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Property, Planning & Environment

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National

Australians to Buy Their First Home by Increasing Flexibility of First Home Saver Accounts

11 May 2010

The Government will help Australians trying to realise the dream of home ownership by allowing First Home Saver Account-holders more flexibility to buy their first home. First Home Saver (FHS) Accounts provide a simple, tax effective way for Australians to save for their first home through a combination of government contributions and low taxes. [More...](#)

\$23.0 million for the nation's new National Waste Policy

11 May 2010

The Government will invest \$23.0 million over five years to deliver Australia's new landmark National Waste Policy, which provides leadership to tackle Australia's growing waste problem over the coming decade. The National Waste Policy will help avoid the generation of waste, reduce the amount of waste being disposed and turn more waste into valuable resources according to Mr Garrett. [More...](#)

New knowledge powerhouse for the environment

11 May 2010

The Rudd Government will invest \$18.0 million over four years to establish a groundbreaking National Plan for Environmental Information to help protect our precious environmental assets into the future. The National Plan for Environmental Information is the first step towards long term reform of Australia's environmental information base, building this critical infrastructure for the future. [More...](#)

Australian Draft National Ports Strategy released: NTC

5 May 2010

A draft future ports strategy for Australia has been released for public consultation. It calls for long-term coordinated planning of Australia's major ports and their related transport corridors and shipping channels. A nationally coordinated approach to the planning and development of port infrastructure is essential for Australia's future economic growth. [More...](#)

Henry Tax Review welcomed by Local Government

3 May 2010

Local government has welcomed the release of the Henry Tax Review and the Rudd Government's decision to reject an expansion of land tax to all landowners. The Henry Review proposes that the states permit councils a 'substantial degree of autonomy' to set property rates; road-user charging for heavy vehicles be progressed with revenue flowing to asset owners, including local councils. [More...](#)

PCA: Treasury 'understood' real estate issues

3 May 2010

Treasurer Wayne Swan has ruled out a number of the review's recommendations, including changes to concessions on capital gains tax and negative gearing, with further announcements on the recommendation of abolishing stamp duty in favour of a broader land tax base. The Property Council of Australia has described the government's response to the Henry review as positive for the real estate sector. [More...](#)

Shire ready for court battle over road compensation

11 May 2010

The Murray Shire Council is ready to go to court to get the compensation it says it is owed by construction giant Southern Gateway Alliance (SGA). A construction and government partnership the SGA built the Perth-Bunbury Highway and the Murray Shire has been negotiating to get compensation for damage to local roads by haulage trucks transporting raw materials during the project. [More...](#)

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Victoria

Councils 'best' to consider wind farm applications

14 May 2010

There is council support for a Victorian Opposition policy to give local governments the authority over wind farm proposals. [More...](#)

Environmental approval for Victorian irrigation project

13 May 2010

Environment Protection Minister Peter Garrett has approved the Northern Victoria Irrigation Renewal Project under national environment law, with strict conditions. After a thorough assessment and public consultation its clear to me this project can go ahead without unacceptable impacts on nationally protected matters, Mr Garrett said. [More...](#)

Ararat prison builder to deliver more local jobs

13 May 2010

Minister for Corrections, Bob Cameron, today announced the Aegis consortium had been selected today to deliver and maintain the 350-bed expansion of the Ararat Prison facility. [More...](#)

\$140 million housing project to create 440 jobs

13 May 2010

Planning Minister Justin Madden today approved the master plan for the \$140 million residential development in Ashwood / Chadstone. [More...](#)

Waste tip blamed for cancers, birth defects

13 May 2010

A hazardous waste landfill site in Dandenong has been declared to be safe, despite residents' call for a health study over claims of birth defects and lung cancer. The landfill near Tullamarine Airport closed down two years ago, leaving the Lyndhurst Hazardous Waste Landfill as the main destination for Victoria's hazardous waste. The Environment Protection Authority (EPA) says the dump operates within strict safety guidelines. [More...](#)

Inquiry recommends CFA safety procedures need complete overhaul

13 May 2010

Lawyers for the Black Saturday inquiry have urged the Royal Commissioners to recommend Victorian fire agencies overhaul their approach to fire fighter safety, urging the commissioners to recommend the CFA and the Department of Sustainability immediately adopt the US-model of having "safety officers" with the power to veto unsafe operational decisions. [More...](#)

Back Saturday bushfire victims given legal options

10 May 2010

A class action has been launched in the Supreme Court for people affected by the Black Saturday fire to seek compensation from the electricity company, Powercor. The fire in February 2009 was sparked by a power line and destroyed eight homes and the Horsham Golf Club. [More...](#)

Victoria shines strongly on federal solar shortlist

12 May 2010

Victoria has featured strongly in the penultimate round of projects vying for funding under the Federal Government's \$1.5 billion Solar Flagships Program, according to the Energy and Resources Minister. The Victorian component of a project must be capable of delivering at least 330GWh per annum into the grid. [More...](#)

New housing boost, planning process for city

12 May 2010

Planning Minister Justin Madden has paved the way for 842 new apartments in the heart of the Melbourne. Mr Madden said the proposed \$220 million development by Central Equity would be subject to strict planning conditions and would provide much needed inner-city housing. [More...](#)

Gaming entitlement auction breaks duopoly

11 May 2010

The gaming machine duopoly that has existed in Victoria since 1994 has been broken, with the Brumby Labor Government carrying out Australia's first gaming machine entitlement auction, according to the Minister for Gaming, Tony Robinson. [More...](#)

24,300 job bonanza from extra first home owner bonuses

11 May 2010

Victoria's home builders are set to be big winners from the 2010 State Budget with an analysis of the new and extended first home bonuses for new home construction predicting an extra 24,300 Victorian jobs in the next financial year. [More...](#)

Victoria's energy market most competitive in Australia

10 May 2010

A global survey of retail energy markets has found that Victoria has the most competitive retail energy market in Australia – and is likely to retain its title of the most competitive in the world. [More...](#)

Mike Rann fires latest salvo in Murray water trading case

10 May 2010

The Victorian government has until the end of the month to file its defence in a legal challenge launched by the Rann government over Murray River water trading. South Australia's new Water Minister, Paul Caica said the government reserved its right to claim compensation from Victoria, NSW and Queensland for damage caused in South Australia by overuse of water elsewhere. [More...](#)

Melbourne trains fail target again

10 May 2010

Melbourne train operator Metro will have to pay about \$125,000 in compensation to the government and provide free travel to commuters after failing again to meet punctuality targets. [More...](#)

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Court challenge over Mallacoota development

10 May 2010

The Supreme Court in Melbourne has begun hearing a challenge to the Planning Minister's decision to approve a new boat ramp and breakwater at Mallacoota, in far-east Gippsland. [More...](#)

New alliance, framework to protect Maribyrnong River

9 May 2010

The Victorian Government has joined forces with five local councils to protect the Maribyrnong River Valley, establish a new linear park, create good walking and cycling trails and ensure sensitive development to protect the river's natural and urban features. [More...](#)

More consultation for Moorabool St redevelopment

5 May 2010

Planning Minister Justin Madden has announced there will be increased community consultation for Stage 2 of the redevelopment at 312-328 Moorabool Street, Geelong. [More...](#)

MAV slams 'election-friendly' budget

5 May 2010

The Municipal Association of Victoria (MAV) has criticised the State Budget as falling well short of meeting the challenges faced by local government in preparing communities for bushfire risks, funding community infrastructure, and delivering land use planning reforms. [More...](#)

Watergate businesses struggle to open

5 May 2010

Two Docklands businesses say they have been prevented from becoming operational in the Watergate building because of more than six months of neglect, misinformation and inattention by agents and building managers. [More...](#)

Agreement clears way for Melbourne's growth

4 May 2010

The Dispute Resolution Committee of Parliament has negotiated a bipartisan way forward for funding vital infrastructure in an expanded urban growth boundary, according to the Planning Minister Justin Madden. [More...](#)

Transport plan projects to build for the future

4 May 2010

The 2010 State Budget delivers a record \$6.4 billion for better roads and public transport including new trams, more stations and road projects to reduce congestion, increase capacity secure Victorian jobs and build the State's economy for the future. [More...](#)

Ten year plan to guide regional growth

4 May 2010

The 5 municipalities of south-west Victoria have collaborated to create a document that maps the region's growth for the next 10 years. [More...](#)

New South Wales

New property charge 'to fund anti-fraud measures'

12 May 2010

The New South Wales Government says is planning to impose a new charge on the sale of properties valued over \$500,000. The Government says it will use the extra money it raises to pay for new security measures to protect home owners from property fraud. [More...](#)

Australia's first PV power station to be constructed

12 May 2010

A Thies-Silex Solar consortium has been confirmed as the major bidder to build large scale solar photovoltaic power station in Australia as part of the Commonwealth's Solar Flagships Program. The NSW Government will contribute \$120 million in funding to the project. [More...](#)

NSW pledges \$120 Million to support solar projects

11 May 2010

The NSW Government has pledged \$120 million to support and attract solar energy projects to the State. Round 1 of the solar Flagships Program will support the construction of two large-scale, grid-connected solar power stations in Australia, one using solar thermal and one using photovoltaic technologies. [More...](#)

Illawarra Land Supply Report released by Government

5 May 2010

Minister for Planning, Tony Kelly, today released the Illawarra Urban Development Program report, the first government report of its type to be produced for the Illawarra since 1992. Mr Kelly said the Government is well above meeting the longer term 25-year target for detached dwellings identified in the Illawarra Regional Strategy. [More...](#)

Queensland

Water Commission wants 'state' dropped from water notices

10 May 2010

The Queensland Water Commission has directed a council-owned water body to drop the word "state" from water notices when referring to bulk water charges. The bulk water charges are set by the state and will help the new water bodies to set water prices this coming financial year. [More...](#)

First property bought a win for koalas

15 May 2010

A 7.6 hectare property at Capalaba West has been protected for koalas as part of the Bligh Government's \$15 million Koala Habitat Protection and Rehabilitation Strategy. The property was the first in an extensive acquisition and rehabilitation program that would target strategic pieces of land to ensure they either remain bushland or are converted back to bush. [More...](#)

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The TOD that turns the tide

13 May 2010

Brisbane is set to receive its first transit-oriented development, with a new proposal for Tennyson launched. The project, known as a TOD and earmarked for land adjacent to the Brisbane River, will allow for high-density living with easy access to public transport and shopping facilities. In the past two years, TODs approved for Milton, Indooroopilly, Albion and Buranda stalled with the global financial crisis. [More...](#)

Ongoing water price hikes 'needed in south-east'

11 May 2010

The Queensland Water Commission (QWC) says ongoing water price hikes in the south-east of the state are needed to pay for drought-proofing infrastructure. The Local Government Association of Queensland (LGAQ) says water bills will rise by around 10 per cent a year for the next five years because of bulk water costs set by the State Government. [More...](#)

New laws to protect landholders' rights as CSG industry grows

17 May 2010

New laws will be introduced in the Queensland Parliament this week which aim to provide a more consistent and transparent process to improve landholders' rights when their land is accessed for coal seam gas exploration. The amendments to the existing land access framework are about providing certainty to all stakeholders about their respective rights and responsibilities when it comes to land access. [More...](#)

Queensland Announces Solar Grants For Community Groups

9 May 2010

Eligible sporting and community organisations throughout Queensland will be able to apply for grants to support the purchase and installation of 1.5 kilowatt solar power systems and/or solar hot water systems. The solar power grants will be available through the Gambling Community Benefit Fund via a competitive application process. Guidelines and application packs will be available from 1 June. [More...](#)

Neighbourhood disputes over trees and fences easier to resolve

12 May 2010

The Bligh Government releasing draft new laws that will make it easier for neighbours to resolve disputes over trees and fences. Attorney-General Cameron Dick has released a draft copy of the new laws which will modernise and simplify the way neighbours handle disputes, clarify definitions of dividing fences, tree owners and allow the use of the Queensland Civil and Administrative Tribunal to adjudicate disputes. [More...](#)

Articles

National

Virtual assignments

Author: Butt, Peter

Source: Australian law Journal, 2010, Vol 84, No 4, pp213

How far down do you own

Author: Butt, Peter

Source: Australian law Journal, 2010, Vol 84, No 4, pp213

Rights to underground water

Author: Butt, Peter

Source: Australian law Journal, 2010, Vol 84, No 4, pp214

Issues paper / Prime Minister's Task Group on Energy Efficiency

Author: Prime Minister's Task Group on Energy Efficiency (Australia) Australia. Dept. of Climate Change and Energy Efficiency, 2010: pp26.

Energy efficiency; Energy consumption; Emissions targets; Energy policy; Statistics; Council of Australian Governments; Australia overseas comparisons; Prime Minister's Task Group on Energy Efficiency. [More...](#)

Wind turbines in Denmark

Author: Denmark. Energy Agency

Source: Copenhagen, Denmark: Danish Energy Agency, 2009; pp31.

Denmark; Wind energy; Electricity supply; Tariffs; Prices and charges; Statistics; Technical evaluation; Overseas item. [More...](#)

Market mechanisms for recovering water in the Murray-Darling Basin: Productivity Commission research report / Productivity Commission

Author: Australia. Productivity Commission, 2010: pp366 Murray Darling Basin; Environmental flows; Water rights; Water policy; Environmental impact; Cost effectiveness analysis; Statistics; Interstate comparisons; Australia overseas comparisons; Trends to 2010. [More...](#)

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Review of the administration of the Home Insulation Program / Allan Hawke

Author: Hawke, Allan; Australia. Dept. of Climate Change and Energy Efficiency, 2010; 66 p
Insulation; Housing; Safety; Program management; Energy efficiency; Nation Building and Jobs Plan 2009; Evaluation; Dept of the Environment, Water, Heritage and the Arts; Committees and inquiries; Federal state relations; Interstate comparisons. [More...](#)

Restructuring the Australian economy to emit less carbon: main report / John Daley and Tristan Edis

Author: Daley, John; Edis, Tristan; Grattan Institute, 2010.; pp38
Emissions trading; Climate change adaptation and mitigation; Industry assistance; Structural adjustment; Industry migration; Competition; Statistics. [More...](#)

Practice notes/directions

National

Henry Review Overview 2010

3 May 2010

The following are the highlights of the government's response.

- Resource Super Profits Tax (RSPT) will be introduced on 1 July 2012 at a rate of 40% on profits made from the exploitation of Australia's non-renewable resources.
- The states and territories will be provided with new, ongoing infrastructure funding, with an initial total amount of \$700m in 2012/13.
- A refundable resource exploration rebate will be provided to companies, set at the prevailing company tax rate, for exploration expenditure carried out in Australia from 2011/12.

The government's response can be downloaded from the [Treasury website](#) and the Henry Report from the [AFTS website](#).

National Waste Report 2010

7 May 2010

Australia's first comprehensive national assessment of trends in waste and resource recovery has been released by the Government. The National Waste Report 2010 is a key component of the National Waste Policy, agreed by all environment ministers last November, and will help guide future action by the states, territories and the Commonwealth. The National Waste Report will be updated every three years. [More...](#)

Victoria

Civil and Administrative Tribunal: Major Cases List Begins Operation

The Victorian Civil and Administrative Tribunal (VCAT) has announced that its Major Case List, which hears planning developments worth more than \$5 million, commenced operation on 3 May 2010. The list will operate as a part of the Planning and Environment List and a key objective will be to decide cases on the list within 16 weeks of lodgement. [More...](#)

Land Use Planning Safety

WorkSafe Victoria has prepared a Guidance Note on land use planning near Major Hazard Facilities. [More...](#)

Queensland

Electronic Transaction Laws to be Improved

7 May 2010

The Model Electronic Transactions Amendment Bill 2010 will strengthen Australia's electronic commerce laws in relation to: the determination of a party's location in an electronic environment; the time and place of dispatch and receipt of electronic communications; and the use of automated message systems for contract formation. States and Territories will seek to amend each of their respective Electronic Transaction Acts within the next 12 months. [More...](#)

Consultation: Draft Neighbourhood Disputes Resolution Bill

12 May 2010

The new laws clarify parts of the current legislation while establishing a formal resolution process for dealing with disputes about trees, and also included a new statutory framework giving QCAT jurisdiction to make orders in disputes over trees and fences. The draft Neighbourhood Disputes Resolution Bill is available at www.justice.qld.gov.au and feedback can be provided until 9 July 2010. [More..](#)

Duplexes and Detached Houses

13 May 2010

The Queensland Government's Sustainable Planning Regulation 2009 (SPR) was amended on 26 March 2010 to allow Councils to opt into self-assessment of duplexes. Brisbane City Council does not intend to opt into self-assessment which means that the QDCMP1.3 "Design and siting standard for duplex housing" does not apply in Brisbane. The Council is currently undertaking a comprehensive review of City Plan 2000 and will develop the new plan for Brisbane, in line with the new SPA legislation. [More...](#)

Implementation of energy efficiency requirements from 1 May 2010

5 May 2010

The Queensland Development Code (QDC) modifications to the Building Code of Australia (BCA) energy efficiency requirements commenced on 1 May 2010. This includes the 6-star energy efficiency requirements for residential buildings and an increase in the stringency of energy efficiency requirements for commercial buildings. [More...](#)

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Legislation

National

Bills

Building Energy Efficiency Disclosure Bill 2010

11 May 2010

A Bill for an Act to promote the disclosure of information about the energy efficiency of buildings, and for related purposes. [More...](#)

Water (Crisis Powers and Floodwater Diversion) Bill 2010

11 May 2010

A Bill for an Act to enable the Murray-Darling Basin Authority to manage the water resources of the Basin as a single system during periods of extreme crisis, and for related purposes. [More...](#)

Regulations

Water Amendment Regulations 2010 (No. 1)

10 May 2010

Legislative Instrument Number: SLI 2010 No. 83

These Regulations amend the Water Regulations 2008 to enhance the coverage of the water charge rules under the Water Act 2007 to benefit water users and infrastructure operators. [More...](#)

Queensland

Acts

Aboriginal Land Act 1991 No.7D

Coastal Protection and Management Act 1995 No.4D

Environmental Protection Regulation 2008 No.1G

Foreign Ownership of Land Register Act 1988 No.3A

Greenhouse Gas Storage Regulation 2010 No.1

Land Act 1994 No.10I

State Development and Public Works Organisation Act 1971 No.6D

Survey and Mapping Infrastructure Act 2003 No.2C

Surveyors Act 2003 No.2C

Torres Strait Islander Land Act 1991 No.7C

Transport Operations (Marine Pollution) Regulation 2008 No.1

Trustee Companies Act 1968 No.4A Water Regulation 2002 No.7A

Architects Amendment Act 2010

Regulations

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2010 [More...](#)

State Development and Public Works Organisation Regulation 201

Cases

Victoria

Perpetual Trustee Ltd & Anor v Baranov (No 2) [2010] VSC 172

Mortgages – Default by mortgagee – Deed of cross collateralisation – Multiple securities available to mortgagee to satisfy debt – Claim for possession of mortgagee’s family home – Precursor to mortgagee’s sale – Statutory obligation to exercise power of sale in good faith with regard to mortgagor’s interests – Protection of “interests” in family home – Whether mortgagee obliged to have primary recourse to other securities – Applicability of Nolan v MBF Investments [2009] VSC 244.

[More...](#)

Architype Australia Pty Ltd v Yarra CC [2010] VCAT 497

Planning scheme – interpretation or consideration of VPP provision. Change to legislation or vpps - whether change to VPPs or statutory provisions is required or desirable- It is recommended that the drafting and application of the Environmental Audit Overlay should be reviewed. [More...](#)

Westfield Ltd v Manningham CC [2010] VCAT 499

Proposed complex of dwellings in buildings between 3 and 10 storeys. Weight to be given, in assessing urban design issues, to policies encouraging substantial but as-yet unrealised urban change v the existing neighbourhood character. Whether the proposal’s affect on traffic amenity and safety, neighbours’ amenity or other amenity issues is acceptable. [More...](#)

Balanced Securities Limited v Bianco & Ors [2010] VSC 162

Possession – Transfer of Land Act – Tenant in possession – No consent from Mortgagee – Indefeasibility of title Mortgage – Torrens Title Land – Prohibition on leasing without prior consent of mortgagee – Tenancy without mortgagees consent – Validity – Whether tenancy protected by Transfer of Land Act 1958, s 42(2) (e) – Whether tenancy agreement entered into prior to registration binds mortgagee – Mortgagee entitled to possession. [More...](#)

Byrnes & Ors v Greater Geelong CC [2010] VCAT 533

Application – significant, interesting or unusual use or development; application of policy, provision or principle; or circumstances. Proposal for a ferris wheel to be sited in the Geelong waterfront precinct for three time periods, being: 18 September 2010 – 25 April 2011; 15 November 2011 – 15 April 2012; and 15 November 2012 – 15 April 2013. [More...](#)

CK & Sons Pty Ltd v Bayside CC [2010] VCAT 505

Application under section 77 of the Planning and Environment Act 1987; Bayside Planning Scheme; Residential 1 Zone; Proposal to install ten additional gaming machines in existing hotel with existing gaming room; Matters to be considered in determining the merits; Locational aspects require planning approval; Locational social and economic considerations reasonable & appropriate to allow additional machines. [More...](#)

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Calodoukas v Moreland CC [2010] VCAT 498

Reasonableness of Council request for further information on accessibility, environmental audit and ESD matters. Practice or procedure – consideration of individual instance or systemic issues. Planning and Environment Act 1987 s 54 - Council requirement for further information. Extent of information that it is reasonable to require an applicant to provide at permit assessment stage - Consideration of whether requirements for accessibility report and ESD management plan are relevant planning matters, and reasonableness of requirement - Consideration of whether a full environmental audit required at planning application stage. Change to legislation or vpps - whether change to VPPs or statutory provisions is required or desirable - DPCD policy clarification would be desirable about what is reasonably necessary in terms of ESD information to assess a planning permit application. [More...](#)

Golden Investment Holdings Pty Ltd v Whitehorse CC [2010] VCAT 514

Application under section 80 of the Planning and Environment Act 1987; Whitehorse Planning Scheme; Mixed Use Zone; Permit for buildings up to seven storeys in height containing 200 dwellings and two retail shops; Dispute regarding conditions to reduce overall building height, Internal and external overlooking potential, Provision of bicycle parking and Detailed design matters; Applicant Closed Case Without Finishing Case; Applicant's Decision to Close Case has Implications for our Findings. [More...](#)

Tewlen Pty Ltd v Melbourne CC [2010] VCAT 535

Display of an electronic major promotion sign. Application – significant, interesting or unusual use or development; application of policy, provision or principle; or circumstances. Consideration of whether the sign is a safety hazard by virtue of the fact that it is animated, it can distract drivers, and is proposed to be located at a relatively complex intersection. Change to legislation or vpps - whether change to VPPs or statutory provisions is required or desirable. Apparent error in Clause 37.04-5 which states that Clause 52.05-6 does not apply to the consideration of an application within the Capital City Zone. [More...](#)

Queensland

Tom Dooley Developments Pty Ltd v Brisbane City Council & Pherous [2010] QPEC 040

Application for declaration about what was permitted under a development approval constituted by a court order - condition that developer “retain” two walls remaining of a heritage building that had otherwise been demolished - state of the walls rendered construction activity on site unsafe - they lacked heritage value - applicant held entitled to dismantle walls and reinstate them at the end of construction - further relief granted (should it be necessary) by way of “permissible change” to the approval. [More...](#)

Moncrieff v Townsville City Council & Ors [2010] QPEC 045

Preliminary issue whether development application for preliminary approval was one for overriding of planning scheme – whether the way in which the approval sought would vary the effect of the planning scheme. [More...](#)

McDonald's Australia Ltd v Brisbane City Council & Roca Properties Pty Ltd [2010] QPEC 044

Appellant's development application did not include land adjoining the site across which an access driveway to Archerfield Road was to be provided - the land had been acquired by the respondent Council for road purposes and was registered in its name as acquiring authority, but had not yet been dedicated as road - whether development application “properly made” in appeal resolved, such that there be an approval on conditions - whether development application “properly made” - relief that might be apposite granted on originating application under new legislation. [More...](#)

O'Brien & Ors v Brisbane City Council [2010] QPEC 043

“Minor change” of development application where a second dwelling proposed for a site (to be reconfigured) was “rotated” 90 degrees to alleviate concerns of adverse submitter neighbours in a compromise of their appeal. [More...](#)

Oaky Creek Coal Pty Ltd v Central Highlands Regional Council & Anor [2010] QPEC 042

Relief for non-compliance with IPA requirements for public notification - notification occurred late as applicants awaited an information request that never eventuated - omission of a sign on one of site's three frontages (which gave little appearance of being a road) - omission to notify Department of Environment and Resource Management (owner of adjacent non-allocated State land) - Department confirmed its interests were unaffected. [More...](#)

Tully Sugar Limited v Cassowary Coast Regional Council & Anor [2010] QPEC 041

Planning and environment – planning schemes – construction of planning schemes – whether compromise of the achievement of desired environmental outcomes for the planning scheme area. Planning and environment – conflict with planning scheme – whether conflict with planning scheme – whether sufficient planning grounds to approve development despite conflict. [More...](#)

Star Australia Pty Ltd v O'Brien [2010] QCAT 172

Section 77 of Queensland Building Services Authority Act 1991 - application sought relief in the form of an order that it be permitted to enter the four premises where the good are installed and remove them, this is not possible, given that such an action would infringe the rights of the residents / owners of the four homes in which the alarms are installed. [More...](#)

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Spring Lake Garden Centre Pty Ltd v Ingleton [2010] QCAT 171
Retail shop lease-IMPLIED term-breach – false or misleading statement or misrepresentation- s 43(2)(a) Retail Shop Leases Act 1994. Declaration-jurisdiction of tribunal under enabling Act-not derogated from in Queensland Civil And Administrative Tribunal Act 2009. [More...](#)

Di Marco Investments Pty Ltd v Body Corporate for "Number 1" [2010] QCAT 154
Body Corporate and Community Management Act 1997; QCAT; Lot entitlement contribution scheme. [More...](#)

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