).

**Q5. Why was the land sold if it** **can’t be developed?**

As the land was first offered for sale in the 1950s and the developers have long since disappeared, it is difficult to know exactly what the circumstances were that allowed this to happen. However, the minimal planning oversight of the times and how the land was represented by the developers were likely key factors.

Since then, laws around planning and use of land have become far more robust to protect buyers and the environment… but sadly, the situation of the 90 Mile Beach landholders is not something that the government is able to reverse.

DEECA will work with affected landholders to provide certainty and a resolution to this long-standing issue and ensure the land is used for the benefit of the environment, Traditional Owners and the Victorian public.

**Q6. How much will I be compensated?**

Compensation amounts will be determined through a land valuation, overseen by the Valuer-General Victoria, in accordance with the *Land Acquisition and Compensation Act 1986*. The value of the land is likely to be low as it cannot be developed.

In the past, the council offered landowners $1,500 per single lot in both the Between Settlements areas and in the Coastal Dunes, based on advice from the Valuer-General Victoria. Flood-prone lots were valued at $100.

The compensation offer will be issued within 14 days of the Notice of Acquisition being published. A Certificate of Valuation from the Valuer-General will be included with the offer.

**Q7. What if I am not happy with the compensation?**

If you are not satisfied with your compensation offer you may begin a Disputed Claims process. Information on this process will be provided with your offer.

**Q8. Is Wellington Shire Council still refunding rates paid on undevelopable land?**

Yes. Please contact the Council directly about refunding rates and charges made on undevelopable land since 2006. You can contact the Council [here.](https://www.wellington.vic.gov.au/contact-us)

**Q9. Is there a way to keep my undevelopable land?**

No. The Victorian Ombudsman has recommended the State to compulsorily acquire the privately owned, undevelopable land at Ninety Mile Beach. The Minister for Environment, as the responsible authority, has directed DEECA to implement this recommendation.

**Q10. Do I need legal representation?**

Legal representation is not required, but you may seek legal advice to help you understand your rights and responsibilities. Reasonable legal costs may be reimbursed after itemised invoices are reviewed by DEECA. You can contact DEECA for more information [here](https://www.deeca.vic.gov.au/our-department/contact-us).

**Q11. What if I want to sell my land voluntarily now?**

Currently, we only have funding to acquire priority foreshore lots that will provide the most public benefit. If you’d like to register your interest in selling sooner, you can contact the project at 90Mile.Beach@delwp.vic.gov.au .

**Q12. I have a house in 90 Mile Beach. Does compulsory acquisition apply to me?**

No. Only vacant land that is zoned as inappropriate for development is affected. Your house will not be affected by this compulsory acquisition.

**Q13. What will happen to the land once acquired?**

Acquired land will be reserved for conservation purposes or public use (for example, nature reserves and recreation). The land will not be re-sold for development. Once acquired, most of the land will be managed consistently with the neighbouring Gippsland Lakes Coastal Park. Some of the land may be more suited for council managed land, road reserves and other utilities, and local community uses.

**Q14. What** **is the Gippsland Lakes Coastal Park?**

The Gippsland Lakes Coastal Park stretches along the Ninety Mile Beach from Seaspray to Lakes Entrance and incorporates an interconnected area of wetlands and small islands, coastal dune systems, woodlands and heathlands. It is an area of high environmental and cultural value.

The park spans approximately 17,600 hectares and is one of the parks jointly managed by the Victorian Government in equal partnership with the Gunaikurnai Land and Waters Aboriginal Corporation (GLAWAC). It offers a range of recreation activities, including camping, boating, fishing and walking tracks.

The park is managed as a national park and a coastal park under the National Parks Act 1975 (Vic).

You can find out more on Parks Victoria’s [webpage](https://www.parks.vic.gov.au/places-to-see/parks/gippsland-lakes-coastal-park) or the Gunaikurnai Land [webpage](https://gunaikurnai.org/wp-content/uploads/2021/04/GKJMP_10_Lakes.pdf).

**Q15. Where can I find more information on the 2019 Victorian Ombudsman report?**

You can read the Ombudsman’s report [here.](https://www.ombudsman.vic.gov.au/our-impact/investigation-reports/investigation-into-wellington-shire-councils-handling-of-ninety-mile-beach-subdivisons/) There is also a short video that can be accessed from the main page.

**Q16. Who can I talk to or where can I go for more information?**

If you want to talk to someone or have more questions, you can call DEECA’s call centre at **136 186** or email the project directly at 90Mile.Beach@delwp.vic.gov.au

DEECA will respond to you within 3 business days.

You can also read more about the project [here](https://www.marineandcoasts.vic.gov.au/coastal-programs/gippsland-projects/ninety-mile-beach-plan).