



Page 3 - Can Melbourne continue to waste land for surface ('at-grade') car parks?

A Message from Singapore

Writing in [The Age](#), respected architect Norman Day has restated his long-held nostalgia for the Melbourne of yester-year... We're half-inclined to say 'Get over it, Norman: we've moved on since six-o'clock closing.'

But he's right about a few things: we don't need wind-swept forecourts (the National Mutual forecourt being the most recent to go) and we excel at the little, unexpected, delightful, intimate places like arcades.

And we agree with Norman that Melbourne could learn a thing or two from Singapore.

One of that city's ten [principles for liveable cities](#) is 'Make Public Spaces Work Harder.' Melbourne and Singapore have more-or-less the same population, although Singapore's 'urban growth boundary' is a bit less permeable (See [Visigoths](#), TP, February 2011).

Often, parcels of land that adjoin or surround a city's infrastructure are dormant, empty spaces. And usually, they are some form of public land.

Singapore has sought to maximize the potential of these spaces by unlocking them for commercial and leisure activities. The idea is to make all space, including infrastructural spaces, serve multiple uses and users – spaces under railway lines, next to canals, on top of buildings, and even inside the loops of freeway ramps.

In Melbourne, public land is the worst offender. Too often parcels of land adjoining, between, or surrounding our infrastructure are dead spaces. This is land Melbourne cannot afford to waste.

Part of the solution (here *Terra Publica* comes back to a recurring theme): a Government Land Monitor who actually monitors public sector land *holdings*, not just public sector land *transactions*. ■

INTRODUCING

Professional Certificates in Land Administration and Governance

Three multi-unit courses which we will be offering in 2016

After 15 years of providing training to Victoria's municipalities and statutory authorities, we are re-bundling individual courses into formal certificate qualifications.

- **Professional Certificate in Road Administration and Governance**
- **Professional Certificate in Land Law for Statutory and Strategic Planners**
- **Professional Certificate in Land Law for Environmental Managers**

The emphasis throughout these courses will be on the acquisition of a practical cross-disciplinary understanding of land law, directly relevant to real-world situations such as those encountered by Victorian municipalities and statutory authorities.

We expect these Certificates will be recognised by the relevant professional associations.

See Page 3 for more detail of these certificate courses

Page 3
Forthcoming Seminar
Recycling Surface ('At-Grade') Car Parks

Page 2
legalwise
SEMINARS

Page 4
Our calendar of one-day courses
Sept to Dec 2015

Q
&
A

Can we be taken to VCAT?

Question asked by a property officer from a rural Council recommending a lease under the Crown Land (Reserves) Act

Our questioner feared that in recommending a particular course of action under the *Crown Land (Reserves) Act 1978*, she might be exposing her Council to a challenge at VCAT. She need not have been concerned.

The *Victorian Civil and Administrative Tribunal Act 1998* specifies that the Tribunal's jurisdiction is shaped by 'enabling enactments.'

Whether it is 'Review jurisdiction' or 'Original jurisdiction' the approach to VCAT must be in the terms of some enabling Act or Regulation.

The *Crown Land (Reserves) Act 1978* contains no such provision. Disgruntled parties must find some other avenue to air their dissent. ■

Q
&
A

How to remove a restriction from a Crown Grant?

Question asked by an officer from a metropolitan Council dealing with an incredulous property developer

Our developer had paid big bucks for a site in South Yarra, only to read this in the fine print... *"the land hereby granted shall be at all times hereafter maintained and used only as and for a site for one Villa Residence and its offices to be built of stone or brick..."*

One villa residence? Our developer had planned for about forty apartments. Stone or brick? We actually envisaged steel, concrete and glass.

To the rescue – the *Crown Grants (Removal of Conditions) Act 1972*. No need to remove the restriction – a 40 year old Act of Parliament had already removed it.

But, as with many such statutory changes to property rights, no-one sat down in 1972 and amended the relevant titles. ■

Readers of Terra Publica should not act solely on the basis of its contents which are not legal advice, are of a general nature, capable of misinterpretation and not applicable in inappropriate cases.



InterContinental Hotel,
The Rialto, Melbourne

GOVERNANCE FOR LOCAL COUNCILS: MEETING TODAY'S CHALLENGES

Wednesday, 25 November 2015
9.00am to 1.15pm \$460

Chair: **Robyn Taft**,
Corporate Counsel, Glen Eira City Council

- **Rate Capping and the Local Government Act: The Latest Developments for Councils**

Presented by **Melanie Olynyk**,
Partner, Maddocks

- **Administrative Law for Councils: The High Court Decision of *Isbester v Knox Council***

Presented by **Maria Macri**,
Coordinator Prosecutions, Knox City Council

- **The Road Management Act 2004: The Next Round of Reforms?**

- Worthless titles: the undocumented ownership of pre-1988 freehold roads
- Orphaned roads: the end of the spectrum that VicRoads barely sees
- Statute devoid of policy: the confused legislation governing road discontinuations
- *Kennedy v Campaspe S.C.*: Have the post-Brodie negligence reforms been effective?

Presented by **David Gabriel-Jones**,
Principal, The Public Land Consultancy

- **Flooding Risk and Legal Liability for Councils**

Presented by **Mark Bartley**,
Partner, HWL Ebsworth Lawyers



To Register for this seminar, [click here](#).

The Public Land Consultancy
**Professional Certificates
in Land Administration and Governance**

- *Commencing February 2016*

Professional Certificate in Road Administration and Governance

This Certificate course provides a sound understanding of the complex body of legislation and law relating to roads in Victoria

UNITS: Land Law for Managers of Roads Streets and Lanes (mandatory unit); Road-related Information and its Interpretation; Creating Roads in Subdivisions; Road Closures and Discontinuations; Encroachments and Utilities in Road Reserves; Offences and Enforcement under the Road Management Act; Roads which may not be Roads.

- *Coming later in 2016*

Professional Certificate in Land Law for Statutory and Strategic Planners

This Certificate course provides planning professionals with a sound understanding of the law governing property in Victoria

- *Coming later in 2016*

Professional Certificate in Land Law for Environmental Managers

This Certificate course gives environmental managers a thorough introduction to the way the environment is seen by legislators and the courts

Each course will require students to attend one mandatory unit (6 points) and three optional units (4 points each). The total cost for each 18-point course will be \$2000 plus GST.

Courses will be offered at the Law Institute of Victoria in Melbourne, and (depending on demand) in Geelong, Horsham, Bendigo, Wangaratta or Benalla, and Traralgon.

To register your interest in enrolling, contact Jacqui Talbot
jacqui@publicland.com.au – (03)95345128



Speakers: **David Gabriel-Jones** (The Public Land Consultancy);
John Darmody (DARMS Property); **Ben Needham** (VicTrack)

The Public Land Consultancy has been providing professional development services across Victoria for 15 years. Our clients include every municipality on the State, and most of the major statutory authorities and government departments.

Our One-day Training Courses
September to December 2015



Offences and Enforcement on Public Land

Tues 13 Oct – Melbourne



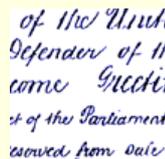
The Law and Subdivisions

Wed 14 Oct – Melbourne
Mon 26 Oct – **Jemena** (full)



Native Title and Aboriginal Heritage

Tues 20 Oct - Melbourne
Fri 23 Oct – **Geelong** (full)



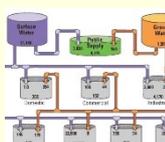
Easements and Restrictive Covenants

Tues 27 Oct - Melbourne



Land Law and Coastal Adaptation

Tues 10 Nov – Melbourne



Land Law for Service Utilities

Tues 17 Nov – Melbourne



Referral Authorities and the Victorian Planning System

Thurs 19 November - **Ballarat**



Crown Land Law, Policy and Practice

Mon 23 Nov – **Horsham**
Thurs 3 Dec – Melbourne



Environmental Law for Councils as Land Managers

Wed 25 Nov – Melbourne



Land Law for Managers of Roads, Streets and Lanes

Mon 30 Nov – **Shepparton**
Fri 11 Dec – Melbourne



Leases and Licences of Public Land

Date to be fixed early 2016
(or enquire about an in-house presentation)



Managing Volunteers and Grants

Date to be fixed early 2016
(or enquire about an in-house presentation)



Land Law for Managers of Rivers and Lakes

Date to be fixed early 2016
(or enquire about an in-house presentation)



Risk Management and the Law

Enquire about an in-house presentation

Cost \$550 per person including GST, Course notes and working lunch. Discounts for host organisations

Enrolments and Enquiries – Jacqui Talbot – jacqui@publicland.com.au

Unless otherwise noted, all courses are at **Law Institute of Victoria**, 470 Bourke Street Melbourne

All courses are of one-day duration; starting time 9:00 am, finish 4:30 pm