

**Incorporated 14 July 1925**

4 CORONATION STREET  
WEST BRUNSWICK VIC 3055  
TEL: (03) 9387 9466  
MOB: 0411 471 850  
EMAIL: liberia@optusnet.com.au

Dear Lot Owner

7<sup>th</sup> September 2020

**SECTION B Part of Auburn Avenue, Balfour Avenue ,Elwood Avenue and Whitehill Avenue**

**25 lots.**

I refer to my recent correspondence to you and advise Glen Ora has not been able to achieve the 90% acceptance level. There are 25 Lots in Section B. The amount required to be paid to Glen Ora would have to been 25 X \$136500 a total of \$3,412,500. This was to be due and payable to Glen Ora when Compliance Certificates were issued by the City of Brimbank and clearance obtained from the Federal Government . On the basis of our analysis the best we could achieve in the future was only for 10 lots to give a figure of \$1365000. The deficiency was **\$2,047500**. It would have also meant 15 lot holders would get their lots fully serviced at no cost. This would be clearly unacceptable to other lot owners and ourselves. Glen Ora will not proceed with the development of Section B.

I note Brimbank Council advised lot owners in December 2019 it will not take on the role of the **developer**.

**ESO3 OVELAY CITY OF BRIMBANK**

You are aware overlay ESO3 is on the land. This means you will need to consent of the Federal Minister of the Commonwealth Department of Agriculture Water and Environment (the Minister) to clear your land. Unlike the land across the railway line in North Sunshine this land cannot be developed without the consent of the Minister. In the South, The Minister required a Strategic Assessment Agreement be entered into with Glen Ora to develop the area Whitehill Avenue to Munro Avenue. The Minister at first instance refused our request to develop to clear the land we owned. The Minister refused on the basis of the matters involved in their Policy Statement which I now set out. This was our preferred option. The estimated cost for performance of that Agreement to Glen Ora is approximately \$4.4m. At this stage unless there are exceptional circumstances in the opinion of Glen Ora, Glen Ora does not intend to seek a variation of Strategic Assessment Agreement to incorporate Section B.

**POLICY STATEMENT FEDERAL GOVERNMENT EPBC ACT 1999.**

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Policy Statement 'Indirect consequences' of an action: Section 527E of the EPBC Act Overview This Policy Statement provides guidance on determining whether an event or circumstance is an 'indirect consequence' of an action for the purposes of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). An indirect consequence is frequently referred to as an indirect impact. Sub-section 75(2) of the EPBC Act requires that the Minister responsible for administering the EPBC Act or their delegate (the Minister) when deciding whether an action is a controlled action, consider 'all adverse impacts (if any)' the action has, will have, or is likely to have, on protected matters. Section 527E defines the 'impact' of an action (primary action) as an event or circumstance which is: • a direct consequence of the action; or • an indirect consequence of the action, if the action is a substantial cause of the event or circumstance. However, if the event or circumstance is a consequence of another action taken by a different person (secondary action) that was not taken at the direction or request of the person taking the primary action, then even if the primary action is a substantial cause of the event or circumstance, the event or circumstance will only be an 'impact' of the primary action for the purpose of section 527E if: • the primary action facilitates the secondary action 'to a major extent'; and • the secondary action is within the contemplation of the person taking the primary action or is a reasonably foreseeable consequence of the primary action; and • the event or circumstance is within the contemplation of the person taking the primary action or is a reasonably foreseeable consequence of the secondary action. This Policy Statement provides guidance on what impacts constitute a 'indirect consequence(s)', under paragraph 527E(1)

A copy of this letter will now appear on our website [www.glenoraestate.com.au](http://www.glenoraestate.com.au)

You clearly can retain and or sell your land. This is not dependant on any action by Glen Ora. You cannot make any representations that Glen Ora and Council will develop your land.

**Please note we do not propose to send out any further letters by postal mail to you. If you wish to corresponded with us we will require you to email to us an email address. If you do not have one I would suggest you contact another member of the family to obtain an email address.**

Yours Faithfully,



R D Silverstein  
Director, Glen Ora Estate Pty Ltd