



What's News?

Property, Planning & Environment

16 June 2009

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Latest News

National

Defence won't rule out base sell-off

4 June 2009

The Defence Department says its plan to save \$20 billion over the next decade does not currently include a program to sell off defence bases [More...](#)

Carbon scheme 'like a GST from hell'

3 June 2009

A leading economist says the Government's planned emissions scheme is bound to fail economically and environmentally [More...](#)

Garrett unveils land protection boost

2 June 2009

The Federal Government is aiming to increase the amount of land covered by parks, reserves and protected areas by 25 per cent over the next four years [More...](#)

Native Title Tribunal stops mining lease

28 May 2009

An Aboriginal land corporation has had a historic win in the National Native Title Tribunal by blocking a company's application for a mining lease. In the first case where a company has failed to win a mining application on land granted under the Native Title Act, Reward Minerals Ltd subsidiary Holocene Pty Ltd was denied a lease over Lake Disappointment in Western Australia [More...](#)

E-conveyancing edges closer to total collapse

28 May 2009

A former general counsel of the Commonwealth Bank, said lawyers, bankers and conveyancers were likely to abandon the project unless \$20 million was provided to establish the company that will run the system [More...](#)

Govt criticised over \$300m water buyback

29 May 2009

The Federal Government has come under fire for not consulting local communities before buying back a record amount of water from the Murray-Darling Basin. The Government has purchased 240 billion litres of water entitlements from the Twynam Agricultural Group in New South Wales for just over \$300 million [More...](#)

National consumer law to apply to property contracts

29 May 2009

The Federal Government has announced that proposals to regulate unfair contract terms will apply not only to business-to-consumer transactions but also to all business-to-business contracts. The terms of any contract, including any lease for commercial, retail and industrial property, could subsequently be subject to legal challenge even when those leases are the result of extensive negotiations and have been freely entered into by both parties [More...](#)

Latest News

Victoria

Underground power preferred for desalination project

28 May 2009

Premier John Brumby announced the State Government's preferred power source for the Victorian Desalination Project is underground electricity from the grid, which will be fully offset through the purchase of renewable energy [More...](#)

Irrigators relieved over cap changes

5 June 2009

Irrigators say they are relieved at the detail of the Victorian Government's changes to a cap on irrigation transfers. There will now be provision for an exemption to the 4 per cent limit on the volume of water that can be traded out of irrigation districts. The limit will be phased out from 2011 [More...](#)

Melbourne City Council pursues 11pm bar closing plan

2 June 2009

Melbourne Council is pressing ahead with plans to limit some new bars to 11pm closing times, despite fears it will hurt business and nightlife. The council's draft planning scheme amendment for licensed venues says "boutique" bars with less than 100 people will be encouraged by the council, but the proposal to limit the number of beer barns operating within a 150m radius has been scrapped [More...](#)

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Plantation fire risk fears

4 June 2009

Country towns could become death traps under a Victorian Government proposal to make timber plantations an "as of right" form of agriculture. The Victorian Government's draft Timber Industry Strategy states that plantation operators should no longer be forced to obtain a planning permit prior to establishment [More...](#)

Title claims to bypass the courts

4 June 2009

Victoria will become the first state to settle native title claims out of court in one of the biggest overhauls of indigenous land rights since the Mabo judgement. Under the shake-up, to be announced by Attorney-General Rob Hulls today, traditional owners will be able to negotiate directly with the state without having to pursue onerous native title cases in the Federal Court [More...](#)

Restaurants may face drink curbs

2 June 2009

Restaurants in Melbourne may soon face greater planning controls to bring them in line with bars and nightclubs. Restaurants in the CBD and Docklands require no planning permits because they are in entertainment zones [More...](#)

Call to recycle all water and ban outfalls

3 June 2009

As pressure mounts on the State Government to improve its record on water recycling, the report recommended that 100 per cent of Melbourne's treated water be put to productive use.

New Commonwealth – Victorian water agreement

4 June 2009

The Australian and Victorian Governments have agreed on landmark reforms to return more water to the environment in conjunction with Victoria's irrigation modernisation program [More...](#)

Victoria enters new era of climate change action

3 June 2009

Victoria will focus its efforts to combat climate change on areas such as new energy technology and green building initiatives that will create jobs and build the state's economy, as outlined in the Victorian Climate Change Green Paper, released by Premier John Brumby [More...](#)

New South Wales

New Funding For Joint Regional Planning Panels

3 June 2009

The NSW Government has allocated \$2.4 million in the 2009/10 budget to establish, operate and administer new Joint Regional Planning Panels. Council staff will assess projects to be determined by the panels, including some coastal projects which are currently assessed by the Department of Planning [More...](#)

Plans for remediation of former HMAS Platypus site approved

27 May 2009

A Memorandum of Understanding between the Sydney Harbour Federation Trust and the Department of Defence to clean up the former HMAS Platypus site on the Neutral Bay foreshore in Sydney Harbour has been finalized. Following consultation with the New South Wales Government, the draft plan which would provide public access to the site following remediation and adaptive re-use of the former industrial buildings, has also been approved [More...](#)

Queensland

Flood damage bill \$39 million so far

26 May 2009

Flooding in southeast Queensland and northern NSW has caused an estimated \$39 million in damage so far, the Insurance Council of Australia [More...](#)

Companies fined for dumping concrete waste

27 May 2009

A concrete business and a property owner have been fined by the EPA environmental services over the dumping of waste which was not disposed of properly [More...](#)

Brisbane unit owners lose Council rates case

28 May 2009

The Supreme Court today allowed the BCC to charge rates according to the unimproved capital value of the land on which the units are built. The new system introduced in last year's Brisbane City Council (BCC) Budget has seen some rates more than double for some inner-city apartments [More...](#)

Queensland Retail Shop Leases Act back with Attorney General

May 2009

Responsibility for the Act, and for the Retail Shop Leases Registry, has now been transferred to the Attorney-General. The Government has previously announced that the specialist function of the Retail Shop Leases Registry will be maintained within QCAT's functions. Draft legislation to implement QCAT has now been released and can be accessed at www.tribunalsreview.qld.gov.au

Heated exchanges over Qld asset sales

3 June 2009

The Qld Govt's privatisation plans have provoked a testy exchange between the Premier and Opposition MPs.

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Articles

National

Can we reverse global climate change? Part I

Cap-and-trade is a Temple of Doom for life on Earth, worshipped by lawmakers afraid to confront fossil special interests. [More...](#)

An analytic network process for risks assessment in commercial real estate development

Authors: Chen, Zhen; Khumpaisal, Sukulpat

Source: Journal of Property Investment and Finance, Vol 27, Number 3, 2009, pp. 238-258(21)

Practice notes/directions

Victoria

Currently inviting submissions

Future Farms: Providing for Victoria's Future Rural Land Use, Discussion paper, April 2009 is out for public comment and feedback by 26 June 2009.

Waste Transfer and Recycling Facility Provisions - Issues and Options Paper - the closing date for comments has been extended to 12 June 2009.

The Planning Property Report reached a milestone this week when the 500,000th Report was issued. This popular, expanding service allows you to search by address across all Victorian planning schemes. Reports include property and council details, zones and overlay maps with links to the scheme provisions, and heritage information if applicable.

Urban design Charter

The Minister for Planning has launched the Urban Design Charter for Victoria to encourage good urban design across the state.

Approved:

Amendment VC56: Two new clauses have been added to the Victoria Planning Provisions, 52.40 (Government Funded Education Facilities) and 52.40 (Government Funded Social Housing) to fast track projects under the Commonwealth Nation Building and Economic Stimulus Plan. The Minister for Planning is the responsible authority for matters relating to these two clauses (schedule to clause 61.01). A minor correction was made to Clause 62.02-2 relating to furniture and works in education centres. Two advisory notes explain the changes. The Clause 52.40 advisory note has been revised.

New South Wales

Planning Circular: Complying development - changes to notification

3 June 2009

Changes to post-determination notification requirements for complying development [More...](#)

New local plan-making website section

3 June 2009

A new page for all local planning information and standard instruments is now available [More...](#)

Queensland

MOU for Regional Development Australia

A Memorandum of Understanding (MoU) had been signed to launch the Regional Development Australia (RDA) process in Queensland and promote further cooperation between the Commonwealth and Queensland governments to promote regional development [More...](#)

Commonwealth's \$42 billion stimulus plan

The Department of Public Works is coordinating Queensland's implementation of the Australian Government's \$42 billion Nation Building and Economic Stimulus Plan. Contacts are: Economic Stimulus Plan Program Management Office, Department of Public Works, and Telephone 1800 617 198 [More...](#)

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Legislation

Victoria

Commonwealth

Protection of the Sea (Shipping Levy) Amendment Regulations 2009 (No. 1)

These Regulations amend the Protection of the Sea (Shipping Levy) Regulations 1982 to increase the rate of the Protection of the Sea levy. Date Registered: 05/06/2009 [More...](#)

Queensland

Bills

Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and

Public Sector Ethics) Amendment Bill 2009

Revenue and Other Legislation Amendment Bill 2009
Great Barrier Reef Protection Amendment Bill 2009

Regulations

No 73 Mines and Energy Legislation Amendment Regulation (No. 1) 2009
No 74 Residential Tenancies and Rooming Accommodation Regulation 2009
No 75 Forestry and Nature Conservation Legislation Amendment Regulation (No. 2) 2009
No 76 Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2009

Acts

No 12 Crime and Misconduct and Summary Offences Amendment Act 2009 28-05-09

Cases

Victoria

Clifford v Solid Investments [2009] VSC 223

Real property — sale of land — relationship of vendor and purchaser — statutory protection of purchasers — sale of lots on unregistered plan of subdivision — “prescribed contract” — meaning of “specified” — right to rescission by purchaser — policy of the Act — certainty
Property Law Act 1958 (Vic), s 49; [More...](#)

Worboyes v Vieth [2009] VSC 205

Property – De facto relationship – Application for adjustment of property interests under Part IX of the Property Law Act 1958 (Vic) – financial and non-financial contributions [More...](#)

Tsourounakis v Ballarat CC (includes Summary) (Red Dot) [2009] VCAT 905

Aboriginal Heritage Regulations 2007 rr 6, 23; whether Cultural Heritage Management Plan required; activity on land within 200 metres of waterway; relevance of significant ground disturbance to whether land in an area of cultural heritage sensitivity [More...](#)

Queensland

Regional Land Development Corp No 1 P/L v Banana Shire Council & Ors [2009] QCA 140

Environment and planning – courts and tribunals with environment jurisdiction – Queensland – supreme court – error of law – where applicant alleged primary judge misapplied s 3.5.14 of the Integrated Planning Act 1997 (Qld) (“the Act”) – whether alleged ground “error or mistake in law” as required by s 4.1.56 of the Act – whether leave to appeal should be granted.

GPT RE Limited (as responsible entity) & Anor v Department of Natural Resources and Water [2009] QLC 0078

Statutes – construction and interpretation of legislation – Determination of whether existing approvals associated with improvements on the land add value to the land pursuant to s.3(2B) of the Valuation of Land Act Qld 1944 – consideration of whether or not infrastructure credits associated with previous building works carried out on the land add value to the land pursuant to s.3(2B) of the Valuation of Land Act Qld 1944 as causing an increase in the value of the land that has happened in connection with a development approval, other approval or authority – treatment of infrastructure credits under s.3(1)(b) of the Act.
Real property – valuation of land – Reduction in value of land encumbered by an easement limiting flexibility of development on the land. Valuation of land – sales evidence – Application of sales – consideration given to hypothetical maximum development permitted on subject land and sales – sale of land after valuation date accepted as evidence of value – relevance of sales of significantly smaller parcels of land – treatment of sale affected by existing tenancy and demolition costs [More...](#)

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