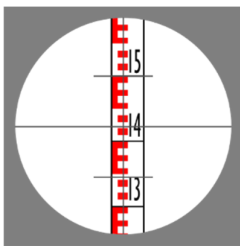




...and for Engineers, Planners, Property Lawyers  
*Our services are focussed on all professions committed to  
the better governance of public land in Victoria*

## About FPET



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.

*For dates of forthcoming presentations:*  
<https://publicland.com.au/coming-courses>

**Cost \$550 per 6-hour course**  
*(some courses are 3 x 2-hours; others  
are 2 x 3-hours)*

*including GST, course notes, and  
certificate of attendance*

**Enquiries & Registrations:**  
**Fiona Sellars**  
(03) 9534 5128  
[fiona@publicland.com.au](mailto:fiona@publicland.com.au)

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## FPET

*Further Professional  
Development and Training*

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# Native Title and Aboriginal Heritage

*An introduction to the legislation and policy for staff of local government and statutory authorities in Victoria*

## Session One (3 hours)

### Colonisation and Country

- Culture and Countries
- Victorian Aboriginal (Traditional Owner) nations/groups
- Colonisation of Victoria: key developments and patterns
- Victorian developments on treaty and truth-telling

### Native Title and the Law

- *Terra nullius* and the Mabo case
- The *Native Title Act 1993* (Cth)
- Key concepts: connection and extinguishment
- Types of claims: claimant, non-claimant, compensation
- Indigenous Land Use Agreements (ILUAs)
- The Federal Court and the National Native Title Tribunal
- The NT Service Provider; Registered NT Bodies Corporate
- Native title outcomes in Victoria to date

## Session Two (3 hours)

### Victoria's *Traditional Owner Settlement Act 2010*

- How TOS Agreements align with native title
- Recognition and Settlement Agreements (RSAs)
- Components of RSAs: Land Agreements, Land Use Activity Agreements, Funding Agreements, Resource Agreements
- Aboriginal title
- Across Victoria: TOS Act outcomes to date.

### Aboriginal Cultural Heritage in Victoria

- From 'protecting relics' to 'living culture'
- The *Aboriginal Heritage Act 2006*: purposes and features
- Registered Aboriginal Parties (RAPs) and the Victorian Aboriginal Heritage Council
- Various types of permit: CHPs, CHMPs, and PAHTs
- Offences and penalties
- Let's go beyond the letter of the law...

## Our Presenters



**Bridgid Cowling**

*B Sc (Hons), LLB(Hons)*

Special Counsel  
Arnold Bloch Leibler

Bridgid has many years' experience working with remote and urban Indigenous communities.



**Henry Dow**

*D,Juris, B.A (Melb)*

Henry is an Associate of Marrawah Law, a law firm specialising in supporting Indigenous people across Australia.

**FPET**  
6 Development  
Planning points



*Developers, Planners,  
Lawyers...*

*Do your clients need to  
undertake developments and  
works on public land?*

*This two-session course maps  
out the various statutory  
approvals that might be  
required, and the processes  
involved in obtaining them.*

## Statutory Approvals on Public Land

### Presenter

Nick Sissons,  
Senior Associate,  
Russell Kennedy Lawyers

#### 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?

Ascertaining this may be the first statutory hurdle for your development.

And – how may its status be changed?

#### What Consents may be required

We work through all the consents listed in the box to the right, and the relationships between them...

And note how they may differ from consents on private land

#### Approval authorities

The roles of DELWP, Parks Victoria Councils, Catchment Management Authorities, Dept of Transport, Registered Aboriginal Parties etc

#### Review and Appeal

VCAT, Planning panels and the Courts

#### Parallel obligations

Just a reminder about...

- Your contractual obligations
- Occupational Health and Safety
- Negligence and Duty of Care

#### Session 1

##### Tenure: the basic right to be on the land

- Leases, licences and permits
- Easements – express and implied
- The right to exercise Statutory Functions

##### Planning Consents

- Planning permits and Referral Authorities
- Public Land Manager approvals
- Planning Scheme Amendments

##### Aboriginal Consents

- Native Title and ILUAs
- Aboriginal Heritage and CHMPs

#### Session 2

##### Consents on Roads

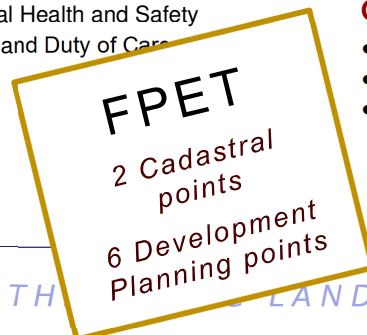
- Encroachments onto roads
- The Road Management Regulations
- Traffic Management Plans

##### Environmental Consents

- Native Vegetation and offsets
- The Catchment Management Act
- The Commonwealth EPBC Act
- Environment Effects Act

##### Other Special Consents

- Heritage consents
- Works on Waterways
- Marine and Coastal Consents





# Land Information and its Interpretation

*A 6-hour, two-session course for professional staff of public and private sector organisations who need to access, assemble, interpret and use land information*

## Session One (3 hours)

### What Information ?

Land Status in Victoria  
Freehold land – interests, encumbrances, restrictions on title  
Crown land – its status, control and management  
Roads, reserves and easements  
Native Title – determinations and settlements  
Planning scheme zones and overlays  
Aboriginal Heritage significance  
Geographic Place Names

### Reading the Cadastre

A Parish Plan and a Crown grant  
A modern Plan of Subdivision and its derivatives  
A modern title document and its sources  
Old subdivisions, Transfers in Part, etc

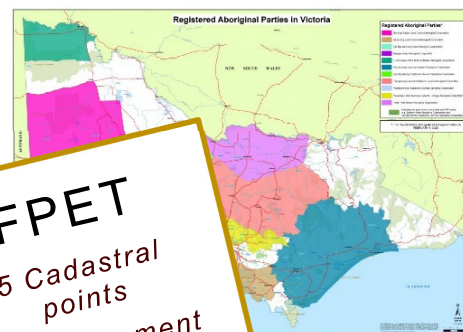
## Session Two (3 hours)

### Cadastral Law

The Land Act, Transfer of Land Act, Property Law Act, Surveying Act, Native Title Act etc  
The role of the Courts and VCAT  
Registered and unregistered dealings  
Guarantees, indefeasibility and exceptions  
Adverse possession; the doctrine of accretion

### Sources of Information

*(on-screen walk-through)*  
Google Maps and Streetview  
Mapshare, Vicmap Digital Property  
Landata, Spear and LASSI  
Searching freehold titles, Crown land status, Searching Gazettes, Legislation and Hansard  
Using Austlii and case-law



**FPET**  
5 Cadastral  
points  
1 Development  
Planning point

## Cost

**\$550 per student**

Inclusive of GST, course notes, and certificate of attendance

Discounts for host organisation

## Our Presenter

**Robert Steel OAM**

*Licensed Surveyor*

*Association of Consulting Surveyors, Victoria*

*Past President, Institution of Surveyors Victoria*

## Registrations

**Fiona Sellars**

*Training Course Coordinator*

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

(03) 9534 5128



*A course for lawyers, surveyors, estate agents, conveyancers, OC managers and committee members*

**Session 1** (3 hours)

- What they are, how they are created
- How are they governed and how decisions are made
- Their purpose, structure, and rules
- The Board, Committee, members
- Reading strata plans and plans of subdivision – part 1
- Converting stratum / company share schemes
- Amending strata plans and plans of subdivision

**Session 2** (3 hours)

- Reading strata plans and plans of subdivision – part 2
- Repairs and maintenance obligations
- Common property, express and implied easements
- Setting fees, the benefits principle
- Insurance
- Dispute resolution

**And throughout both Sessions:**

- Legislation: *The Subdivision Act 1988; the Owners Corporation Act 2006, the Transfer of Land Act 1958*
- Case law: *Key decisions from VCAT and the Supreme Court*



Presenter  
**Anthony Wilkinson**  
B.Com., LLB.

*Principal, Pelham Strata*

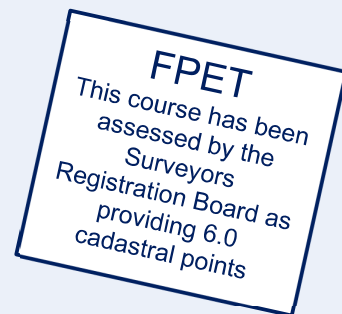


Cost \$550 per person  
for the set of two  
Sessions  
(inc GST, course notes.  
And certificate of  
attendance)

For details of the next set  
of presentations, contact

**Fiona Sellars**  
(03) 9534 5128

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



# ROADS GOVERNANCE

*"This course should be compulsory  
for all VicRoads technical staff"*  
Senior VicRoads Engineer

## COURSE CONTENTS

### Session 1 (2 hours)

#### ***What is (and what's not) a Road***

- Roads as road-users know them
- Roads as the Titles Office knows them
- 'Public Highways' and the common law
- Easements and common property roadways
- Physical roads on land other than road reserves
- Road reserves with no physical road on them
- Closed roads, discontinued roads, and unused government roads

### Session 2 (2 hours)

#### ***How Roads are Owned and Managed***

- Disaggregating ownership, control, management
- The roles of councils, VicRoads/RRV and utilities
- Road Authorities and the Road Register
- A road authority's duty of care and risk exposure
- Ownership of unused roads in old subdivisions
- Encroachments and 'adverse possession'

### Session 3 (2 hours)

#### ***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, aboriginal sites
- How planning schemes deal with roads

### ***And through all 3 Sessions...***

#### ***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 Acts 1989 and 2020*
- The *Subdivision Act 1988* and its predecessors
- The *Road Management Act 2004*
- The *Planning and Environment Act 1987*



#### *Our Presenter*

**David  
Gabriel-Jones**

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

**Principal,  
The Public Land  
Consultancy**

*Enquiries &  
Registrations*

**Fiona Sellars**

*(03) 9534 5128*

*[fiona@  
publicland.com.au](mailto:fiona@publicland.com.au)*

**FPET**

*4.5 Cadastral  
points*

*1.5  
Development  
Planning  
points*



# RESTRICTIONS ON TITLE

*A three-session course for  
Victorian planners, property  
officers and surveyors*

## COURSE CONTENT

### Session 1 (3 hours)

*Refresher: Basic Property Law*

- Crown land and Freehold land
- Old Law and Torrens title freehold
- Fee-simple and indefeasibility of title
- Common law and Statutory law
- Interests in land

#### Crown Land Restrictions

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

#### 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 of easements

### Session 2 (3 hours)

#### 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
- Proposed changes to Restrictive Covenants by Subdivision

#### Statutory Agreements

- Sec 173, Planning & Environment Act
- Sec 69, Conservation Forests and Lands Act
- Trust for Nature covenants
- Heritage Act covenants

## FPET

*5 Cadastral  
points*

*1 Development  
Planning point*



**Presenter:**  
**Nick Sissons**

*Senior Associate at  
Russell Kennedy  
Lawyers*

*As a senior lawyer, I seek  
to demystify the myriad of  
Victorian local government  
laws and regulations for  
Local Councils, developers  
and neighbours to achieve  
positive outcomes for  
liveability and amenity  
within the urban  
environment.*

**Enquiries &  
Registrations**

*Fiona Sellars  
(03) 9534 5128  
[Fiona@publicland.com.au](mailto:Fiona@publicland.com.au)*



# COASTAL LAND MANAGEMENT

## Course Contents

### Session 1 (2 hours)

#### Coastal land status

- Coastal Crown land and freehold land
- National Parks, Crown land reserves, and Ports
- On-shore and off-shore boundaries

#### Recent legislation

- Marine and Coastal Act 2018
- Local Government Act 2020

#### New policies and programs

- Great Ocean Road and Environs Protection Bill 2019;
- VEAC Coastal Reserves
- Better Boating Victoria

### Session 2 (2 hours)

#### Authority over coastal land

- The executive government
- Statutory authorities –Parks Victoria, Transport Safety, and Port Authorities
- DELWP and Municipalities

#### Delegated management and tenures

- Committees of Management
- Coastal leases, licences and permits

### Session 3 (2 hours)

#### Use and Development of Coastal Land

- Land status constraints
- Planning Schemes and MACA
- Impacts of climate change

#### Protecting Indigenous Values

- Native title claims and determinations
- Aboriginal Heritage Act and Regulations



**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.*

**Enquiries & Registrations**

**Fiona Sellars**

(03) 9534 5128

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

**FPET**

- 4 Cadastral points
- 2 Development Planning points



**Presenter:**  
**Mark Bartley**

*Special Counsel at  
Russell Kennedy  
Lawyers*

Mark is an Accredited Specialist in Environment, Planning and Local Government. He frequently appears in VCAT, Planning Panels and Advisory Committees representing local government and statutory authorities.

**Enquiries &  
Registrations**

**Fiona Sellars**  
**(03) 9534 5128**

**Fiona@  
publicland.com.au**

# LAND LAW AND SUBDIVISIONS

*A three-Session professional development course for surveyors, property professionals, and staff of statutory authorities*

## COURSE CONTENT

### **Session 1**

#### ***The Process of Subdivision***

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

### **Session 2**

#### ***Variations from the Basic Process***

- Title issues impacting on subdivisions
- Land with access issues; subdivisions requiring rezoning
- Subdivisions by acquiring authorities
- Owners Corporations and three-dimensional subdivisions
- Staged subdivisions

#### ***The Legacy of Past Systems of Subdivision***

- Titles with company shares and their conversion to modern titles
- The status of strata and cluster titles under the Subdivision Act
- Not in Common Ownership subdivisions
- The confused ownership of old roads and reserves
- Abandoned easements and road discontinuations





# CROWN LAND GOVERNANCE

## Course Content

### SESSION 1 (2 hours)

#### **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...

### SESSION 2 (2 hours)

#### **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

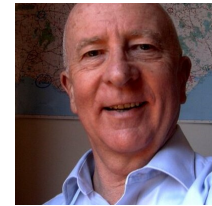
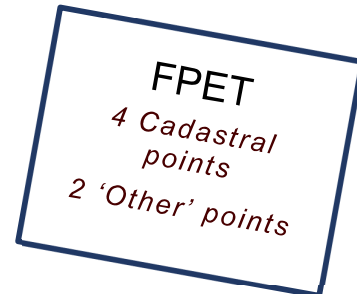
### SESSION 3 (2 hours)

#### **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 Marine and Coastal 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.



#### *Our Presenter*

#### **David Gabriel-Jones**

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

**Principal,  
The Public Land  
Consultancy**

*Enquiries &  
Registrations*

**Fiona Sellars**  
(03) 9534 5128

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





# Land Law for Managers of Rivers and Riparian Land

This introduction to riparian governance in Victoria provides a sound background on existing law and policy and explores the potential for reform.

## Our Presenter



**Johanna  
Slijkerman**

BSC, BA(hons)(Melb)

*Principal Scientist  
Waterways and  
Ecology Group,  
Water Technology*

**Jo worked in  
DEECA's water  
policy division for  
seven years**

## Course Content

### 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, the Crown Land (Reserves) Act, the Water Act, and the Planning & Environment Act
- The Murray River and the State border

### Native Title and Aboriginal Heritage

- Native title along Victoria's waterways: its existence and its implications
- The Traditional Owner Settlement Act and Land Use Activity Agreements
- Cultural Heritage Management Plans under the Aboriginal Heritage Act

### Protecting Riparian Values

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

### Riparian Agriculture

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

### Community Engagement

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

### Agency Roles and Responsibilities

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

### Ongoing Reform

- Camping on frontages
- Our recommendations to Government
- The ongoing review of Crown frontage licences

## FPET

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





# LEASES AND LICENCES OF PUBLIC LAND

*A 3-Session On-line Course for Managers and Users of Public Land*

## COURSE CONTENT

### **Session 1 – The law governing tenures**

#### **Landlords and Tenants**

- Basic property law: Crown land, freehold land, Native title
- Tenures: leases, licences, and agreements; unauthorized occupations and adverse possession
- Councils' roles - as landowner, local government, delegated manager, or tenant.

#### **The Legislation**

- The *Land Act 1958*; the *Crown Land (Reserves) Act 1978*
- The *Property Law Act 1958*, *Transfer of Land Act 1958* and other Acts relating principally to freehold land
- The *Retail Leases Act 2003*; *Residential Tenancies Act 1997*

### **Session 2 – The administration of tenures**

#### **Negotiating Tenures**

- Competition Policy, Expressions of Interest and Tenders
- Term, rental, risk apportionment, rights and responsibilities
- Community tenants and subsidised rentals

#### **Managing Tenures**

- Sub-tenures, mortgages, assignments, and variations
- Compliance, enforcement, penalties, and dispute resolution
- Terminations and renewals

### **Session 3 – Current and emerging issues**

#### **Responding to the Changing Law**

- The new *Local Government Act 2020* Community Action Plans and Community Asset Committees
- The elements of a clear and consistent tenancy policy
- The Auditor General's commentary on subsidisation
- The forthcoming rewrite of Crown land legislation

#### **Responding to the Changing Community**

- Transitioning into and out of the COVID-19 lockdown
- Growth, multiculturalism and diversity
- The evolving distinction between 'community' and 'commercial'

### **Community Tenures are Changing**

This course provides groundwork for a re-assessment of the relationships between municipalities, communities, and their public land.



#### **Your Presenter Richard O'Byrne**

*Richard is an Associate with The Public Land Consultancy. Earlier, he held senior positions with DELWP and Parks Victoria. He now specialises in consultancy engagements relating to the community use of public land.*

**FPET**  
4 Cadastral points  
2 'Other' points

# Property Law and Planning Law

## Our Presenter



**Nick Sissons**

Senior Associate at Russell  
Kennedy Lawyers

## Enquiries and Registrations

To book into a Two  
Session presentation  
contact

Fiona Sellars  
Training Coordinator

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

Phone (03) 9534 5128

*This two-session course provides a sound introductory understanding of the cadastre and the body of property law which governs it.*

*Without this knowledge you just can't understand planning schemes...*

## COURSE CONTENT

### Session 1 (3 hours)

The idea of Land Status

- Terra Nullius and Native Title
- Crown land and freehold land
- The cadastre and cadastral boundaries

Basic property law

- Understanding freehold
- Crown Grants and Conditional Crown Grants
- General law, Torrens title and indefeasibility
- Interests in land; adverse possession

Property law and planning law

- Other legislation with planning-like impacts
- Aboriginal Heritage Act, Traditional Owner Settlement Act
- Catchment and Land Protection Act, Commonwealth EPBC Act

Public land and planning

- The Reservation of Crown land
- Management and tenure of Crown land
- Land held by public authorities

### Session 2 (3 hours)

Roads and Planning

- Creation of roads – government and freehold
- Public highways and physical roadways
- Control and Management of roads
- Abutments and access rights
- Road closures and discontinuations

Basics of subdivisions

- The process of subdivision
- Referral authorities
- The legacy of past systems of subdivision

Easements and restrictions on title

- The nature and purpose of easements
- Memorandum of Common Provisions (MCPs)
- 173 agreements and other restrictions
- Their creation, recording and abolition

**FPET**

5 Cadastral  
points

1 Development  
Planning point

## Forthcoming Presentations

for dates of forthcoming two-Session  
presentations, visit our website

<https://publicland.com.au/coming-courses>