

THE PUBLIC LAND CONSULTANCY

Independent professional advice and support for managers and users of public land



Professional Development for Victorian Land Surveyors

February-June 2020

The Public Land Consultancy is pleased to be working with the surveying profession to further enhance the knowledge base of Victoria's land surveyors

FPET

Further Professional Education or Training.

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.



On the following pages...

- Pages 2 and 3: Our Calendar of course presentations
- Pages 4 to 11 Details of our One-day Training Courses
- Pages 12 and 13 Details of our Half-day Training Courses

Enquiries & Registrations: Jacqui Talbot (03) 9534 5128
jacqui@publicland.com.au

Cost: Full day courses: \$550; Half day courses: \$330 includes GST, course notes, working lunch (for full day courses), and certificate of attendance.

The Public Land Consultancy
ABN 69 067 045 520
Principal: David Gabriel-Jones
Email: training@publicland.com.au

27 / 539 St Kilda Road
Melbourne, VIC 3004
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or (03) 9525 1096

postal: PO Box 2251
St Kilda West, VIC 3182
mobile: 0412 134 243
www.publicland.com.au

FPET Calendar

February to June 2020

<i>Date and Location</i>	<i>Course Title</i>	<i>FPET Points</i>
Thurs 13 February 2020 Cliftons, Melbourne	Crown Land Governance (details page 8)	4.0 cadastral 2.0 other
Thurs 20 February 2020 Cliftons, Melbourne	The Law relating to Subdivisions (details page 5)	4.0 cadastral 2.5 develop't planning
Mon 24 February 2020 Russell Kennedy, Melbourne	Restrictions on Title (details page 7)	5.5 cadastral 1.0 develop't planning
Wednesday 26 Feb 2020 Cliftons, Melbourne	Statutory Approvals on Public Land (details page 9)	1.0 cadastral 5.5 develop't planning
Monday 2 March 2020 Cliftons, Melbourne	Crown Land Governance (details page 8)	4.0 cadastral 2.0 other
Tuesday 3 March 2020 Cliftons, Melbourne	Working with Owners Corporations (details p 4)	6.5 cadastral
Thursday 5 March 2020 Cliftons, Melbourne	Roads Governance (details page 5)	5.0 cadastral 1.5 develop't planning
Thurs 12 March 2020 Geelong	The Law relating to Subdivisions (details page 5)	4.0 cadastral 2.5 develop't planning
Friday 13 March 2020 Cliftons, Melbourne	Road Discontinuations (details page 13)	4.0 cadastral
Monday 16 March 2020 Wangaratta	Crown Land Governance (details page 8)	4.0 cadastral 2.0 other
Tuesday 17 March 2020 Bendigo	Working with Owners Corporations (details p 4)	6.5 cadastral
Thursday 19 March 2020 Ballarat	Roads Governance (details page 5)	5.0 cadastral 1.5 develop't planning
Tuesday 24 March 2020 Traralgon	Crown Land Governance (details page 8)	4.0 cadastral 2.0 other
Friday 27 March 2020 Cliftons, Melbourne	Encroachments onto Public Land (details page 12)	3.0 cadastral 0.5 develop't planning
Tuesday 31 March 2020 Cliftons, Melbourne	Working with Owners Corporations (details p4)	6.5 cadastral

Warning! This calendar may be subject to change

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PROFESSIONAL DEVELOPMENT FOR SURVEYORS

Thursday 2 April 2020 Bendigo	Crown Land Governance (details page 8)	4.0 cadastral 2.0 other
Thursday 16 April 2020 Geelong	Crown Land Governance (details page 8)	4.0 cadastral 2.0 other
Tuesday 21 April 2020 Geelong	Road Discontinuations (details page 13)	4.0 cadastral
Thursday 23 April 2020 Wangaratta	Roads Governance (details page 5)	5.0 cadastral 1.5 develop't planning
Wed 29 April 2020 Cliftons, Melbourne	Riparian Land Governance (details page 11)	3.0 cadastral 2.0 other 1.0 develop't planning
Thursday 30 April 2020 Geelong	Working with Owners Corporations (details page 4)	6.5 cadastral
Friday 1 May 2020 Wangaratta	Encroachments onto Public Land (details page 12)	3.0 cadastral 0.5 develop't planning
Monday 4 May 2020 Traralgon	Roads Governance (details page 5)	5.0 cadastral 1.5 develop't planning
Thursday 7 May 2020 Ballarat	Road Discontinuations (details page 13)	4.0 cadastral
Tuesday 12 May 2020 Geelong	Roads Governance (details page 5)	5.0 cadastral 1.5 develop't planning
Wednesday 13 May Wangaratta	The Law relating to Subdivisions (details page 5)	4.0 cadastral 2.5 develop't planning
Thursday 14 May 2020 Traralgon	Working with Owners Corporations (details page 4)	6.5 cadastral' points
Friday 15 May 2020 Cliftons, Melbourne	Coastal Land Governance (details page 10)	5.0 cadastral 1.5 develop't planning
Friday 22 May 2020 Traralgon	Encroachments onto Public Land (details page 12)	3.0 cadastral 0.5 develop't planning
Thursday 28 May 2020 Bendigo	Roads Governance (details page 5)	5.0 cadastral 1.5 develop't planning
Tuesday 2 June 2020 Horsham	Crown Land Governance (details page 8)	4.0 cadastral 2.0 other
Friday 5 June 2020 Ballarat	Encroachments onto Public Land (details page 12)	3.0 cadastral 0.5 develop't planning
Tuesday 16 June 2020 Warrnambool	Crown Land Governance (details page 8)	4.0 cadastral 2.0 other

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WORKING WITH OWNERS CORPORATIONS

What they are and how they are created

- The corporate entity and its membership
- Application of corporations law
- The *Subdivision Act 1988* and the *Owners Corporation Act 2006*

How they are governed

- Their purpose, structure, composition and rules
- OC committees and OC managers

Reading strata plans

- Lots, liabilities and entitlements, boundaries
- common property, accessory lots, restricted lots and car park lots; express and implied easements

What they do and how they do it

- Their functions, powers and duties
- Their procedures and operations
- How fees are set; how disputes are resolved

How they can be modified or abolished

- Altering their rules, purpose and functions
- Winding them up

And throughout the day: case law...

- Key decisions from VCAT and the Supreme Court
- The cladding issue: industry and policy responses



Presenter: Simon Libbis

B.Juris., LLB; Accredited LIV Property Law Specialist

Author of:

- *Conveyancing Victoria – The Ultimate Guide*
- *Subdivisions with the Lot*
- *Owners Corporations in Victoria*

FPET

6.5 Cadastral points

Forthcoming presentations

*Tues 3 March 2020
Melbourne*

*Tues 17 March 2020
Bendigo*

*Tues 31 March 2020
Melbourne*

*Thurs 30 April 2020
Geelong*

*Thurs 14 May 2020
Traralgon*

Enquiries & Registrations

*Jacqui Talbot
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LAND LAW AND SUBDIVISIONS

A one-day professional development course for surveyors, property professionals, and staff of statutory authorities

COURSE CONTENT

Part 1 – The Process of Subdivision

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

Part 2 – Variations from the Basic Process

- Old Law land; land with encumbered title
- Land with access issues; subdivisions requiring rezoning
- Subdivisions by acquiring authorities
- Owners Corporations and three-dimensional subdivisions
- Staged subdivisions
- Application of the *Aboriginal Heritage Act 2006*

Part 3 – The Legacy of Past Systems of Subdivision

- Subdivision by Transfer in Part
- Stratum titles, cluster titles and company share titles
- Ownership of old roads and reserves
- Abandoned easements and road discontinuations



Presenter

Grant Arnold

B.Bus (Property) RMIT

Associate, The Public Land Consultancy

Previously, Grant held various senior positions in DELWP and its predecessor organisations:

- Statewide Manager, Statutory Planning
- Manager, Agriculture Industry Policy
- Manager, Policy Coordination

FPET

4.0 Cadastral points
2.5 Development
planning points

Forthcoming presentations

Thurs 20 Feb 2020

Melbourne

Thurs 12 March 2020

Geelong

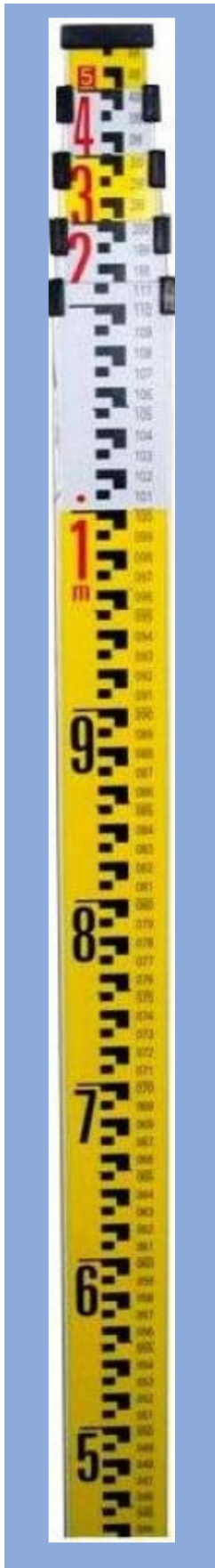
Wed 13 May 2020

Wangaratta

Enquiries & Registrations

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ROADS GOVERNANCE

What is (and what's not) a Road

- Roads as road-users know them
- Roads as known to title
- 'Public Highways' and the common law
- Easements and common property roadways
- Closed, discontinued, and unused roads

How Roads are Owned, Controlled and Managed

- Disaggregating ownership, control, and management
- The roles of councils, VicRoads and service utilities
- Road Authorities and the Road Register
- A road authority's duty of care and risk exposure
- Encroachments and 'adverse possession'

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 and aboriginal sites
- How planning schemes deal with roads

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 Act 1989*
- The *Subdivision Act 1988* and its predecessors
- The *Road Management Act 2004*
- The *Planning and Environment Act 1987*

FPET

*5.0 cadastral
points*

*1.5
development
planning
points*

Forthcoming presentations

*Thurs 5 March 2020
Melbourne*

*Thurs 19 March 2020
Ballarat*

*Thurs 23 April 2020
Wangaratta*

*Mon 4 May 2020
Traralgon*

*Tues 12 May 2020
Geelong*

*Thurs 28 May 2020
Bendigo*

Enquiries & Registrations

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Our Presenters –

David Gabriel-Jones

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

**Principal, The Public Land
Consultancy**

Stuart Monotti

*LIV Accredited Specialist in
Property Law*

*LIV Accredited Specialist in
Commercial Tenancy Law*

RESTRICTIONS ON TITLE

COURSE CONTENT

Introduction: Indefeasibility of Title

- Crown grants and 'fee simple'
- Old Law and Torrens title
- Common law constraints on indefeasibility
- Statutory constraints on indefeasibility

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

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

Statutory Agreements

- Sec 173, Planning & Environment Act
- Sec 121 Road Management Act
- Sec 69, Conservation Forests and Lands Act
- Trust for Nature covenants
- Heritage Act covenants
- Indigenous Land Use Agreements

Crown Land Restrictions

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

FPET

5.5 cadastral points

1.0 development planning' point

Forthcoming presentation

**Monday 24
February 2020
Melbourne**

We can also put these courses on for you 'in-house.'

Discounts for host organisations

Enquiries & Registrations

*Jacqui Talbot
(03) 9534 5128*

jacqui@publicland.com.au



Our Presenter Astrid Di Carlo

*Bachelor of Laws (Deakin), Master of Laws (Emory [USA]), Bachelor of Arts (LaTrobe),
Postgraduate Diploma of Policy and Law (LaTrobe)*

**Special Counsel, Russell
Kennedy Solicitors
Lecturer in Property Law,
RMIT University**

CROWN LAND GOVERNANCE

Course Content

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...

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

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 Coastal Management 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.

FPET

4.0 'cadastral'
points and 2.0
'other' points

Forthcoming Presentations

Thurs 13 Feb 2020

Melbourne

Mon 2 March 2020

Melbourne

Mon 16 March 2020

Wangaratta

Tues 24 March 2020

Traralgon

Thurs 2 April 2020

Bendigo

Thurs 16 April 2020

Geelong

Tues 2 June 2020

Horsham

Tues 16 June 2020

Warrnambool

Enquiries & Registrations

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

Presenters...

David Gabriel-Jones

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

**Principal, The Public Land
Consultancy**

Robert Steel, AO

Licensed Surveyor

**Ex-President, Institution of
Surveyors, Victoria**

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?
- This may be the first statutory hurdle for your development.

What Consents may be required

- We work through all the consents listed in the box on the right ...
- And the relationships between them...
- And note how they may differ from consents on private land

Approval authorities...

- The roles of DELWP, Councils, Catchment Management Authorities, VicRoads, Registered Aboriginal Parties etc

Review and Appeal

- The roles of 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

Grant Arnold

B.Bus (Property) RMIT

Associate, The Public Land Consultancy

Previously, Grant held various senior positions in DELWP and its predecessor organisations:

- Statewide Manager, Statutory Planning
- Manager, Agriculture Industry Policy
- Manager, Policy Coordination

FPET

*1.0 'cadastral' point
and
5.5 'development
planning' points*

*The various consents
we consider in this
course*

- Tenure – the right to be on the land
- Planning Consents
- Aboriginal Consents
- Consents on Roads
- Environmental Consents
- Other Special Consents

Forthcoming Presentation

Wednesday
26 February 2020
Melbourne

Enquiries & Registrations

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

COASTAL LAND MANAGEMENT

Land Status in Victoria

- How coastal lands and waters in Victoria are owned, legally categorised and designated, and their governing legislation

Authority over Coastal Lands and Waters

- How responsibility for coastal lands and waters is assigned and how power is exercised
- The roles of Councils, Coastal Boards and Port Authorities

Committees of Management and Tenures

- The structures, powers and duties of delegated Crown land managers on the Victorian coastline
- Leases, licences and Permits to use and occupy coastal lands and waters

The Use and Development of Coastal Lands and Waters

- Approvals needed under the Crown Lands Acts, Native Title Act, Coastal Management Act and Planning Schemes
- an update on the new Marine and Coastal Act 2018

Climate Change

- The coastal cadastre and the doctrine of accretion
- Risk obligations, risk assignment, insurance: How the governance of the coast may respond to climate change and rising sea levels
- What's happening at State and Federal Government levels.

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.

FPET

*5.0 'cadastral' points and
1.5 'development planning' points*

Next Presentation

*Friday
15 May 2020*

Melbourne

We can also put these courses on for you 'in-house.'

Discounts for host organisations

Enquiries & Registrations

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RIPARIAN LAND

COURSE CONTENT

Rivers and Streams

- What is a waterway, and who owns the water
- Introduction to the *Water Act 1989*
- Introduction to Water Authorities and CMAs

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 1958*, the *Crown Land (Reserves) Act 1978*, and the *Planning & Environment Act 1987*
- The Murray River and the State border

Native Title and Aboriginal Heritage

- Native title along Victoria's waterways: its existence and its implications
- Cultural Heritage Management Plans under the Aboriginal Heritage Act

Riparian Agriculture

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

Protecting Riparian Values

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

Community Engagement

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

Agency Roles and Responsibilities

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

The Need for Reform

- Our recommendations to Government
- The ongoing review of Crown frontage licences
- The 2019 VEAC recommendations.

Our Presenter – David Gabriel-Jones

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

Principal, The Public Land Consultancy

FPET

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

Next Presentation

Wednesday
29 April 2020
Melbourne

We can also put these courses on for you 'in-house.'

Discounts for host organisations

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ENCROACHMENTS ON PUBLIC LAND (*HALF-DAY COURSE*)

Course Content

- The land encroached upon – is it a road or a reserve?
- Is it Crown land or freehold; who owns it, controls it, who has power to authorise its use?
- Three separate sets of permits needed – planning, building, and rights of occupation – why the first two are worthless without the third
- The nature of title boundaries – which boundaries are permeable and which impermeable
- Common law relating to trespass, adverse possession and easement of long user
- Statutory law – the half-dozen Acts governing roads, their ownership, control, management and use
- Types of authorization of occupation – grants, leases, licences, and easements

Cases we analyse ...

- Balconies over (and underpasses below) city streets
- Fenced-off back lanes
- Verandahs, awnings, architectural features and advertising signs
- Access into back yards across reserves
- Farmers who crop or graze abutting road reserves
- Temporary works and short-term activities on roads and reserves
- Major developments that may need their own Acts of Parliament

Our Presenter

David Gabriel-Jones

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

Principal, The Public Land Consultancy

FPET

*3.0 'cadastral'
points and*

0.5 'other' points

Encroachments...

Private developments may spill across title boundaries onto...

- Roads and lanes
- Railway land, parks, reserves
- River frontages and foreshores
- ...at the surface or at stratum

These spill-overs may be...

- Desirable enhancements to the public domain
- Acceptable, benign adjuncts to private or commercial properties
- Unacceptable intrusions requiring removal and/or prosecution
- Existing or proposed; temporary or permanent

Forthcoming Presentations

**Friday 27 March
Melbourne**

**Friday 1 May
Wangaratta**

**Friday 22 May
Traralgon**

ROAD CLOSURES AND DISCONTINUATIONS (Half Day Course)

FPET

4.0 Cadastral
points

Forthcoming Presentations

Friday
13 March 2020
Melbourne

Tuesday
21 April 2020
Geelong

Thursday
7 May 2020
Ballarat

COURSE CONTENT

- **Unpacking the vocabulary:**
What's meant by road, easement, public highway, lane and right-of-way; differentiating between discontinuation, closure and deviation
- **Disaggregating roles and responsibilities:**
Ownership, control, management and occupation of roads
- **Mapping the legislation:**
Councils' powers under the *Local Government Act 1989* and Planning Schemes; DELWP's powers under *Land Act 1958*
- **Avoiding the legal pitfalls:**
Adverse possession; misleading title documents, incorrect sequencing of procedures; improper use of section 223, LG Act

Our Presenter

David Gabriel-Jones

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

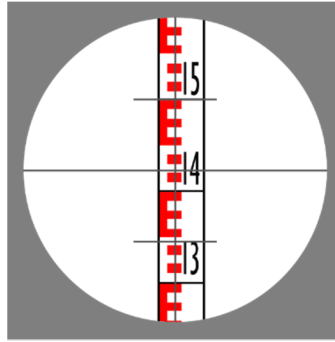
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Targeted to Surveyors (and Engineers, Planners, Property Officers...)

*Our services are targeted to all professions committed to
the better governance of public land in Victoria*

Consultancy Advice

We specialise in providing independent professional advice and support for managers and users of public land

Our clients include municipalities across Victoria, statutory authorities and government departments

We work in conjunction with some of the State's most reputable lawyers, surveyors, planners, property managers and development consultants.

Some of our other professional development courses ...

- Native Title and Aboriginal Heritage
- Administration of Community Facilities
- Environmental Law for Public Land Managers

Publications

Terra Publica is our monthly newsletter, including commentary on current policy and legal issues affecting public land

Lex Loci's Travels is our irregular semi-serious look at some of the peculiarities of public land governance around Victoria

Website www.publicland.com.au

Enquiries Jacqui Talbot (03) 9534 5128

or email jacqui@publicland.com.au