

Profile

Brian Curphey

General Counsel

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Qualifications

Diploma of Law (SAB)

Admissions

Supreme Court of New South Wales 1979

High Court of Australia 1979

Supreme Court of Victoria 1980

Practice areas

Property development

Local government and planning

Environmental and water law

Business and commercial law including
structures, mergers and acquisitions

Companies and trusts

Memberships

Environmental Planning Law Association

Law Society of New South Wales

Law Institute of Victoria

Albury & District Law Society

Experience

Brian commenced with Kell Moore in 1971 and has experience across a diverse range of property and development law with a focus on large commercial property developments.

His experience includes involvement in some of the most important legal issues which have affected citizens and companies in Albury, Wodonga and the region.

For many years Brian has successfully represented developers of many significant retail property and development projects in the region including the recent acquisition and development of the Gardens Centre, Albury as well as the Batemans Bay Shopping Centre.

Brian is a key adviser to Albury City Council on all local government, planning, development and environmental issues. He advises and assists Council in all aspects of property matters from the sale and purchase of sites and their projected development (such as the Harvey Norman Complex) to joint ventures with other parties.

He has represented council and individual clients in the Land and Environment Court on development and building merit appeals as well as enforcement and prosecution proceedings.

Some of the issues that Brian has advised on are:

- the sale and development of council owned land;
- project/development agreements;

- complex Section 173 Agreements
- native title issues and dealings with community land including issues of classification under the *Local Government Act 1993*;
- recycled water agreements;
- code of conduct issues;
- drafting and advising in relation to landfill contracts;
- leasing and licensing of Council land including Crown land controlled by councils as trustees;
- advising Council on the interpretation of local environmental plans and development control plans;
- tenders and probity issues;
- public private partnerships;
- airport user agreements;
- contaminated land issues;
- bushfire protection;
- contracts of employment for senior staff;
- water supply and sewer easements;
- joint venture property developments;
- interpretation of existing use rights;
- road issues, including the closure, sale and leasing of roads;
- suspension of restrictive covenants and similar instruments;
- event contracts;
- freedom of information issues;
- planning principles;
- compulsory acquisition of land.

Brian's practice also encompasses related issues of business, corporate and trust law and stamp duty with a focus on recommending to clients the

most appropriate business and development structure.

Some of the property development matters that Brian has advised in respect of are:

- the acquisition by virtue of a tender process, negotiation, drafting and advising in relation to the \$70 million Batemans Bay Shopping Centre including the development agreement, assignment of such agreement, third party funding and project development agreement;
- the acquisition of an unused greyhound race track, native title and the sale and agreed development of the Harvey Norman Centre, Albury;
- the acquisition and development of the \$40 million Gardens Medical Centre including the acquisition of a road from Council and leasing of the completed "green" building;
- the sale and agreed development of the Quest Apartments, Albury;
- the complex acquisition, sale and agreed development of the partly completed \$80 million Volt Lane site, Albury involving multiple parties and interests including heads of agreement, development agreement, stratum title issues and on-going advice resulting in the construction of a new ATO building, commercial centre, marketplace and multi-level public car park;
- drafting, rescission and forfeiture of leases;
- various subdivisions including Airside North Industrial Estate, Centaur Park, Middle Park, Nagle Gums, and Somerset Rise, easements and restrictive covenants.

Brian's practice means he is across many legislative and legal trends and developments in Victoria and New South Wales.