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Kathy Mitchell
Chair
Fishermans Bend Review Panel

Dear Ms Mitchell

Last Thursday, during my presentation to the panel on behalf of the Delta Group, you asked me whether, in government projects such as the West Gate Tunnel, land required for a public purpose was included in a Public Acquisition Overlay. I answered that it was.

Susan Brennan SC has kindly pointed to me out that my answer was not correct.

Land needed for a public purpose in major transport projects (such as the West Gate Tunnel) is *not* routinely included in a Public Acquisition Overlay, as it is routinely included in the project area under the *Major Transport Projects Facilitation Act 2009*.

However, by reason of s 120A of that Act, land forming part of the project area is deemed to be reserved under a planning scheme for a public purpose. And, by reason of s 118(2) of that Act, land in a project area is taken to have been reserved under a planning instrument for a public purpose for the purposes of section 5 of the *Land Acquisition and Compensation Act 1986*.

Thus my error does not change the thrust of my submissions last Thursday.



Stuart Morris