

LEX LOCI'S TRAVELS

12 MAY 2020

An irregular one-pager from The Public Land Consultancy

Lex rebuilds his Vocabulary At Campbells Cove, Werribee South



Our Lex had been hoping to join Melbourne's elite. He went to look at some beachside properties. No, not at Portsea or Brighton, but at Campbells Cove, Werribee South.

But the Estate Agents' advertisements which had attracted him contained words with, it seems, non-dictionary meanings. The ads said *picturesque*; what Lex found was run-down and unsavoury. The ads said *historic*; what he found was old, dilapidated and even derelict. The ads boasted '*just metres from the water*;' he found places sodden from sea-spray and coastal inundation.

He checked the ads more closely. Here is the word *bedroom*, or even *bedrooms*. But here in the fine print is the warning '*must not be used for overnight accommodation*.'

The most curious aspect of the advertisements is the phrase '*for sale*.' When Lex contacted the Agents, he asked to see title documents. Sorry sir, there is no title. The Section 32 vendor's statement? Sorry sir, there isn't one. The contract under the Estate Agents Regulations? Sorry, sir, the standard contracts specified in those regulations are not applicable here.

This is not freehold land, or even leasehold land. This is Crown land occupied under a

mere licence agreement. The only thing for sale is the *expectation* that the licence will be renewed. How good is that expectation?

Well, these licences have been renewed at 3 or 10 year intervals ever since the 1960s. One ad boasts that the structure 'has been in the family for generations.' Wyndham Council's [current policy](#) implies that, subject to compliance with certain conditions, licences will continue to be renewed indefinitely.

Together with exclusive possession, that throws doubt on another word. In Lex's vocabulary, these tenures are not *licences*, but *leases*. The *de-facto* 'owners' have *de-facto* rights equal to those of a life tenant.

But there's one cloud on the horizon: the Wyndham policy might require revision when DELWP's [draft bathing box policy](#) is finalised. It's been in draft since 2015, and so has their set of [construction standards](#). Will it ever emerge as a final policy?

If the final is more enforceable (and less aspirational) than the draft, it could cause a sand-storm not only at Werribee, but at many more beaches around Port Phillip.

But then, perhaps the word '*draft*' is, in reality, alternative-speak for '*final*.'

See you there! Lex Loci