



Friday, 13 March 2015

Weekly Construction Law Review A Daily Bulletin listing Decisions of Superior Courts of Australia

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Executive Summary (1 minute read)

Boroondara City Council v 1045 Burke Road Pty Ltd (VSCA) - environment and planning - permit for demolition of heritage place - no error in Tribunal's determination

Summaries with links (5 Minute Read)

Boroondara City Council v 1045 Burke Road Pty Ltd [2015] VSCA 27

Court of Appeal of Victoria

Warren CJ, Santamaria JA & Garde AJA

Planning - heritage policy - demolition of significant heritage place - applicant sought leave to appeal against decision of trial judge concerning considerations to be taken into account by responsible authority when determining whether to exercise discretion to allow demolition of heritage buildings - whether responsible authority or tribunal was entitled only to take into account considerations relating to Heritage Conservation Policy - held: considerations of non-heritage nature could be taken into account provided that they were relevant matters under provisions of *Planning and Environment Act 1987 (Vic)* or purposes, objectives or decision guidelines relating to, or incorporated into Heritage Overlay - Tribunal took into account consideration of non-heritage nature but did not stray from matters it was permitted to consider - no error in Tribunal's determination that it was satisfied a permit should issue under each applicable planning control on basis of conditions it specified - appeal dismissed.

[Boroondara City Council](#)

[From Benchmark 11 March 2015]



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Passers-by

by Carl Sandburg

Passers-by,
Out of your many faces
Flash memories to me
Now at the day end
Away from the sidewalks
Where your shoe soles traveled
And your voices rose and blent
To form the city's afternoon roar
Hindering an old silence.

Passers-by,
I remember lean ones among you,
Throats in the clutch of a hope,
Lips written over with strivings,
Mouths that kiss only for love,
Records of great wishes slept with,
Held long
And prayed and toiled for:

Yes,
Written on
Your mouths
And your throats
I read them
When you passed by.

[Carl Sandburg](#)

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