

# Ninety Mile Beach Plan

## Frequently Asked Questions - November 2018

### Voluntary Transfer Scheme - Flood Prone Lots

#### **Q1. What is the voluntary transfer scheme?**

The voluntary transfer scheme has been introduced for land along the Wellington Ninety Mile Beach coastal area that is affected by flood inundation.

Planning controls do not allow development on all lots in this area because of flooding, high ground water levels and to protect the lakes environment.

The voluntary transfer scheme is available to owners of 2,700 vacant flood prone lots that cannot be developed. It provides the opportunity for landowners to voluntarily transfer their land to Council for a payment that is equal to the valuation of the lot (less outstanding rates at the time of transfer). If the rates and charges owed are more than the payment offer, this debt to Council will be waived at time of transfer of the land to Council.

#### **Q2. How do I know if my land is a flood prone lot?**

The flood prone lots are located on the two Lake Reeve Islands, next to Lake Reeve in Paradise Beach North and near Golden Beach and on the Lake Reeve side of The Honeysuckles.

The flood prone lots are zoned Rural Conservation and are included in Restructure Plan Stage 37 in Paradise Beach North, in Stages 33 to 36 in Golden Beach and Stage 24 in The Honeysuckles. The lots are included in large restructure lots and development has not been permitted since 1978. The Restructure Plan Stage maps are on the Council website.

#### **Q3. Why is Council asking me to transfer my land?**

Over the years, Council has been contacted by many landowners who have wanted to dispose of their land because they cannot develop it.

Two hundred flood prone lots have already been transferred to Council on a request basis. This option was only available before if the owner had an original Certificate of Title. Many owners have been unable to transfer their land until now.

Council can now accept all transfers of land regardless of whether the owner has a Certificate of Title or not. We wanted to give this opportunity to all owners of flood prone lots. The scheme is entirely voluntary, and you do not have to transfer your land to Council.

#### **Q4. Why should I transfer my land to Council?**

The benefit for landowners is that once the title has been transferred into Council's name, owners will no longer receive rate notices or other letters from Council. Owners will no longer be responsible for land that cannot be developed or be liable for rates and charges.

If you transfer your land you can finally resolve this long running issue. Transfer of land to Council is entirely voluntary.

If you agree, you should complete and return a Form 2F Expression of Interest to indicate a willingness to participate. We will then send you transfer of land paperwork and information about what you need to provide to Council to process the land transfer.

#### **Q5. If I decide to transfer my land will I have any more costs to pay?**

No. Council will prepare the transfer of land forms for you to sign and pay for the transfer costs.

#### **Q6. What if I can't find my Certificate of Title?**

You should make every effort to look for it. If you still can't find it, please circle "No" to the question "Do you have an original duplicate title that you can hand in when requested?" on the Form 2F Expression of Interest.

If you do not have a title it will not prevent you from transferring your land. However, if you do have a title you will need to send it in when you transfer the land.

#### **Q7. Why are rates charged on flood prone lots?**

Affected ratepayers were first notified by the then Rosedale Shire Council and the State Government in January and December 1978 that the land is flood affected.

The State Government determined that no development permits and no compensation would be available from Government to any person who purchased a property that is flood prone or has other inherent difficulties.

In these circumstances, from 1978, Council decided that it would not pursue the collection of rates. Rate notices were not sent out and rates were not charged or collected for more than 27 years.

Rate notices were only sent out again from 2006 after Council received legal advice that it is a requirement of the Local Government Act, 1989. Whilst Council must send out rate notices, Council adopted a policy to not charge interest or carry out debt collection action on the Ninety Mile Beach flood prone lots.

### **Q8. Will I receive a payment for my land?**

Although owners were advised in 1978 that it is not proposed to compensate owners of flood prone land, Council recently obtained independent advice from the Valuer-General Victoria. Council has accepted the advice and will now offer an ex-gratia payment of \$100 per lot to landowners who choose to transfer their land to Council. This is a set amount, is non-negotiable and will not be increased.

There are approximately 2,700 vacant flood prone lots eligible for a voluntary transfer scheme. Flood prone lots typically have a Council valuation of \$100 each.

As for all other lots in the Ninety Mile Beach Plan voluntary assistance scheme, Council will deduct outstanding rates and charges owed at the time of transfer from the payment offer.

Most owners owe much more than \$100 in rates and charges and will not receive a payment once the rates and charges owed have been deducted from the offer of \$100 per lot. The rates debt will be waived at the time of transfer and owners will have no further liability to Council.

However, a few hundred owners have paid their rates since 2006 and owe Council less than \$100. These owners will receive \$100 per lot (less any rates and charges owed at the time of transfer).

### **Q9. What happens once I transfer my land?**

After the transfer is completed, the rated owner will receive a completion letter and a payment of \$100 per lot (less rates and charges owed at the time of transfer). Council rate records will be updated to remove the rated owner's name and you will no longer receive rate notices.

### **Q10. Why is the payment to landowners higher for other Ninety Mile Beach lots?**

There are different categories of lots on the Ninety Mile Beach and not all lots are flood prone. The other categories are the 'between settlements area' and the 'coastal dunes'. Lots that are not flood prone have a much higher Council valuation than \$100 and those owners are therefore receiving a higher voluntary assistance scheme payment (less outstanding rates and charges) for each lot.

The lots in the 'between settlements area' had conditional development rights for more than 30 years that were permanently removed when the land was rezoned to Rural Conservation Zone in May 2013. The payment offer is to recompense the owners for the removal of these development rights. However, the flood prone lots were already zoned Rural Conservation and have not had any development rights since 1978.

The owners of vacant lots on the primary coastal dunes also had an opportunity to sell their land to the State Government in the 1980's. The remaining private lot owners were given another opportunity from July 2017 to transfer their land to Council for a payment (less outstanding rates and charges).

### **Q11. What if I don't transfer my land to Council?**

Even if you don't agree with the offer, you should still complete and return a Form 2F Expression of Interest. You would answer "No" to the first question to indicate that you are not prepared to transfer your land. Council will keep your response on file and give you a further opportunity to transfer your land before the scheme closes.

The Ninety Mile Beach Plan project is due to end before 2021. The scheme for flood prone lots is the final stage of the project. If you don't transfer your land well before 2021 you will miss out.

You can keep your land, but you must understand that it can never be developed, and you will still be liable for rates and other charges. Camping on land for a maximum of 28 days in a calendar year is permissible provided the requirements of Local Law No.4 are complied with. However, camping is only possible if it does not involve the removal or destruction of native vegetation on the land or in the nearby roads. You cannot build or store anything on the land and you must comply with all requirements of the Wellington Planning Scheme.

### **Q12. What will Council do with the land?**

The land is being left in its natural environmental state and will not be developed. The planning controls do not allow Council or any owner to develop the land for commercial purposes or derive any financial benefit from the land.

An environmental clean-up of rubbish, storage and structures on lots already transferred to Council was carried out in August 2018. Further clean-ups will be carried out to protect the natural environment from inappropriate development and land use. Council will also develop a management plan to ensure the land is managed as a rural conservation area in conjunction with the nearby Gippsland Lakes Coastal Park.

### **Q13. What if I have a caravan, shed or other building on my land?**

You must remove all sheds and structures, caravans, vehicles, any stored items and rubbish before you transfer your land. The transfer scheme applies to vacant land only.

### **Q14. What if I already have a dwelling on my land?**

Only a few dwellings were built on flood prone land in Paradise Beach before the State Government prevented development in 1978. If you do have a dwelling and it is lawful (i.e. you have the appropriate permits) you will be able to keep the dwelling and continue to enjoy existing use rights. If it is unlawful, Council may take planning enforcement action.

### **How can I find out more?**

You can find out more information about the Ninety Mile Beach Plan by going to the Council website [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)

Or you can contact Wellington Shire Council on telephone 1300 366 244 and ask to speak to an officer about the Ninety Mile Beach Plan.