

DAVIS LAWYERS



Milton Rail Precinct Special Bulletin # 1

You may have seen the XXXX winking man in neon lights as you drive past the XXXX Brewery at Milton, or have even enjoyed a cold beer on the brewery tour...



Not many people know that the XXXX Brewery is protected from urban encroachment by Queensland legislation, specifically Chapter 8A of the Sustainable Planning Act 2009.

If you have a new, existing or proposed amendment to a relevant development application we recommend you contact James in our office to further clarify your situation.

Relevant development applications within the Milton Rail Precinct must be accompanied by a notice to the registrar of the titles office that the property may be subject to the urban encroachment provisions that protect the XXXX Brewery.

Failure to provide notice to the registrar of titles within 20 business days of making a relevant development application may carry a hefty penalty of up to 200 penalty units or \$22,000.

Additionally, where no notice has been provided as required, sale contracts of developed property are at risk of the purchaser terminating at any time prior to settlement, with potential litigation over whether they have the right to terminate.

How do you determine whether the development is within the Milton Rail Precinct?

If the development is generally located near the XXXX Milton Brewery, we recommend you look closely at the attached Annexure A to make a decision in that regard.

What is urban encroachment protection?

Urban encroachment protects existing uses of particular premises by legislating against any civil and criminal litigation where new owners and residents encroach or move into the area and make complaints. The XXXX Brewery is allowed to operate within its EPA approved levels in connection with activities involving the emission of aerosols, fumes, light, noise, odour, particles or smoke.

Care is needed if you are involved in any way with property in the Milton Rail Precinct.

For further information on the impact on town planners, developers, property managing agents, landlords, tenants, vendors and purchasers who have dealt with or will be dealing with property in the precinct, please contact James.

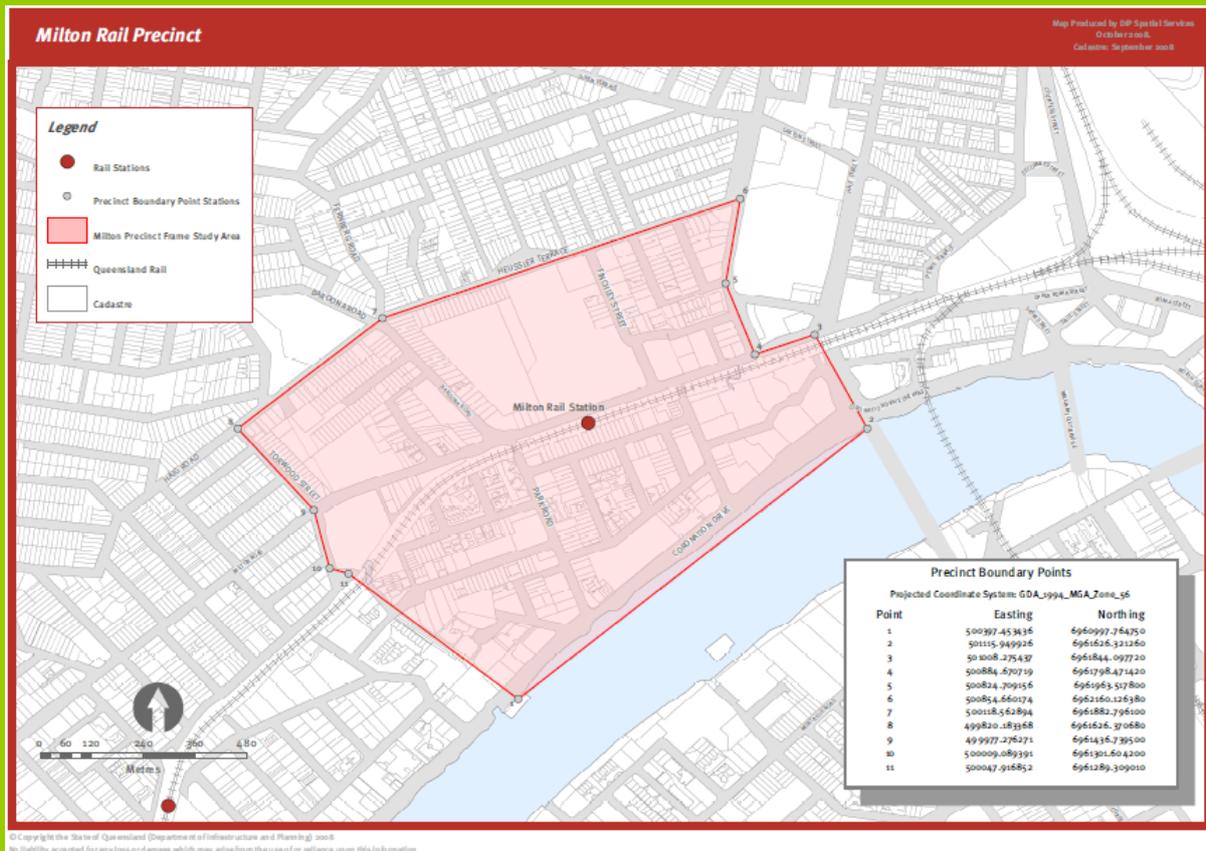
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Annexure A - Map of the Milton Rail Precinct

The following map and the links below have been sourced from the State of Queensland (Department of Infrastructure and Planning) website.



Useful links to understand the urban encroachment protection for the XXXX Milton Brewery

<http://www.dsdp.qld.gov.au/planning-and-development/sustainable-planning-act-2009.html>

<http://www.dsdp.qld.gov.au/resources/plan/milton-brewery/milton-brewery-spill-lighting-measurements.pdf>

<http://www.dsdp.qld.gov.au/resources/plan/milton-brewery/milton-brewery-environmental-certificate-registration.pdf>

<http://www.dsdp.qld.gov.au/resources/plan/milton-brewery/milton-brewery-epa-permit.pdf>



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