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Executive Summary (1 minute read)

Re PJLJ Pty Ltd, Richard Dunstan Reynolds and Patphair Investments Pty Ltd (VSC) - real property - modification of three restrictive covenants granted

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Summaries With Link (Five Minute Read)

Re PJLJ Pty Ltd, Richard Dunstan Reynolds and Patphair Investments Pty Ltd [2015] VSC 401
Supreme Court of Victoria
Derham AsJ
Real property - restrictive covenants - plaintiffs applied under s84(1) *Property Law Act 1958* (Vic) in three separate proceedings for modification of three restrictive covenants burdening their properties - each covenant prohibited construction of more than one dwelling house on plaintiffs' properties - proposed modification would permit construction of up to three dwellings - plaintiffs relied on ground in s84(1)(c) that proposed modifications would not cause substantial injury to any person having benefit of covenant - purpose of 'single-dwelling' restriction found in each covenant - benefit conferred on beneficiary in precluding more than one dwelling on burdened properties - whether beneficiary would suffer substantial injury should covenants be be modified and three dwellings constructed on each property - held: Court satisfied modification of covenants would not substantially injure persons entitled to the benefit of them - orders made.
PJLJ

A Song of Rain
By C.J. Dennis

Because a little vagrant wind veered south from China Sea;
Or else, because a sun-spot stirred; and yet again, maybe
Because some idle god in play breathed on an errant cloud,
The heads of twice two million folk in gratitude are bowed.

Patter, patter ... Boolconmatta,
Adelaide and Oodnadatta,
Pepegoona, parched and dry
Laugh beneath a dripping sky.
Riverina's thirsting plain
Knows the benison of rain.
Ararat and Arkaroola
Render thanks with Tantanoola
For the blessings they are gaining,
And it's raining -- raining -- raining!

Because a heaven-sent monsoon the mists before it drove;
Because things happened in the moon; or else, because
High Jove,
Unbending, played at waterman to please a laughing boy,
The hearts through all a continent are raised in grateful joy.

Weeps the sky at Wipipee
Far Farina's folk are dippy
With sheer joy, while Ballarat
Shouts and flings aloft its hat.
Thirsty Thackaringa yells;
Taltabooka gladly tells
Of a season wet and windy;
Men rejoice on Murrindindie;
Kalioota's ceased complaining;
For it's raining -- raining -- raining!

Because a poor bush parson prayed an altruistic prayer,
Rich with unselfish fellow-love that Heaven counted rare;
And yet, mayhap, because one night a meteor was hurled
Across the everlasting blue, the luck was with our world.

On the wilds of Winininnie
Cattle low and horses whinny,

Frolicking with sheer delight.
From Beltana to The Bight,
In the Mallee's sun-scorched towns,
In the sheds on Darling Downs,
In the huts at Yudnapinna,
Tents on Tidnacoordininna,
To the sky all heads are craning --
For it's raining -- raining -- raining!

Because some strange, cyclonic thing has happened -- God knows where --
Men dream again of easy days, of cash to spend and spare.
The ring fair Clara coveted, Belinda's furs are nigh,
As clerklings watch their increments fall shining from the sky.

Rolls the thunder at Eudunda;
Leongatha, Boort, Kapunda
Send a joyous message down;
Sorrows, flooded, sink and drown.
Ninkerloo and Nerim South
Hail the breaking of the drouth;
From Toolangi's wooded mountains
Sounds the song of plashing fountains;
Sovereign Summer's might is waning;
It is raining -- raining -- raining!

Because the breeze blew sou'-by-east across the China Sea;
Or else, because the thing was willed through all eternity
By gods that rule the rushing stars, or gods long aeons dead,
The earth is made to smile again, and living things are fed.

Mile on mile from Mallacoota
Runs the news, and far Baroota
Speeds it over hill and plain,
Till the slogan of the rain
Rolls afar to Yankalilla;
Wallaroo and Wirrawilla
Shout it o'er the leagues between,
Telling of the dawning green.
Frogs at Cocoroc are croaking,

Booboorowie soil is soaking,
Oodla Wirra, Orroroo
Breathe relief and hope anew.
Wycheproof and Wollongong
Catch the burden of the song
That is rolling, rolling ever
O'er the plains of Never Never,
Sounding in each mountain rill,
Echoing from hill to hill ...
In the lonely, silent places
Men lift up their glad, wet faces,
And their thanks ask no explaining --
It is raining -- raining -- raining!

C.J. Dennis

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