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Property developers sue Victorian government for \$194m over creation of grassland reserve

Dennis family says the value of land it was selling in 2018 was slashed by the establishment of the reserve

Lisa Cox and Ben Butler

Fri 4 Sep 2020 03.30 AEST



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Property developers the Dennis family have demanded about \$194m in compensation from the Victorian government, claiming the value of land they owned was slashed by the establishment of a troubled grasslands reserve.

Five companies run by Dennis patriarch Bert Dennis filed claims in the state's supreme court on Tuesday. Dawn Dennis also filed a claim under her own name.

The family claims that they suffered loss in 2018 when selling the land, which was to form part of a property development named “Quandong Estate”.



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This is because the land fetched less than it would have if it had not been reserved as part of the grasslands project, the family told the court.

The western grassland reserve was promised by the Victorian government in a deal, known as the Melbourne strategic assessment, which it signed with the federal government in 2010.

The agreement switched off the requirement for federal environmental approval for individual projects in Melbourne’s urban growth area, leaving decision-making powers in the hands of the state.

Under the deal, the Victorian government agreed to establish two reserves - the western grassland reserve and a grassy eucalypt woodlands reserve - by 2020 to offset clearing for the development of new municipalities such as Wyndham.

The natural temperate grassland and the grassy eucalypt woodlands of the Victorian volcanic plain are two of Australia’s most endangered ecosystems. Less than 5% of them remain as a result of clearing and invasive weeds.

A Victorian auditor-general’s report, published in June, found the state government had failed to follow through and had acquired only 10% of the land needed for the western grasslands reserve. It had acquired none of the land for the grassy woodlands reserve.

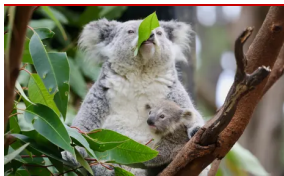
The report found that rather than purchasing the land upfront, the state was acquiring parcels of land for the reserves as new areas were developed. It was paying for this using fees collected from developers.

While the rate of acquisition had kept pace with the rate of development, the consequence of this approach was that the cost of delivering the full reserves had risen by 80% between 2013 and 2019, mostly as a result of rising land values, which have put the future of the reserve system in doubt.

The Melbourne strategic assessment had been held up as a good model for how bilateral agreements between state and federal governments could work. But conservationists say it has been a failure in practice.

The federal government [is seeking to change](#) Australia's environmental laws to transfer responsibility for decision making under national environmental laws to state and territory governments.

“The Melbourne strategic assessment has been an absolute failure,” said Jess Abrahams, a nature campaigner at the Australian Conservation Foundation.



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“Threatened ecosystems haven’t been protected and that’s because the responsibility was handed over to the state government who failed to act.

“And yet the federal government [now] wants to hand all of its approval powers over to states under our failing national environmental laws.”

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Abrahams said it had already taken the Victorian government too long to acquire the land promised for the reserves.

“These grasslands are precious, they’re being degraded, state and federal governments have failed to protect them and any attempt by private landowners to profit further is only going to further slow the protection by governments.”

The office of the Victorian environment minister, Lily D’Ambrosio, and lawyers for the Dennis family, Minter Ellison, have been contacted for comment.

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