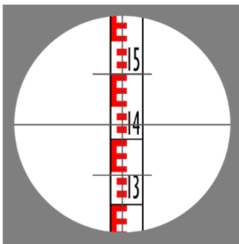




...and for Engineers, Planners, Property Lawyers
*Our services are focussed on all professions committed to
the better governance of public land in Victoria*

About FPET



Section 7 of the *Surveying Act 2004* requires a licensed surveyor to undertake Further Professional Education or Training (FPET) in cadastral surveying and professional skills training in accordance with a determination of the Surveyors Registration Board.

Licensed Surveyors are required to gain a minimum of 15 FPET points in each 12-month FPET period (1 January to 31 December).

At least 10 of the 15 points must be gained in the category of Cadastral Survey Practice or in the combined categories of Cadastral Survey Practice and Development Planning, with a minimum of 7 points in the category of Cadastral Survey Practice.

For dates of forthcoming presentations:
<https://publicland.com.au/coming-courses>

Cost \$495 per 6-hour course
*(some courses are 3 x 2-hours; others
are 2 x 3-hours)*

*including GST, course notes, and
certificate of attendance*

Enquiries & Registrations:
Fiona Sellars
(03) 9534 5128
fiona@publicland.com.au

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FPET

*Further Professional
Development and Training*

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Working with Owners Corporations	6 Cadastral points	<i>Page 5</i>
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Property Law and Planning Law	5 Cadastral points, 1 Development Planning point	



Native Title and Aboriginal Heritage

An introduction to the legislation and policy for staff of local government and statutory authorities in Victoria

Session One (3 hours)

Colonisation and Country

- Culture and Countries
- Victorian Aboriginal (Traditional Owner) nations/groups
- Colonisation of Victoria: key developments and patterns
- Victorian developments on treaty and truth-telling

Native Title and the Law

- *Terra nullius* and the Mabo case
- The *Native Title Act 1993* (Cth)
- Key concepts: connection and extinguishment
- Types of claims: claimant, non-claimant, compensation
- Indigenous Land Use Agreements (ILUAs)
- The Federal Court and the National Native Title Tribunal
- The NT Service Provider; Registered NT Bodies Corporate
- Native title outcomes in Victoria to date

Session Two (3 hours)

Victoria's *Traditional Owner Settlement Act 2010*

- How TOS Agreements align with native title
- Recognition and Settlement Agreements (RSAs)
- Components of RSAs: Land Agreements, Land Use Activity Agreements, Funding Agreements, Resource Agreements
- Aboriginal title
- Across Victoria: TOS Act outcomes to date.

Aboriginal Cultural Heritage in Victoria

- From 'protecting relics' to 'living culture'
- The *Aboriginal Heritage Act 2006*: purposes and features
- Registered Aboriginal Parties (RAPs) and the Victorian Aboriginal Heritage Council
- Various types of permit: CHPs, CHMPs, and PAHTs
- Offences and penalties
- Let's go beyond the letter of the law...

Our Presenters



Bridgid Cowling

B Sc (Hons), LLB(Hons)

Special Counsel
Arnold Bloch Leibler

Bridgid has many years' experience working with remote and urban Indigenous communities.



Henry Dow

D, Juris, B.A (Melb)

Henry is an Associate of Marawah Law, a law firm specialising in supporting Indigenous people across Australia.





*Developers, Planners,
Lawyers...*

*Do your clients need to
undertake developments and
works on public land?*

*This two-session course maps
out the various statutory
approvals that might be
required, and the processes
involved in obtaining them.*

Statutory Approvals on Public Land

What is Public Land?

Is it Crown land, a road reserve, or freehold owned by the Council? If so, who controls it, under what governance regime?

Ascertaining this may be the first statutory hurdle for your development.

And – how may its status be changed?

What Consents may be required

We work through all the consents listed in the box to the right, and the relationships between them...

And note how they may differ from consents on private land

Approval authorities

The roles of DELWP, Parks Victoria Councils, Catchment Management Authorities, Dept of Transport, Registered Aboriginal Parties etc

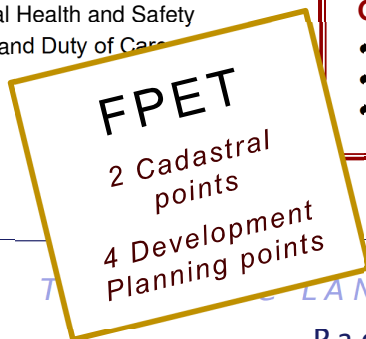
Review and Appeal

VCAT, Planning panels and the Courts

Parallel obligations

Just a reminder about...

- Your contractual obligations
- Occupational Health and Safety
- Negligence and Duty of Care



Presenter

Nick Sissons,
Senior Associate,
HWL Ebsworth Lawyers

Session 1

Tenure: the basic right to be on the land

- Leases, licences and permits
- Easements – express and implied
- The right to exercise Statutory Functions

Planning Consents

- Planning permits and Referral Authorities
- Public Land Manager approvals
- Planning Scheme Amendments

Aboriginal Consents

- Native Title and ILUAs
- Aboriginal Heritage and CHMPs

Session 2

Consents on Roads

- Encroachments onto roads
- The Road Management Regulations
- Traffic Management Plans

Environmental Consents

- Native Vegetation and offsets
- The Catchment Management Act
- The Commonwealth EPBC Act
- Environment Effects Act

Other Special Consents

- Heritage consents
- Works on Waterways
- Marine and Coastal Consents



WORKING WITH OWNERS CORPORATIONS

An on-line three-Session course for lawyers, surveyors, estate agents, conveyancers, OC managers and OC committee members

Session 1 (2 hours)

- What they are and how they are created
- The corporate entity and its membership
- Application of corporations law
- How they are governed
- Their purpose, structure, composition and rules
- OC committees and OC managers

Session 2 (2 hours)

- Reading strata plans & plans of subdivision
- Lots, liabilities and entitlements, boundaries
- Express and implied easements
- Amending plans

Session 3 (2 hours)

- Repair & maintenance obligations
- How fees are set, the benefit principle
- Dispute resolution
- Jurisdictional issues

And throughout all Sessions:

- Legislation: *The Subdivision Act 1988; the Owners Corporation Act 2006, the Transfer of Land Act 1958*
- Case law: Key decisions from VCAT and the Supreme Court

Enquiries & Registrations

Fiona Sellars
(03) 9534 5128

fiona@publicland.com.au



Presenters

The Team from
Bugden Allen
Graham
Lawyers

*A firm with special
expertise in
strata title law*

Tim Graham
Leila Idris
Michelle Ang



ROADS GOVERNANCE

"This course should be compulsory for all VicRoads technical staff"
Senior VicRoads Engineer

COURSE CONTENTS

Session 1 (2 hours)

What is (and what's not) a Road

- Roads as road-users know them
- Roads as the Titles Office knows them
- 'Public Highways' and the common law
- Easements and common property roadways
- Physical roads on land other than road reserves
- Road reserves with no physical road on them
- Closed roads, discontinued roads, and unused government roads

Session 2 (2 hours)

How Roads are Owned and Managed

- Disaggregating ownership, control, management
- The roles of councils, VicRoads/RRV and utilities
- Road Authorities and the Road Register
- A road authority's duty of care and risk exposure
- Ownership of unused roads in old subdivisions
- Encroachments and 'adverse possession'

Session 3 (2 hours)

Dealings with Roads

- How roads are created and discontinued
- How they may be used for non-road purposes
- When and how they should be named
- Unused rural roads held under grazing licences
- Controls over vegetation, heritage, aboriginal sites
- How planning schemes deal with roads

And through all 3 Sessions...

Acts of Parliament governing Roads

- The *Road Safety Act 1986* and the Road Rules
- The *Land Act 1958* and other Crown land acts
- The *Local Government Acts 1989 and 2020*
- The *Subdivision Act 1988* and its predecessors
- The *Road Management Act 2004*
- The *Planning and Environment Act 1987*



Our Presenter

David Gabriel-Jones

*MPP(Hons)(Melb),
Dip Civ Eng (RMIT)*

**Principal,
The Public Land
Consultancy**

*Enquiries &
Registrations*

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fiona@

publicland.com.au

FPET

*4.5 Cadastral
points*

*1.5
Development
Planning
points*



RESTRICTIONS ON TITLE

*A three-session course for
Victorian planners, property
officers and surveyors*

COURSE CONTENT

Session 1 (3 hours)

Refresher: Basic Property Law

- Crown land and Freehold land
- Old Law and Torrens title freehold
- Fee-simple and indefeasibility of title
- Common law and Statutory law
- Interests in land

Crown Land Restrictions

- The Reservation of Crown land
- Conditional Crown Grants
- Easement-like provisions on Crown land

Easements

- The purpose of easements
- Positive and negative easements
- Easements in Common law; easements in Gross
- Creation by subdivision; by acquisition
- Implied and prescriptive easements
- Recording and registering easements
- Removal, extinguishment and abandonment of easements

Session 2 (3 hours)

Covenants

- The purpose of covenants
- Statutory agreements and restrictions
- Restrictive and positive covenants
- Removal of covenants under planning law
- Provisions of the Property Law Act 1958
- Proposed changes to Restrictive Covenants by Subdivision

Statutory Agreements

- Sec 173, Planning & Environment Act
- Sec 69, Conservation Forests and Lands Act
- Trust for Nature covenants
- Heritage Act covenants

FPET

*5 Cadastral
points*

*1 Development
Planning point*



Presenter:
Nick Sissons

*Senior Associate at
HWL Ebsworth Lawyers*

*As a senior lawyer, I seek
to demystify the myriad of
Victorian local government
laws and regulations for
Local Councils, developers
and neighbours to achieve
positive outcomes for
liveability and amenity
within the urban
environment.*

**Enquiries &
Registrations**

*Fiona Sellars
(03) 9534 5128
Fiona@publicland.com.au*

COASTAL LAND MANAGEMENT

Course Contents

Session 1 (2 hours)

Coastal land status

- Coastal Crown land and freehold land
- National Parks, Crown land reserves, and Ports
- On-shore and off-shore boundaries

Recent legislation

- Marine and Coastal Act 2018
- Local Government Act 2020

New policies and programs

- Great Ocean Road and Environs Protection Bill 2019;
- VEAC Coastal Reserves
- Better Boating Victoria

Session 2 (2 hours)

Authority over coastal land

- The executive government
- Statutory authorities –Parks Victoria, Transport Safety, and Port Authorities
- DELWP and Municipalities

Delegated management and tenures

- Committees of Management
- Coastal leases, licences and permits

Session 3 (2 hours)

Use and Development of Coastal Land

- Land status constraints
- Planning Schemes and MACA
- Impacts of climate change

Protecting Indigenous Values

- Native title claims and determinations
- Aboriginal Heritage Act and Regulations

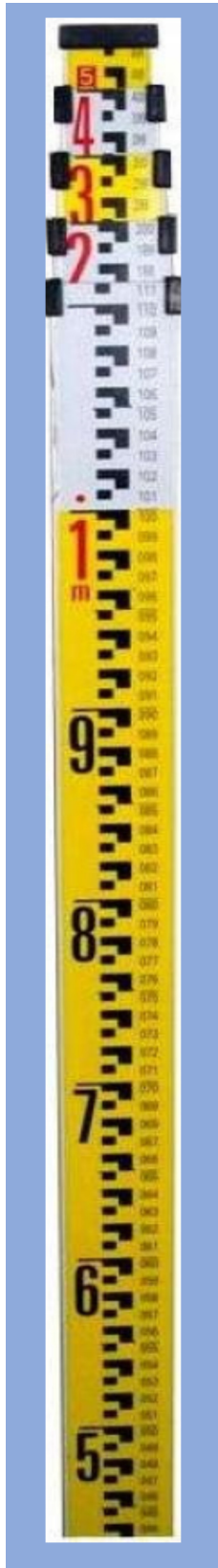


Our Presenter
Richard O'Byrne
Associate, The Public
Land Consultancy

Richard is a professional planner with extensive experience of coastal law and policy. He previously managed the Bays and Maritime Division for Parks Victoria. He has also been a member of the Central Coastal Board.

Enquiries & Registrations

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(03) 9534 5128
[Fiona@
publicland.com.au](mailto:Fiona@publicland.com.au)



LAND LAW AND SUBDIVISIONS

A three-Session professional development course for surveyors, property professionals, and staff of statutory authorities

FPET
4 Cadastral points
2 Development Planning points



Presenter:
Mark Bartley

*Partner at HWPL
Ebsworth Lawyers*

Mark is an Accredited Specialist in Environment, Planning and Local Government. He frequently appears in VCAT, Planning Panels and Advisory Committees representing local government and statutory authorities.

Enquiries & Registrations

*Fiona Sellars
(03) 9534 5128*

Fiona@
publicland.com.au

COURSE CONTENT

Session 1

The Process of Subdivision

- The basic requirements of the *Subdivision Act 1988*, Planning schemes, and the *Transfer of Land Act 1958*
- Roads, reserves, easements and restrictive covenants
- The roles of municipalities, referral authorities and the Land Titles Office
- Notifications, consideration of objections and the role of VCAT

Session 2

Variations from the Basic Process

- Title issues impacting on subdivisions
- Land with access issues; subdivisions requiring rezoning
- Subdivisions by acquiring authorities
- Owners Corporations and three-dimensional subdivisions
- Staged subdivisions

The Legacy of Past Systems of Subdivision

- Titles with company shares and their conversion to modern titles
- The status of strata and cluster titles under the Subdivision Act
- Not in Common Ownership subdivisions
- The confused ownership of old roads and reserves
- Abandoned easements and road discontinuations





CROWN LAND GOVERNANCE

Course Content

SESSION 1 (2 hours)

Land Status in Victoria

- How Crown land in Victoria is owned, legally categorised and designated
- Which laws apply to the different types of Crown land
- How land status may be changed

Authority Systems

- The chain of responsibility for Crown land
- How power over Crown land is assigned and exercised
- The roles of DELWP and Parks Victoria
- How governance arrangements may be altered...

SESSION 2 (2 hours)

Delegated Management

- The composition, powers and duties of Trustees and Committees of Management
- The roles and powers of authorities with vested land
- Models of sub-delegation...

Crown Tenures

- How Crown land may be used for private, commercial and community purposes under Leases, Licences and Permits
- Balancing commercial outcomes and the Public Interest

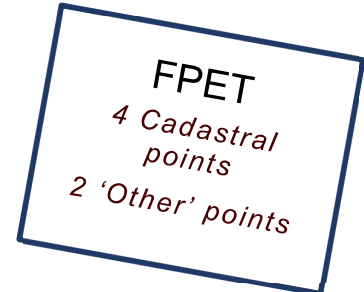
SESSION 3 (2 hours)

Use and Development of Crown Land

- How controls over Crown land contrast with controls over freehold land
- An introduction to Native Title and Aboriginal Heritage, environmental controls and the Marine and Coastal Act

Roads, Rivers, Railways

- An introduction to the complex body of statutory and common law relating to the ownership and management of roads and lanes, railway land, rivers and river frontages.



Our Presenter

David Gabriel-Jones

*MPP(Hons)(Melb),
Dip Civ Eng (RMIT)*

**Principal,
The Public Land
Consultancy**

*Enquiries &
Registrations*

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publicland.com.au](mailto:fiona@publicland.com.au)*



Land Law for Managers of Rivers and Riparian Land

This introduction to riparian governance in Victoria provides a sound background on existing law and policy and explores the potential for reform.

Our Presenter



**Johanna
Slijkerman**

BSC, BA(hons)(Melb)

*Principal Scientist
Waterways and
Ecology Group,
Water Technology*

**Jo worked in
DEECA's water
policy division for
seven years**

Course Content

The Land Alongside Rivers

- Which riparian land is Crown land, which is freehold, and why
- What happens when a river changes course
- Riparian land legislation: the Land Act, the Crown Land (Reserves) Act, the Water Act, and the Planning & Environment Act
- The Murray River and the State border

Native Title and Aboriginal Heritage

- Native title along Victoria's waterways: its existence and its implications
- The Traditional Owner Settlement Act and Land Use Activity Agreements
- Cultural Heritage Management Plans under the Aboriginal Heritage Act

Protecting Riparian Values

- Planning Schemes – zones and overlays
- Works on waterways
- Weeds and pest animals

Riparian Agriculture

- Licences for Crown frontages; the LCC and VEAC recommendations
- From grazing to conservation – the roles of law, policy and economics
- The Water Act and 'riparian rights'
- The problem of stock in the water

Community Engagement

- The evolving role of abutting landowners
- Models for community involvement

Agency Roles and Responsibilities

- Catchment Management Authorities
- DELWP and Committees of Management
- Other land managers: Parks Victoria and municipal councils
- Water Authorities

Ongoing Reform

- Camping on frontages
- Our recommendations to Government
- The ongoing review of Crown frontage licences

FPET

*3 Cadastral points
1 Development Planning point
2 'Other' points*



LEASES AND LICENCES OF PUBLIC LAND

A 3-Session On-line Course for Managers and Users of Public Land

COURSE CONTENT

Session 1 – The law governing tenures

Landlords and Tenants

- Basic property law: Crown land, freehold land, Native title
- Tenures: leases, licences, and agreements; unauthorized occupations and adverse possession
- Councils' roles - as landowner, local government, delegated manager, or tenant.

The Legislation

- The *Land Act 1958*; the *Crown Land (Reserves) Act 1978*
- The *Property Law Act 1958*, *Transfer of Land Act 1958* and other Acts relating principally to freehold land
- The *Retail Leases Act 2003*; *Residential Tenancies Act 1997*

Session 2 – The administration of tenures

Negotiating Tenures

- Competition Policy, Expressions of Interest and Tenders
- Term, rental, risk apportionment, rights and responsibilities
- Community tenants and subsidised rentals

Managing Tenures

- Sub-tenures, mortgages, assignments, and variations
- Compliance, enforcement, penalties, and dispute resolution
- Terminations and renewals

Session 3 – Current and emerging issues

Responding to the Changing Law

- The new *Local Government Act 2020* Community Action Plans and Community Asset Committees
- The elements of a clear and consistent tenancy policy
- The Auditor General's commentary on subsidisation
- The forthcoming rewrite of Crown land legislation

Responding to the Changing Community

- Transitioning into and out of the COVID-19 lockdown
- Growth, multiculturalism and diversity
- The evolving distinction between 'community' and 'commercial'

Community Tenures are Changing

This course provides groundwork for a re-assessment of the relationships between municipalities, communities, and their public land.



Your Presenter Richard O'Byrne

Richard is an Associate with The Public Land Consultancy. Earlier, he held senior positions with DELWP and Parks Victoria. He now specialises in consultancy engagements relating to the community use of public land.



Property Law and Planning Law

Our Presenter



Nick Sissons
Senior Associate at HWL
Ebsworth Lawyers

Enquiries and Registrations

To book into a Two
Session presentation
contact

Fiona Sellars
Training Coordinator

[fiona@
publicland.com.au](mailto:fiona@publicland.com.au)

Phone (03) 9534 5128

This two-session course provides a sound introductory understanding of the cadastre and the body of property law which governs it.

Without this knowledge you just can't understand planning schemes...

COURSE CONTENT

Session 1 (3 hours)

The idea of Land Status

- Terra Nullius and Native Title
- Crown land and freehold land
- The cadastre and cadastral boundaries

Basic property law

- Understanding freehold
- Crown Grants and Conditional Crown Grants
- General law, Torrens title and indefeasibility
- Interests in land; adverse possession

Property law and planning law

- Other legislation with planning-like impacts
- Aboriginal Heritage Act, Traditional Owner Settlement Act
- Catchment and Land Protection Act, Commonwealth EPBC Act

Public land and planning

- The Reservation of Crown land
- Management and tenure of Crown land
- Land held by public authorities

Session 2 (3 hours)

Roads and Planning

- Creation of roads – government and freehold
- Public highways and physical roadways
- Control and Management of roads
- Abuttals and access rights
- Road closures and discontinuations

Basics of subdivisions

- The process of subdivision
- Referral authorities
- The legacy of past systems of subdivision

Easements and restrictions on title

- The nature and purpose of easements
- Memorandum of Common Provisions (MCPs)
- 173 agreements and other restrictions
- Their creation, recording and abolition

FPET

5 Cadastral
points

1 Development
Planning point

Forthcoming Presentations

for dates of forthcoming two-Session
presentations, visit our website

<https://publicland.com.au/coming-courses>