

King, Michelle

From: Pisani, Mark
Sent: Friday, 26 June 2020 2:40 PM
To: King, Michelle
Subject: RE: 476-482 Swan St Richmond VIC 3121

Hi Michelle

A check of the Title Plan TP 686205P (Volume 5794 Folio) shows a 10' (or 3.048 metre) wide 'Road' extending from Swan Street to a point 100' (or 30.48 metres) further south.

Whilst the parcel of land is known as a 'road' on title, a check of Council's GIS and Register of Public Roads indicates that this road is not listed as a Council controlled road.

Bill is correct in mentioning that there are numerous 'roads' throughout the municipality that are not listed in the Roads Register or even on Council's asset management database.

In this case, a parcel of land known as a 'road' on title would need to be discontinued under the provisions of the *Local Government Act* 1989. The discontinued land would be purchased from Council.

From a road management perspective, the 'road' would no longer be reasonably required for public use as it would be absorbed into the new development site.

A right-of-carriageway easement could be extinguished if the property owner is the registered proprietor of both the dominant and servient lots (I believe this would case here). Easements can be removed under section 32 of the *Subdivision Act* 1988 (Peter Loudon may be able to shed some light on this).

Interestingly, the parcel of land in question is a carriageway easement on one title and a 'Road' on another. Title Plan TP 686205P was created in 1932 and Title Plan TP592681C (Volume 8972 Folio 017) was created in 1973. The status of 'Road' cannot be expunged unless a formal discontinuance takes place. 'Roads that have undergone the discontinuance are normally indicated with 'Discontinued' on title, with the word 'road' struck through.

In light of the above, I agree with Bill in that the parcel of land is a 'road' and could be discontinued by way of condition.

I hope this information is helpful.

Regards

Mark

Mark Pisani

Senior Development Engineer
Traffic and Civil Engineering

PO BOX 168 Richmond VIC

T (03) 9205 5746

E mark.pisani@yarracity.vic.gov.au

W yarracity.vic.gov.au

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