
8.6 Proposal to Declare Land Abutting Sandeman Place Fitzroy as Public Highway

| | |
|-------------------|---|
| Reference | D21/182806 |
| Author | Ivan Gilbert - Group Manager Chief Executive's Office |
| Authoriser | Group Manager Chief Executive's Office |

Purpose

1. For Council to consider whether to declare the hiatus land and referenced parcel of common property at the southern end of Sandeman Place, Fitzroy (**Subject Land**) to be a public highway pursuant to section 204(1) of the *Local Government Act 1989 (Act)*.

Critical analysis

History and background

2. Factual background

- 2.1 The Subject Land is shown as the hatched area on the plans attached (refer **Attachment 1** Copy of Public Notice) to this Report and includes:
 - 2.1.1 the 'hiatus land' not contained in any certificate of title, shown hatched on the plan at Figure A (**Hiatus Parcel**); and
 - 2.1.2 part of the common property on registered plan of strata subdivision no. SP023103J at 75-79 Webb Street, Fitzroy, being part of the land contained in certificate of title volume 12137 folio 050, shown hatched on the plan at Figure B (**Webb Parcel**).
- 2.2 Sandeman Place is a bluestone laneway of approximately 4 metres in width that provides vehicular and pedestrian access to the rear of the properties at 174-178 George Street and 75-79 Webb Street, Fitzroy, from Charles Street, Fitzroy. The laneway comes to a dead-end at its southern end approximately 5.16 metres south of the northern boundary of 174-178 George Street where it abuts the Hiatus Parcel.
- 2.3 In March 2020, the lot owners of 75-79 Webb Street (**Webb St Owners**) sought assistance from Council because the lot owners of 174-178 George Street (**George St Owners**) erected a fence and steel gates that extended through, and enclosed a significant portion of, the Hiatus Parcel (**2020 Fence**). The Webb St Owners assert that the 2020 Fence substantially interferes with their ability to execute turning movements into and out of the common property 75-79 Webb Street so that they can exit Sandeman Place with vehicles in a forward direction (refer photograph on page 5 of **Attachment 2**).
- 2.4 Council officers are satisfied that the Hiatus Parcel was historically used to accommodate vehicular and pedestrian traffic from both 174-178 George Street and 75-79 Webb Street, Fitzroy, from at least 2009 until the erection of the 2020 Fence and, in all likelihood, far longer. On this basis, Council officers are satisfied that the Hiatus Parcel is a 'right of way' within the meaning of the Act and, therefore, constitutes a 'road' within the broad meaning specified in the Act, in respect of which Council is entitled to consider making a declaration pursuant to section 204(1) of the Act. Officers note, however, that the George St Owners assert that part of the Hiatus Parcel has been continuously and exclusively possessed by them, the implication being that it is not a 'road' for the purposes of the Act.
- 2.5 The Webb Parcel also appears as part of the navigable section of Sandeman Place and has been used for vehicular access to the common property at the rear of 75-79 Webb Street, Fitzroy, since at least 2009. The Webb Parcel has been included as part of the Subject Land to ensure uninhibited vehicular access to the rear of 73 Webb Street and 75-79 Webb Street, based on an Engineering Report commissioned by Council (see **Attachment 2** Engineering Report) which revealed that the Webb Parcel is required to be maintained as part of the laneway to ensure that a B99 design vehicle can proceed to the termination (southern boundary) of the Subject Land.

- 2.6 If Council resolves to declare the Subject Land to be a public highway under section 204(1) of the Act, the Subject Land will become a 'public road' under section 17(1)(c) of the *Road Management Act 2004 (RMA)* and must be included on Council's Register of Public Roads in accordance with s 17(2) of the RMA.

3 Previous decisions

- 3.1 Council, at its meeting of 20 July 2021, resolved to commence the statutory processes under sections 204(1), 207A and 223 of the Act to declare the Subject Land a public highway.
- 3.2 On 3 September 2021, Council published a notice in *The Age*:
- 3.2.1 giving notice that Council proposes to declare the Subject Land a public highway under section 204(1) of the Act; and
- 3.2.2 inviting submissions under section 223 of the Act by 1 October 2021 (see **Attachment 1** Copy Public Notice);
- 3.3 Additionally, by letters served by Registered Post and letters hand delivered to occupiers, Council issued copies of the public notice to the owners and occupiers of the properties likely to be affected by the proposed declaration of the Subject Land as a public highway.

4. Public consultation

- 4.1 Council received two written submissions in response to its public notice published pursuant to s 223 of the Act. These are discussed below.
- 4.2 *Submission one – one of the Webb St Owners*
- 4.2.1 One of the Webb St Owners sent an email to Council officers raising concerns regarding the necessity of including the Webb Parcel as part of the Subject Land.
- 4.2.2 While this response did not specifically identify that it was a submission made under s 223 of the Act, given that it was received during the period for submissions, Council is treating it accordingly. Further, the response did not expressly oppose or support the proposed declaration, however it is nonetheless appropriate to consider its content and address the issues that it raises.
- 4.2.3 Following a process under s 204(1), 207A and 223 of the Act provides transparency associated with the proposed declaration and ensures the integrity of the decision-making process.
- 4.2.4 With respect to the purpose of including the Webb Parcel as part of the Subject Land, as noted at paragraph 2.4 above, this is to ensure uninhibited vehicular access by B99 design vehicles to the termination (southern boundary) of the proposed public highway.
- 4.3 *Submission two – the George St Owners*
- 4.3.1 Council received a submission from the legal representative of the Owners Corporation Plan no. RP015268 and the owners of units 1-4 of 174-178 George Street (being the 'George St Owners'). The submission opposed the proposed declaration to the extent that it included in the Subject Land the part of the Hiatus Parcel shaded in yellow in the diagram (refer **Attachment 3**). (**Opposed Parcel**).
- 4.3.2 By way of summary, this submission raised the following matters in opposition to the inclusion of the Opposed Parcel within the proposed declaration:
- (a) the George St Owners assert that the Opposed Parcel has been continuously and exclusively used and occupied by them and their predecessors for at least 40 years, for car parking purposes. The assertion is that the George St Owners are now the legal owners of the Opposed Parcel based on the doctrine of adverse possession and, by inference, the Opposed Parcel is not a 'road' which is capable of a public highway declaration. Such occupation is the basis for the George St Owners claiming the legal right to erect the 2020 Fence;
- (b) the Opposed Parcel is not '*reasonably required for general public use*' and, on that basis, Council cannot reasonably declare the Opposed Parcel to be a public highway under s 204(1) of the Act; and
- (c) based on their asserted legal ownership of the Opposed Parcel, the George St Owners are entitled to apply to the Registrar of Titles to amend the title boundaries of the relevant folios comprising 174-178 George Street, to incorporate the Opposed Parcel within those parcels.

The submission did not raise any matters for consideration in respect of the Webb Parcel or the balance of the Hiatus Land (excluding the Opposed Parcel).

4.3.3 Council officers provide the following comments in response to the submissions made by the George St Owners:

(a) Adverse possession / ownership claim

- (i) The Opposed Parcel is 'hiatus land' and does not have a title or registered proprietor.
- (ii) The onus is on the George St Owners to prove that they are entitled to be registered as owner of the fee simple estate in the Opposed Parcel based on the doctrine of adverse possession. This requires the George St Owners to prove that they have accrued at least 15 years of continuous and exclusive possession of the Opposed Parcel, to the exclusion of all others, prior to the Opposed Parcel becoming a road. Once the Opposed Parcel became a road, the George St Owners would need to show 30 years of continuous and exclusive possession to obtain a legal title free from the road status. No evidence has been provided to Council by the George St Owners to support their assertions.
- (iii) Aerial images of the Subject Land obtained by Council show that prior to erection of the 2020 Fence, the Opposed Parcel was openly accessible to third parties via Sandeman Place (refer **Attachment 2**). This evidence contradicts the George St Owners' claims that they have been in exclusive and continuous possession of the Opposed Parcel, to the exclusion of all others, for any period longer than approximately 20 months.
- (iv) A number of the Webb St Owners (two) have provided statements to Council in which they state that they (and their predecessors) have been accessing and using the Opposed Parcel for some 30 years prior to erection of the 2020 Fence for the purpose of vehicle movements and using that land for access between Sandeman Place and the common property at the rear of 75-79 Webb Street. This evidence contradicts the George St Owners' claims that they have been in exclusive and continuous possession of the Opposed Parcel, to the exclusion of all others, for any period longer than approximately 20 months.
- (v) Although it is not free from doubt, the evidence provided and available to Council indicates that the George St Owners have not accrued rights of adverse possession over the Opposed Parcel and, therefore, are not the legal owners of the Opposed Parcel.

(b) Whether the Opposed Parcel legally form part of the proposed declaration

- (i) Section 204(1) of the Act does not expressly require that Council make a decision that a road is 'reasonably required for general public use' before it can declare that road to be a public highway.
- (ii) However, as the effect of declaring the Subject Land to be a public highway is that it will be:
 - A) *'open to the public for traffic as a right, irrespective of whether the road is in fact open to traffic'* (section 3(1) of the Act); and
 - B) a 'public road' for the purposes of the RMA (section 17(1)(c) of the RMA), the relevant issue for determination by Council is whether the Subject Land is reasonably required for public use. Council must act reasonably and consider all relevant considerations in reaching its decision.
- (iii) Officers consider that it is open to Council to consider declaring the Subject Land to be a public highway, for the reasons set out at paragraph 2.3 and 2.4 above.
- (iv) Officers propose that it is reasonable to declare the whole of the Subject Land (including the Opposed Parcel) to be reasonably required for public use and a public highway under the Act, having regard to the following:
 - A) adjoining landowners have stated that the whole of the Subject Land is needed to facilitate vehicular and pedestrian access to 174-178 George Street, 73 Webb Street and 75-79 Webb Street, Fitzroy. The factual basis of

these statement is supported by the swept path diagrams in the Engineering Report commissioned by Council (see **Attachment 2**);

- B) it is not fatal to Council's decision that members of the public (other than adjoining landowners) may not have been using the Subject Land to date, as the purpose of the proposed declaration is to crystallise the rights of the public so that they are protected into the future. Officers consider that it is essential that the Subject Land be open for general public use, so that Sandeman Place is safely and properly navigable to members of the public who use it (as they are entitled to do);
 - C) the fact that Sandeman Place is a dead-end laneway does not necessarily mean that it is not reasonably required for public use going forward;
 - D) officers consider that the whole of the Subject Land is required for traffic management purposes, to facilitate the functionality of Sandeman Place as a laneway accessible to vehicles. The Opposed Parcel, in particular, is required to this end, as it is essential for the turning of vehicles at the southern end of Sandeman Place, consistent with its use over a number of years prior to the erection of the fence and gates by the George St Owners. In short, without the Opposed Parcel being included in the declaration, the ability of vehicles to use the balance of the Subject Land would be limited from a traffic management and functionality standpoint; and
 - E) the proposed declaration does not appear to interfere with any property rights of the George St Owners, for the reason set out at paragraph (a)(v) above.
- (v) Officers do not agree with the George St Owners' assertion that the declaration of the Opposed Parcel as a public highway would be contrary to the objectives of the RMA or the Act. Rather, such declaration serves the objectives of the relevant legislation, including the following objectives/principles of:
- A) achieving the best outcomes for the municipal community, including future generations (section 9(2)(b) of the Act);
 - B) establishing a system for the management of safe and efficient public roads that best meet the needs and priorities of State and local communities (section 4(2)(b) of the RMA); and
 - C) providing for the protection of roads against damage and interference (section 4(2)(k) of the RMA).

(c) The George St Owners' proposal to obtain title to the Subject Land

With respect to the intention of the George St Owners to amend their titles to incorporate the Opposed Parcel, given that there is evidence that they have not historically enjoyed continuous and exclusive possession over the Opposed Parcel, it is suggested that an application of this kind is unlikely to succeed. Council should also object to any such application on the basis that the Opposed Parcel is a 'road' for the purposes of the RMA.

Discussion

5. Following general discussion on the matter, the process has been subject to a statutory requirement.

Options

6. For Council to determine on the matter of declaring the subject parcels of land as public highway.

Community and stakeholder engagement

7. The statutory advertisement process enabled community / stakeholder engagement.

Policy analysis

Alignment to Community Vision and Council Plan

8. Not relevant to this report.

Climate emergency and sustainability implications

9. Not relevant to this report.

Community and social implications

10. A Council determination will provide clarity to the status of currently, hiatus land.

Economic development implications

11. Not relevant to this report.

Human rights and gender equality implications

12. Not relevant to this report.

Operational analysis

Financial and resource impacts

13. If the subject land is declared to be public highway, Council will be responsible for appropriate maintenance of the road.

Legal Implications

14. The consideration and processing of the matter has been addressed in accordance with legislative requirements.

Conclusion

15. That Council, having given public notice of its proposal to declare the road shown hatched on the plan in the relevant public notice (**Subject Land**) as a public highway under section 204(1) of the *Local Government Act 1989 (Act)*, and having considered all submissions in response to that notice:

15.1 resolves to declare the Subject Land to be a public highway pursuant to section 204(1) of the Act, for the reason that the whole of the Subject Land is required for public use;

15.2 authorises the publishing of a notice in the *Victoria Government Gazette* declaring the Subject Land to be a public highway pursuant to section 204(1) of the Act; and

15.3 notifies submitters in writing of its decision and the reasons for the decision.

RECOMMENDATION

1. That Council, having given public notice of its proposal to declare the road shown hatched on the plan in the relevant public notice (**Subject Land**) as a public highway under section 204(1) of the *Local Government Act 1989 (Act)*, and having considered all submissions in response to that notice:

(a) resolves to declare the Subject Land to be a public highway pursuant to section 204(1) of the Act, for the reason that the whole of the Subject Land is required for public use;

(b) authorises the publishing of a notice in the *Victoria Government Gazette* declaring the Subject Land to be a public highway pursuant to section 204(1) of the Act; and

(c) notifies submitters in writing of its decision and the reasons for the decision.

Attachments

1 Attachment 1 - Copy of public notice published in The Age

2 Attachment 2 - Engineering Report (Triangle)

3 Attachment 3 - Diagram of Opposed Parcel

TAB CODE MR BENDIGO

SELECTIONS: TIM HABEL

TRACK GOOD (4) RAIL OUT 9M

DAILY DOUBLE 7 and 9 EARLY QUADDIE 2, 3, 4 and 5 QUADDIE 6, 7, 8 and 9 TREBLE 7, 8 and 9 BIG6 4, 5, 6, 7, 8 and 9 CIRCUMFERENCE 1994m STRAIGHT 400m

Table for Bendigo Mazda Plate 1100m. Includes columns for No, Form, Horse, Jockey, Trainer, Weight, Price. Race details: (3yo & up Maiden SW, Apprentices claim).

Table for The Big Screen Company Plate 1500m. Includes columns for No, Form, Horse, Jockey, Trainer, Weight, Price. Race details: (3yo & up Maiden SW, Apprentices claim).

Table for Catanach's Jewellers (B64) 1100m. Includes columns for No, Form, Horse, Jockey, Trainer, Weight, Price. Race details: (3yo & up Benchmark 64, Apprentices claim).

Table for Adroit Bendigo Plate 1300m. Includes columns for No, Form, Horse, Jockey, Trainer, Weight, Price. Race details: (3yo & up Maiden SW, Apprentices claim).

Table for Bet365 Drift Protector (B58) 2400m. Includes columns for No, Form, Horse, Jockey, Trainer, Weight, Price. Race details: (3yo & up Benchmark 58, Apprentices claim).

Table for Smartline Bendigo (B64) 1600m. Includes columns for No, Form, Horse, Jockey, Trainer, Weight, Price. Race details: (3yo & up Benchmark 64, Apprentices claim).

Table for The Bendigo Cleaning Co. Plate 1400m. Includes columns for No, Form, Horse, Jockey, Trainer, Weight, Price. Race details: (3yo Maiden SW, Apprentices claim).

Table for Apiam Animal Health (B64) 1100m. Includes columns for No, Form, Horse, Jockey, Trainer, Weight, Price. Race details: (3yo & up Benchmark 64, Apprentices claim).

Table for Bendigo Magazine (B64) 1300m. Includes columns for No, Form, Horse, Jockey, Trainer, Weight, Price. Race details: (3yo & up Benchmark 64, Apprentices claim).

Public Notices

Notice regarding L Sandeep Kar w/o Manpreet Singh, currently residing in 17/95 Winburne court, Traralgon, Victoria.

PRIVATE SECURITY BUSINESS REGISTRATION

Global Security Australia Pty Ltd of 244 Access Way, Carrum Downs Victoria 3201, has made application to the Victorian Commission for Gambling and Liquor Regulation for a Private Security Business Registration to provide the services of Security Guarding, Security Detail, Security Escort, Security Equipment, Any person wishing to object to the granting of the registration should do so in writing to the Commission within 14 days from the date of this advertisement.

Public Notices

PACKAGED LIQUOR LICENCE APPLICATION We, THE DOWNYDOWNS GROCERY TWO PTY LTD, applied to the Victorian Commission for Gambling and Liquor Regulation on 31 August 2021 for the grant of a packaged liquor licence for the premises located at 810 Glenferrie Road, Hawthorn.

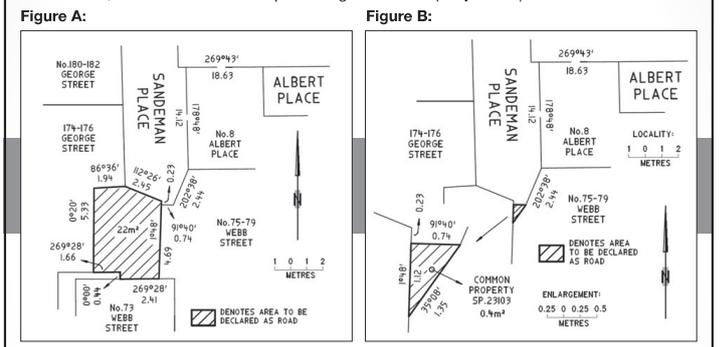
ALCOCK, Wilfred John, late of 2314 St Albans Road, St Albans, Victoria 3021, Retired, deceased who died on 10 January 2021.

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at: 4 Regins Terrace DONCASTER EAST. The application is for a permit to: Construct of a new two-storey dwelling to the rear of the existing dwelling.

YARRA CITY COUNCIL PROPOSED PUBLIC HIGHWAY DECLARATION PUBLIC NOTICE INVITING SUBMISSIONS UNDER SECTION 223

Yarra City Council (Council) gives notice under section 204(1) of the Local Government Act 1989 (Act) that it proposes to declare the following parcels of land abutting Sandeman Place, Fitzroy, to be public highways:



Any person wishing to make a submission under section 223 of the Act must do so in writing by 1 October 2021. All submissions will be considered in accordance with section 223 of the Act. Submissions should be addressed to the Chief Executive Officer and described as 'Submission on Proposed Declaration of Public Highway - Sandeman Place', and can be hand delivered to Council's Municipal Office at 333 Bridge Road, Richmond 3121 or posted to the following address: Vijaya Vaidyanath, Chief Executive Officer, Yarra City Council, PO Box 168, RICHMOND VIC 3121.

To: George Vass
CC: Diane Gabriel, Danny Millican
From: Mark Pisani
Date: 11 May 2021
Subject: **Description:** Declaration of Land adjacent to Sandeman Place
Site Address: South End of Sandeman Place, Fitzroy

I refer to your request received on 5 May 2021 to provide engineering comment on the declaration of land adjacent to Sandeman Place, Fitzroy. The Engineering Referral team provides the following information:

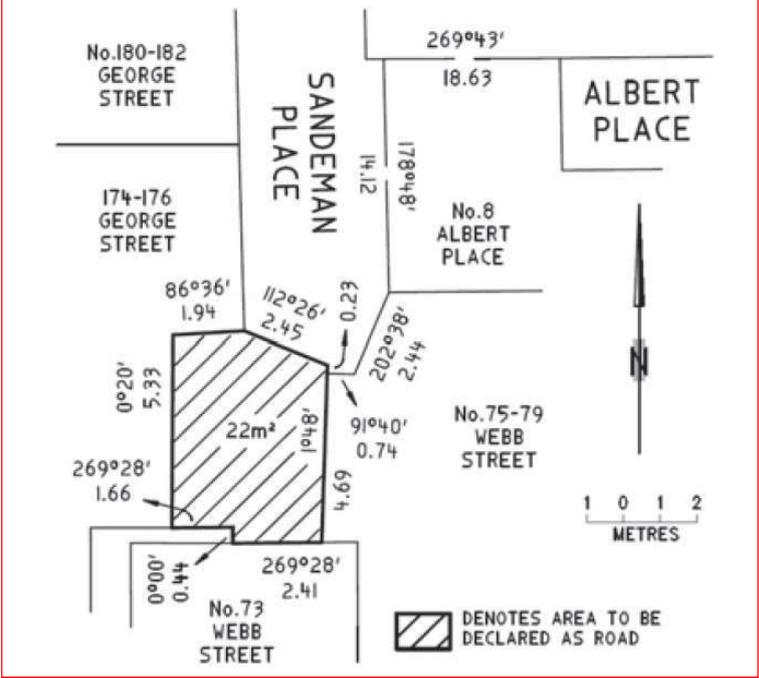
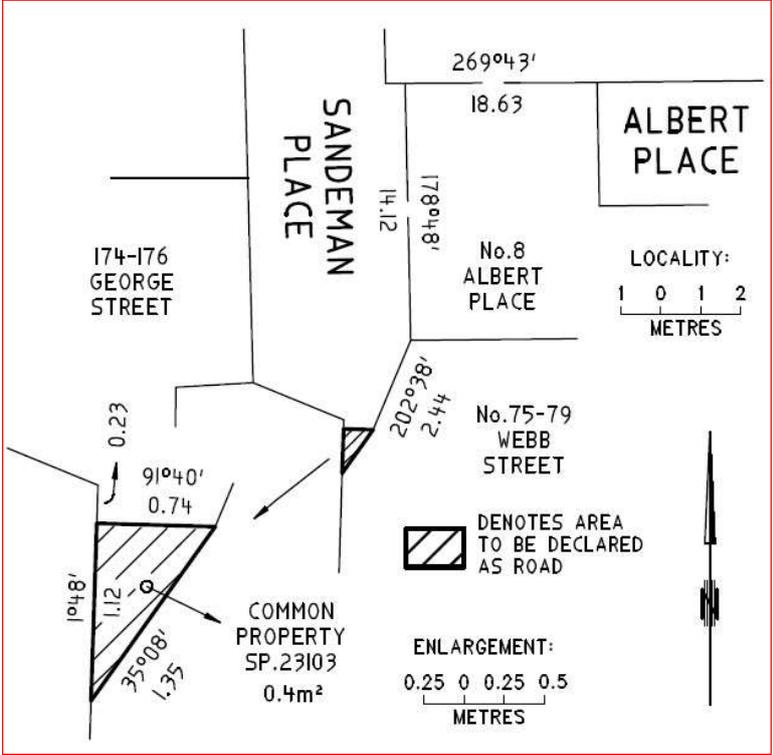
Drawings and Documents Reviewed

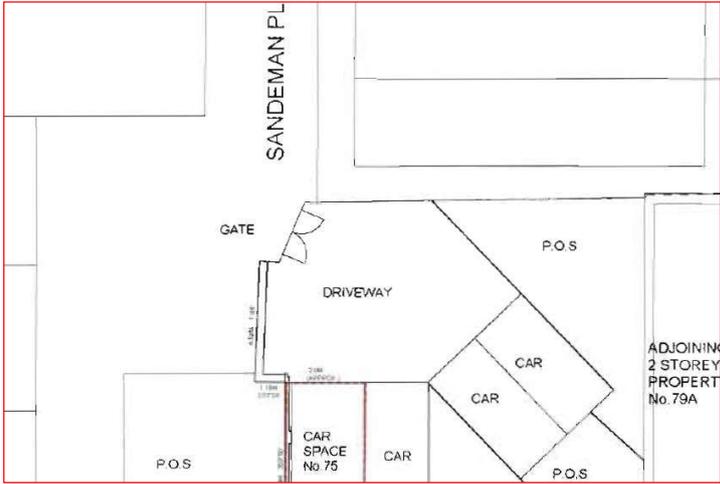
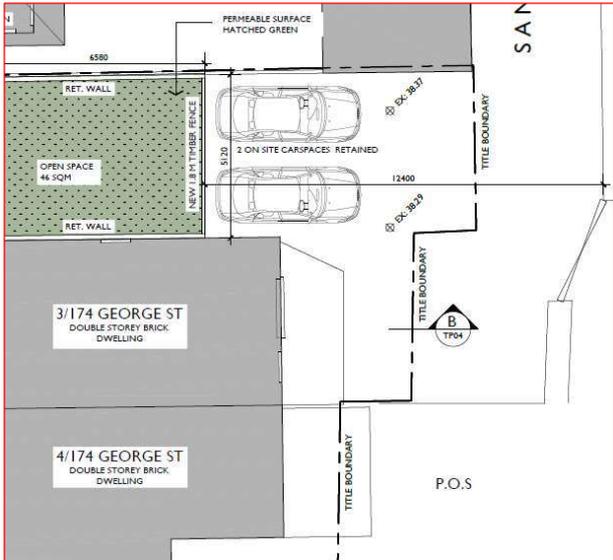
| | Drawing No. or Document | Revision | Dated |
|------------------------------------|---|----------|------------------|
| Lawlor and Loy Vic. | <i>Plan of Survey</i> | | 2 July 2020 |
| Micheli Oldfield Sinton Architects | TP01 <i>Basement and Ground Floor Plan</i> 174 George Street, Fitzroy | B | July 2019 |
| Grounds Architecture | A001 <i>Site/Location Plan</i> 75 Webb Street, Fitzroy | Endorsed | 14 February 2018 |
| Certificate of Title | Vol. 09650 Fol. 169 and Vol. 09650 Fol. 889 75-79 Webb Street, Fitzroy | | |

Land at Southern End of Sandeman Place

| Item | Details |
|-------------------------|--|
| Background | |
| Sandeman Place, Fitzroy | <p>Sandeman Place is a Council controlled laneway and is listed on Council's <i>Register of Public Roads</i>. Commencing from Charles Street, Sandeman Place is aligned in the north-south direction and has a termination at its southern end. The laneway provides vehicular access to 75 Webb Street and 174 George Street. The southern end of Sandeman Place also abuts NUA land ('Not under the Act')* or hiatus land abutting the western boundary of 75-79 Webb Street and northern boundary of 73 Webb Street.</p> <p>Sandeman Place comprises a bluestone pavement with a central invert and has effective carriageway widths ranging from 3.09 metres to 4.07 metres.</p> |

* 'Act' i.e. - *Transfer of Land Act 1958*.

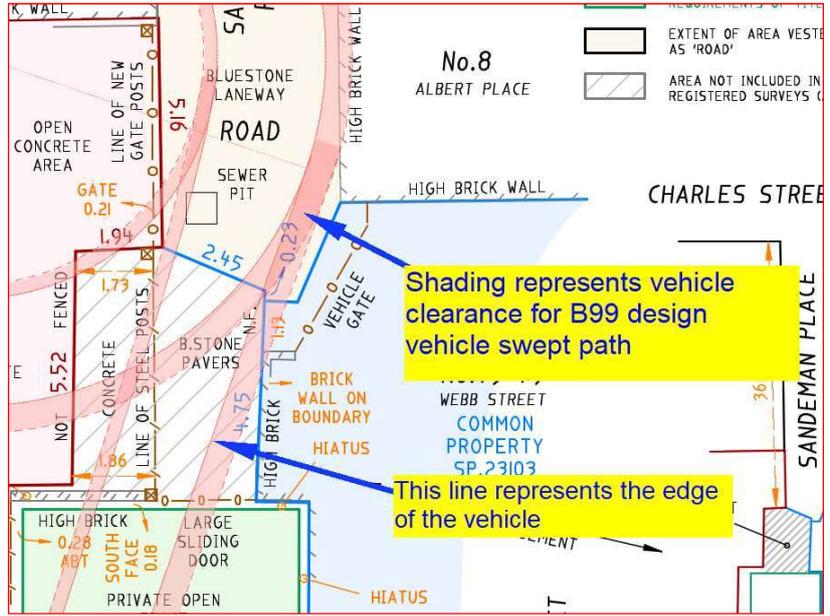
| Item | Details |
|--|--|
| <p>Declaration of Land adjacent to South End of Sandeman Place</p> | <p>In March 2021, Council published a formal notice inviting submissions for the proposal to declare the NUA land at the south end of Sandeman Place as a Public Highway. This parcel of land is an irregular shape, as shown below:</p>  |
| <p>Declaration of Land adjacent to the NUA Land</p> | <p>Council is considering a proposal to declare a small triangular piece of land on private property adjacent to the NUA land as a Public Highway. The parcel of land has an area of 0.4 square metres and is located on common property within the title of 75-79 Webb Street. Lawlor and Loy Surveyors have provided a plan of the land as shown below:</p>  |

| Item | Details |
|---|--|
| | <p>The acquisition of the triangular parcel of land as a Public Highway would improve access for vehicles to the NUA land, as the 2.45 metre distance of the north east boundary of the NUA is insufficient for satisfactory vehicle access.</p> |
| Existing Conditions | |
| <p>Survey Plan prepared by Lawlor and Loy Surveyors</p> | <p>The survey plan prepared by Lawlor and Loy depicts existing features of walls, infrastructure assets and gates, among other things, and are superimposed with the cadastre (please see <i>Plan of Survey</i> appended to this memo).</p> |
| <p>75-79 Webb Street, Fitzroy</p> | <p>The property at 75-79 Webb Street comprises four residential dwellings and an on-site car parking area with four spaces (common property) and is accessed via Sandeman Place. Below is an extract from the endorsed drawings for 75 Webb Street (PLN17/1105), showing the on-site car parking configuration, driveway and vehicular entrance.</p>  |
| <p>174 George Street, Fitzroy</p> | <p>The property at 174 George Street comprises four residential dwellings with three approved on-site parking spaces. Below is an extract from the advertised plan. Units 3 and 4 do not contain any on-site car parking.</p>  |

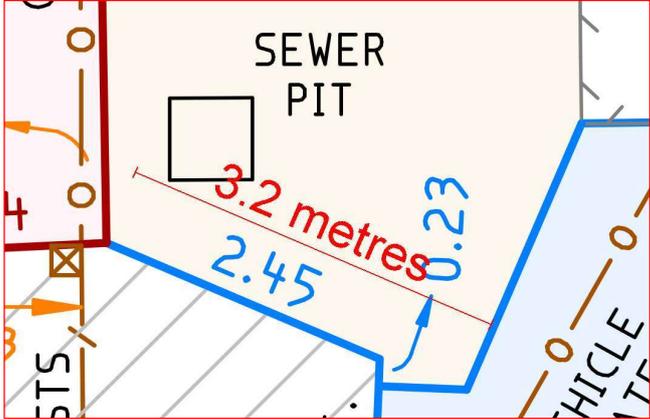
| Item | Details |
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| <p>South End of Sandeman Place Nearmap Aerial Photo Imagery Thursday 11 March 2021</p> |  |
| <p>Site Inspection of Sandeman Place – Thursday 6 May 2021</p> | <p>A site inspection of Sandeman Place was conducted by Council Engineers to note existing conditions and to record a number of measurements.</p> <p><u>75-79 Webb Street Abuttal to Sandeman Place</u> The gate servicing 75-79 Webb Street has a width of 3.24 metres – ample for the swept path of a B99 design vehicle.</p> <p>It was observed that the north western boundary of the property is delineated by a trowel line in the pattern paved concrete, as is clearly shown in the photograph below:</p>  <p>The corner of the brick wall shown in the photograph above (where a white outlet pipe can be seen towards the left) marks the precise location of the south west corner of 8 Albert Place – as depicted in the survey undertaken by Lawlor and Loy. The placement of a structure or bollard within the triangular parcel of land would reduce the doorway width of the property's vehicular entrance.</p> <p><u>174 George Street Abuttal to Sandeman Place</u> A fence and sliding gate has been constructed along the property's abuttal to Sandeman Place and extends through the NUA land.</p> |

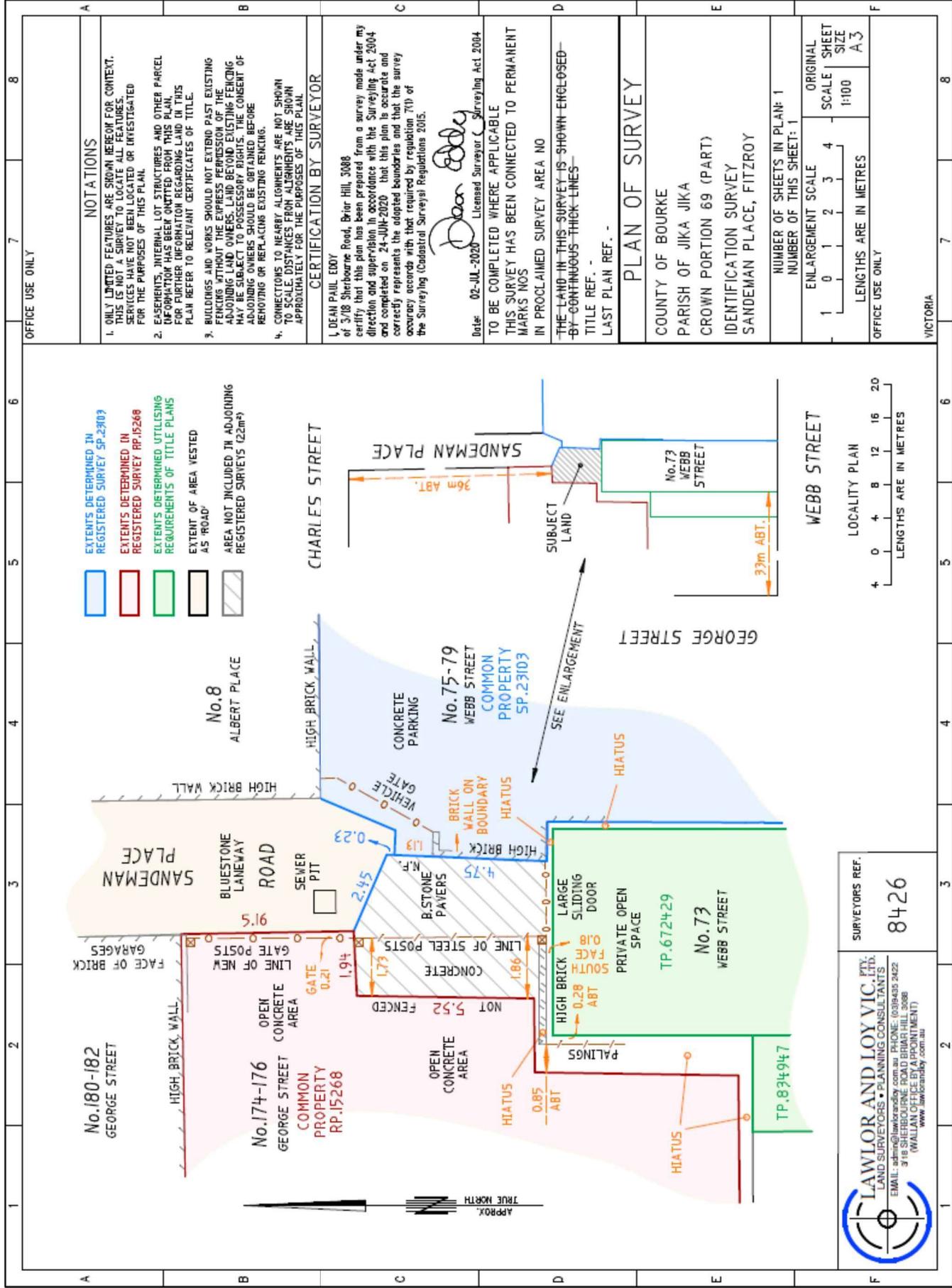
| Item | Details |
|------|--|
| |  <p data-bbox="566 757 1173 795">Above: Abuttal of 174 George Street to Sandeman Place</p> |

Engineering Assessment

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| <p data-bbox="167 884 279 918">NUA Land</p> | <p data-bbox="566 884 1380 1019">The north east boundary of the NUA has a distance of 2.45 metres. This width is considered insufficient for a vehicle to access. An assessment of a vehicle swept path for a B99 design vehicle was undertaken using the Trapeze plan management tool as shown below:</p>  <p data-bbox="965 1288 1364 1400">Shading represents vehicle clearance for B99 design vehicle swept path</p> <p data-bbox="965 1500 1300 1568">This line represents the edge of the vehicle</p> <p data-bbox="566 1668 1380 1758">The assessment indicates that in order for a B99 design vehicle to satisfactorily access the NUA land, the triangular parcel of land is crucial for enabling the B99 design vehicle to enter.</p> |
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| <p data-bbox="167 1787 462 1821">Emergency Vehicle Access</p> | <p data-bbox="566 1787 1396 2022">Fire Rescue Victoria have published guidelines for emergency vehicular access for firefighting appliances. A firefighting appliance requires an access road to be a minimum of 6.0 metres in width. The geometry of Sandeman Place and its junction with Charles Street would restrict access for a firefighting appliance. In terms of other emergency vehicle access, Sandeman Lane would be suitable for an ambulance or paramedic vehicle (say, the size of a B99 design vehicle).</p> |
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| Item | Details |
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| <p>General Vehicular Access Width of combined NUA Land and Triangular Parcel of Lane</p> | <p>Throughout much of the municipality, many Council controlled laneways have carriageway widths of 3.05 metres – adequate for a B99 design vehicle to traverse. As indicated earlier, a width of 2.45 metres is considered insufficient for adequately accommodating a vehicle.</p> <p>The effective width of the NUA land and triangular parcel of land would result in a combined carriageway width of 3.2 metres. This has been confirmed using Trapeze, as shown below:</p>  |
| <p>Conclusion</p> | |
| <p>Summary</p> | <p>In light the above, the declaration of the triangular parcel of land on the property of 75-79 Webb Street is crucial to ensuring that a B99 design vehicle can proceed to the termination (southern boundary) of the NUA land.</p> |



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 (WALLAN OFFICE BY APPOINTMENT)
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SURVEYORS REF. 8426

Annexure A | Opposed Portion

Figure A:

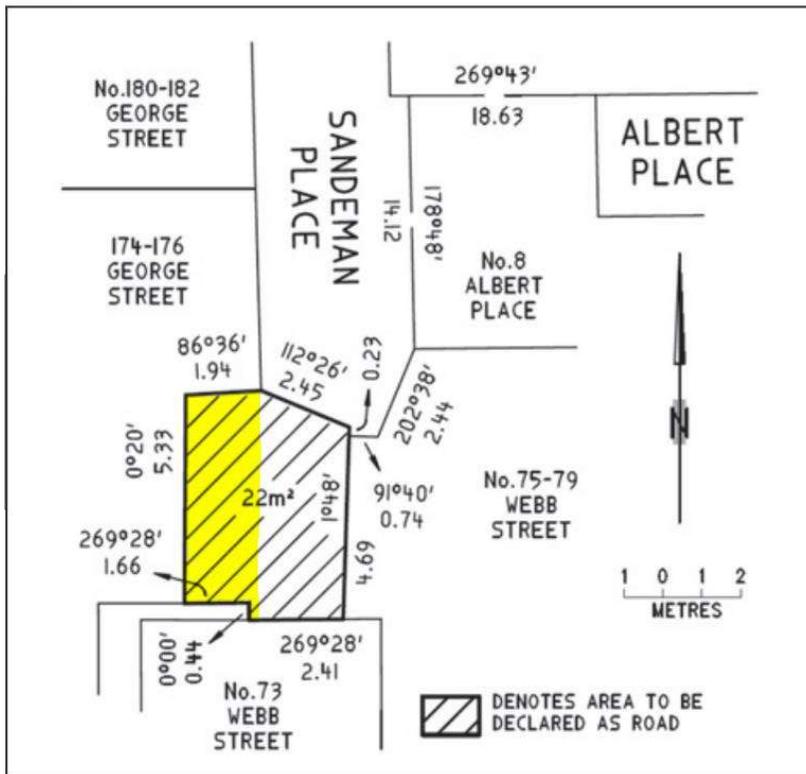


Figure B:

