

22 June 2021

Meeting Minutes

Bulleen Industrial Zone Business Liaison Group

Date	22/06/2021	Time	5.30 - 6.30pm
Chair	Mike Marasco (MM), Micom Strategic	Meeting no.	5 of 2021
Location	Zoom meeting (virtual)	Minute taker	Molly Langley (ML)

Attendees

Attendees		Apologies	
Name	Organisation	Name	Organisation
Andrew Hocking (AH)	North East Link	Frank Vassilacos (FV)	Manningham City Council
Bruno Aleksic (BA)	North East Link	Bruce Plain (BP)	Bulleen Art & Garden
Rebekah Kober (RK)	North East Link		
Bryan Yeow (BY)	Department of Transport		
Jane McIntosh (JMc)	Department of Transport		
David Monk (DM)	Swan Plastics		
Cam Giardina (CG)	Cam's Greenaway Auto Repairs		
Joe Mustica (JM)	MFJ Construction		
Jodi Crocker (JC)	Wonder Pies		

Actions – previous

No.	Action	Owner	Due	Status	Update
1	Acquisition process summary to be finished and distributed	JMc	22/06/2021	Complete	Minor amendment made post meeting as per groups request.
2	MM to follow up with Duncan Elliott to communicate changing property market and members issues	MM & AH	22/06/2021	Complete	MM wrote to Duncan on 25 May. Highlighted issues members raised.
3	Ensure relative information/ property market info is filtering through to case managers	BY & JMc		Ongoing	
4	Investigate market research piece of work to address compensation within changing property market and follow up at senior levels including Duncan Elliott re. impact	BY	22/06/2021	Pending	Work continuing.
5	Case Managers identify categories for information needed/ responses required from businesses	BY & JMc	22/06/2021	Pending	Work continuing.
6	JM to advise AH or MM of outcome from public exhibition of his permit application	JM	31/05/2021	Complete	Next steps progressing.

Key discussion points/decisions

Owner	Action
MM	<p>Welcome, apologies and actions from previous meeting</p> <ul style="list-style-type: none"> - MM addresses previous meeting actions, updates as above. - MM raises question on how to best distribute information to businesses impacted by acquisition. - AH explains Darebin Council has expressed interest in trying to attract businesses to their precinct.
RK	<p>Business and employee support program (BESP) update</p> <ul style="list-style-type: none"> - 40% of businesses impacted by acquisition have engaged with CKC to date - The CKC live real estate update has consistent open rates of more than 60% every week; the update includes properties for lease or purchase as well as businesses for sale - BESP newsletter June edition has open rate of 40%, next edition is in early July - Small Business Mentoring Service had several enquiries and registrations for diagnostic sessions, more sessions will be scheduled in July/August. Ross from SBMS is calling businesses to promote the service and make bookings. The service is also promoted in the newsletter. - Australian Small Business Advisory Service is offering digital marketing 1:1 advice. This service will be promoted in the July newsletter. - NELP and DOT are discussing different ways to address issues identified by businesses, for example: <ul style="list-style-type: none"> ○ Reminding lawyers about their role and responsibility to their clients to ensure information is being passed on in a timely manner ○ Facilitating “state of the union” meetings with DOT to take up claimant’s requests to discuss concerns or answer questions

	<ul style="list-style-type: none"> ○ Speaking with automotive industry associations about support and opportunities for businesses in this sector in BIP ○ Organising site visits to Darebin industrial areas for businesses, other councils also available ○ Asking KKC to do research on property market in Bulleen
AH	<p>Project update</p> <ul style="list-style-type: none"> - Successful bidder announced next month ○ AH to communicate with group when this happens
BY & JMc	<p>DoT Update</p> <ul style="list-style-type: none"> - JMc provides summary of the acquisition process document provided to the membership prior to meeting, created to provide dialogue to impacted businesses around the acquisition process and timelines. See <i>Appendix A below</i>. - BY emphasises importance of businesses managing their relationship with their legal representation and to have good dialogue with their DOT Case Managers and explains DoT will cover reasonable fees, on a case by case basis. - JM raised that he has requested rental relief from DOT and asked what support in this area may be provided to businesses - BY responded that if paying rent is a concern, businesses should raise this directly with their lawyer and/or DoT case manager. DoT will look at each business' circumstances on a case-by-case basis.
MM	<p>Other business and next meeting</p> <ul style="list-style-type: none"> - Next meeting Tuesday July 2021

Actions – new

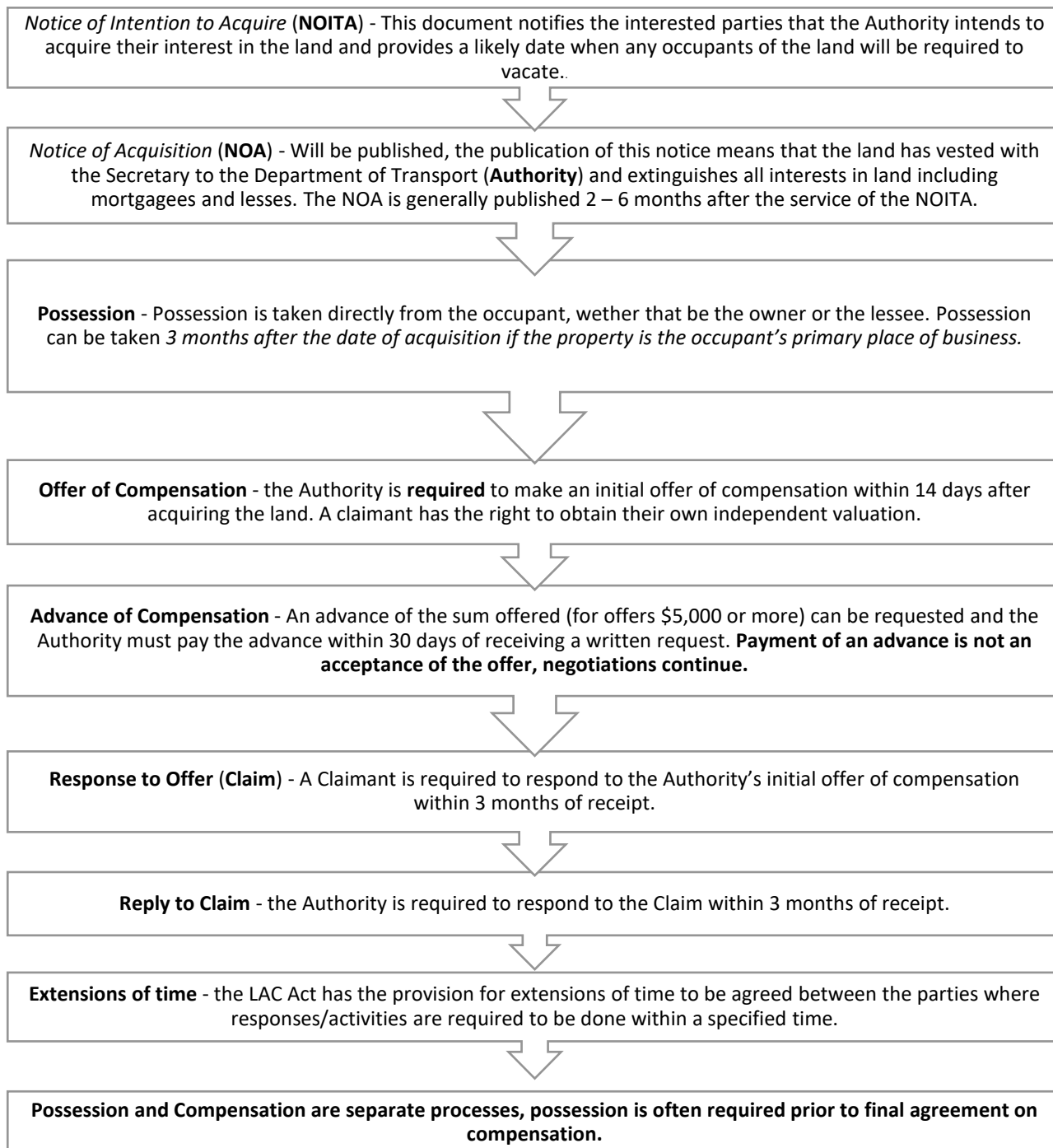
No.	Action	Owner	Due	Status	Update
1	MM, AH and RK to meet with the NELP Comms team to discuss communication plan for other businesses within BIP	MM & AH	20/07/2021	Pending	
2	DM to send out an email to BIZ businesses encouraging businesses to discuss any issues they have with their lawyer and Case Manager	DM & AH	20/07/2021	Pending	
	JMc to make minor amendment to Acquisition process document – to make it clearer claimants are able to have independent valuations	JMc	22/06/2021	Complete	
4	RK to explore market research piece to outline the changing/ changed property market in Bulleen	RK	20/07/2021	Pending	
5	RK to send registration link to JC for CKC Live Real Estate Market Update	RK	22/06/2021	Complete	
6	CG raised issue getting into contact with his DOT Case Manager – JMc to liaise with Case Manager and follow up	JMc	20/07/2021	Pending	
7	JM followed up on security bond query with DOT – JMc to liaise with Case Manager and follow up on the email response	JMc	20/07/2021	Pending	

Appendix A

- *This Information Sheet has been prepared as a general reference for business owners (claimants) affected by the compulsory acquisition of land to understand:*
 1. *the acquisition process itself which is undertaken in accordance with the Land Acquisition and Compensation Act 1986 (Vic) (LAC Act); and*
 2. *the assessment and payment of compensation.*
- ***It is to be used as a general reference only and is not intended to be a substitute for professional advice which business owners are entitled to seek.***

COMPULSORY ACQUISITION PROCESS

A summary of the acquisition process is as follows:



COMPENSATION FOR BUSINESSES

- The Authority must assess compensation in accordance with the LAC Act. The LAC Act provides a framework for the assessment of compensation and the process which must be followed by the Authority and any claimants.
- If a business has an interest in the land acquired by the Authority, then the business is entitled to be compensated for:
 - a. its interest in the land (**Market value**);
 - b. expenses necessarily incurred in seeking professional advice relating to the acquisition (**Professional expenses**);
 - c. any financial costs/losses which are a *natural, direct and reasonable consequence* of the acquisition (**Disturbance compensation**). Disturbance compensation may take the form of relocation expenses, loss of profits and in some cases compensation for business closure; and
 - d. any non-financial losses due to the acquisition (**Solatium**).

Interest in land

- A business may have an interest in the market value of the land as an owner or as a lessee.
- In some cases, the business may be eligible for compensation for profit rent enjoyed by it as a lessee. A property valuer can determine if the current rental paid is below market levels. If it is, compensation for the difference until the next market rent review is assessed as profit rent.
- In cases where the business owns the freehold in the land, the market value of the freehold interest is compensated and so are the costs incurred to purchase a replacement property such as stamp duty, registration fees and conveyancing fees. Stamp duty and registration fees are capped at the agreed market value of the freehold interest.

Professional Expenses

- Business owners are entitled to seek advice from professionals such as lawyers, property valuers and accountants. Detailed invoices will need to be submitted for the Authority's review and consideration and provided fees are necessarily incurred as a direct result of the acquisition, they will form part of the compensation paid.
- These professionals should provide advice and guidance to assist claimants to respond to the Authority's offer of compensation. They should also assist a business to plan and undertake its relocation.
- An initial offer of compensation may include allowances for professional fees.

Solatium

- The LAC Act allows for compensation for non-pecuniary impacts as a result of the acquisition.
- The criteria outlined in the LAC Act, which must be taken into account when assessing if **solatium** is payable, relates to a claimant's occupation of the land.

For more information

Please visit the NELP website: *North East Link Common questions about property acquisition*
https://northeastlink.vic.gov.au/_data/assets/pdf_file/0009/372942/Common-Questions-about-property-acquisition-Fact-Sheet.pdf

Prepared by: Property Advisory, Transport Property - Department of Transport (June 2021)