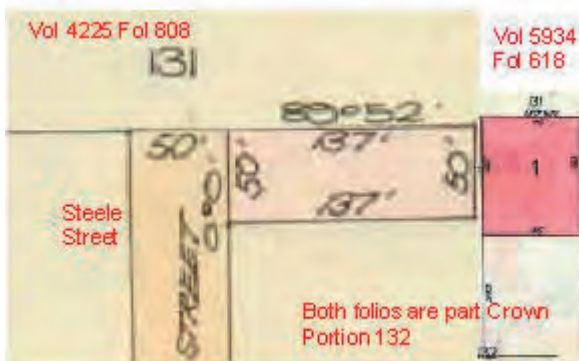




Principles of Re-establishment

Exercise 9

A Redevelopment Involving Two Boundaries



Question:

What are the bearings for the northern and southern boundaries?

The title diagram on the left has a full circle bearings of $89^{\circ}52'$ while the one on the right has a quadrant bearing of $S89^{\circ}52'E$, i.e. $90^{\circ}08'$. History has shown that the use of quadrant bearings in a transfer is a recipe for disaster. A check of the parent plan shows that the northern boundary should be $90^{\circ}08'$ for both folios.

Other points of interest:

The northern boundary is a Crown boundary.

As this boundary was dealt with by survey well over 100 years earlier, there is high probability that there will be survey differences along this boundary.

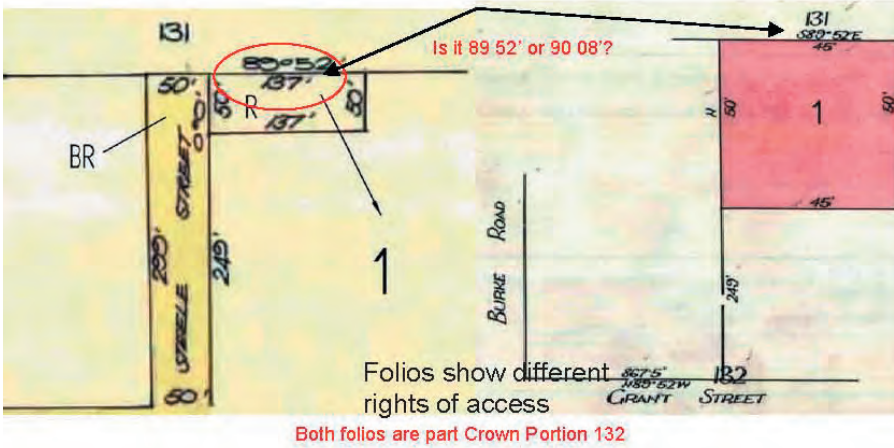
The two folios have different rights of access.

The right-hand folio only has rights to use Grant St to gain access to Burke Road while the left-hand folio has additional rights over Steele St.

It should also be noted that the rights over Steele St are limited to the Crown boundary. As part of the development full rights over Steele St would need to be justified.

Principles of Re-establishment

Exercise 9



Question:

What are the bearings for the northern and southern boundaries?

Answer:

The title diagram on the left has a full circle bearing of 89052' while the one on the right has a quadrant bearing of S89052'E, i.e. 90008'.

History has shown that the use of quadrant bearings in a transfer is a recipe for disaster. A check of the parent plan shows that the northern boundary should be 90008' for both folios.

Other points of interest:

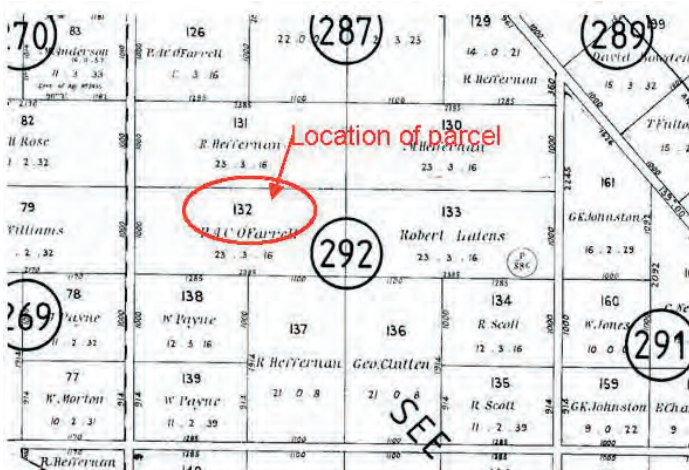
The northern boundary is a Crown boundary.

As this boundary was dealt with by survey well over 100 years earlier there is high probability that there will be survey differences along this boundary.

The two folios have different rights of access.

The right-hand folio only has rights to use Grant St to gain access to Burke Road while the left-hand folio has additional rights over Steele St.

It should also be noted that the rights over Steele St are limited to the Crown boundary. As part of the development of full rights over Steele St, it would need to be justified.



Principles of Re-establishment

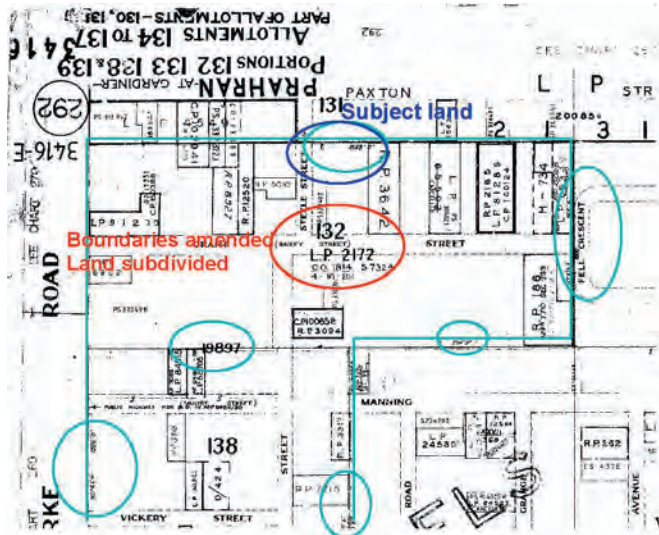
Exercise 9

Surname	Green Number	Location	Allot	Portion	Section	Lot	Area	Year	Number
O'FARRELL	PETER ANDREW C	PRAHRAN	96		20	15 2 18	1856	43215	
O'FARRELL	PETER ANDREW C	PRAHRAN	97		16	19 2 18	1858	49273	
O'FARRELL	PETER ANDREW C	PRAHRAN	100		19	12 3 12	1858	49276	
O'FARRELL	PETER ANDREW C	PRAHRAN	101		20	14 2 23	1858	49277	
O'FARRELL	PETER ANDREW C	PRAHRAN	101		25	15 2 18	1856	38224	
O'FARRELL	PETER ANDREW C	PRAHRAN	121		4	13 2 34	1856	43289	
O'FARRELL	PETER ANDREW C	PRAHRAN	122		5	9 3 23	1856	43290	
O'FARRELL	PETER ANDREW C	PRAHRAN	123		6	9 3 23	1856	43291	
O'FARRELL	PETER ANDREW C	PRAHRAN	124		7	14 1 13	1856	43292	
O'FARRELL	PETER ANDREW C	PRAHRAN	125		8	12 3 16	1856	43293	
O'FARRELL	PETER ANDREW C	PRAHRAN	126		9	12 3 16	1856	43294	
O'FARRELL	PETER ANDREW C	PRAHRAN	132		10	20 3 18	1856	43295	
O'FARRELL	PETER ANDREW C	PRAHRAN	148		14	18 2 39	1857	44204	
O'FARRELL	PETER ANDREW C	PRAHRAN	154B		31	3 2 0	1858	50029	
O'FARRELL	PETER ANDREW C	PRAHRAN	166A		33	3 0 28	1858	50031	
O'FARRELL	PETER ANDREW C	PRAHRAN	183		39	5 0 0	1858	50037	
O'FARRELL	PETER ANDREW C	PRAHRAN	202B		42	4 3 9	1858	50040	
O'FARRELL	PETER ANDREW C	ROCHFORD	2		30	39 3 28	1856	43620	
O'FARRELL	PETER ANDREW C	SANDRIDGE	3		15	9	0 0 17	1857	16323
O'FARRELL	PETER ANDREW C	SANDRIDGE	6		40	10	0 0 32	1859	132
O'FARRELL	PETER ANDREW C	SANDRIDGE	7		40	11	0 0 35+	1859	131
O'FARRELL	PETER ANDREW C	TALLANGATT	5		0	30	203 3 16	1857	44478
O'FARRELL	PETER ANDREW C	TARNEIT	0		2	1	74 1 6	1858	48714

Crown Portion 132 was granted to Peter Andrew C. O'Farrell in 1856 by grant number 43295.

A search is important for confirmation of rights and abutments given by the Crown for that particular parcel.

Because the enrolments are bounded in books it is important for searching to know the year of the grant. There are multiple grants with the same number but only one in the bound book for that period.



Crown Portion 132 along with 138 and 139 were bought under the Act by survey in 1885 by application 19897. Northern boundary of 132 adopted as 90° for 1588'9'

A survey based transfer in 1888 revealed some minor variations in title dimensions and the certificate was amended by a Commissioner's Order.

	AP19897	S 7329
Burke Road align	359°53'30'	0°00'
Northern boundary	90°00' 1588'9'	90°08' 1588'
Eastern boundary	179°47'30' 665'6'	179°58' 665'
Southern boundary	270°00'	270° 08'

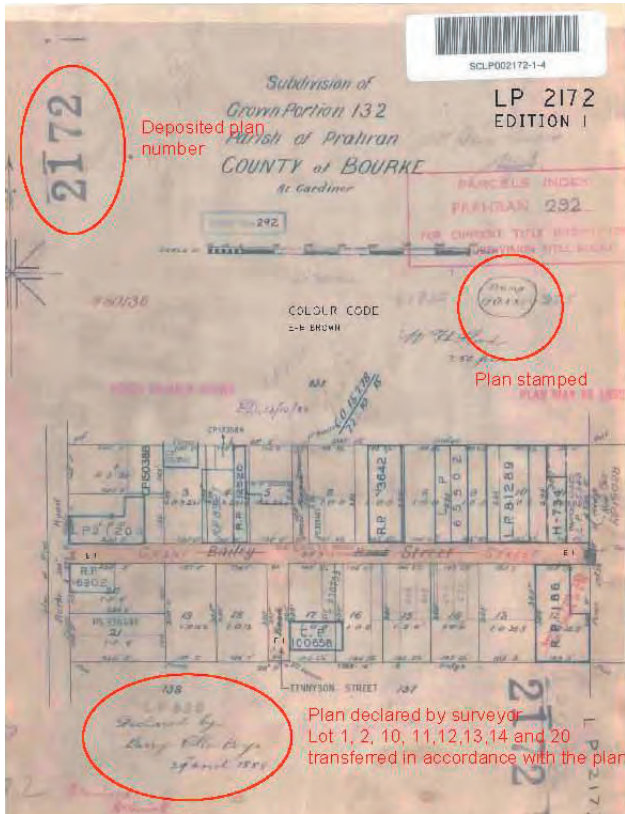
A plan of subdivision 2172 was deposited in the office showing proposed new parcels and the location of roads and reserves. A 1 foot revege strip was created along the northern Crown boundary so as to prevent CP 131 from gaining access to the newly created Steele Street.

Principles of Re-establishment

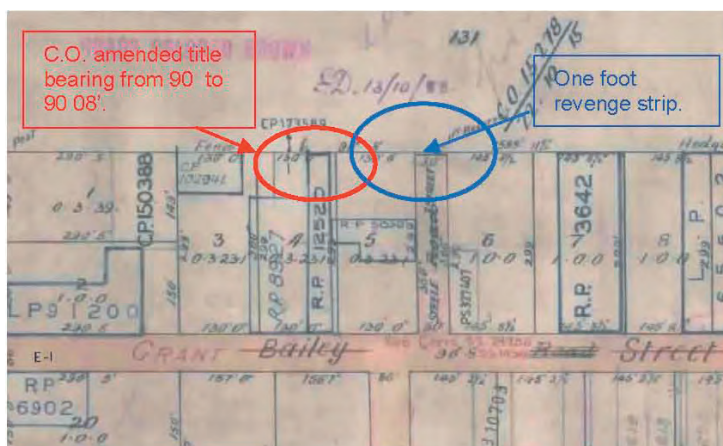
Exercise 9

Lots 1, 2, 10, 12, 13, 14 and 20 were sold between December 1888 and March 1890.

The balance of land changed hands and Lot 11 was sold in July 1891. A writ was served on the owners in October 1893 and the bank subsequently foreclosed on the property.

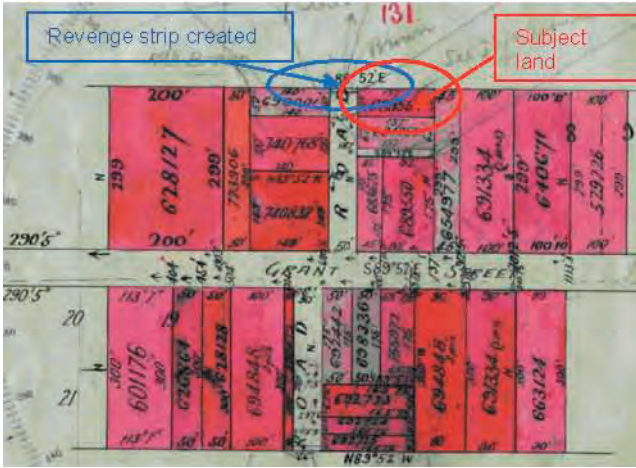


Plan satisfies criteria of a lodged plan.

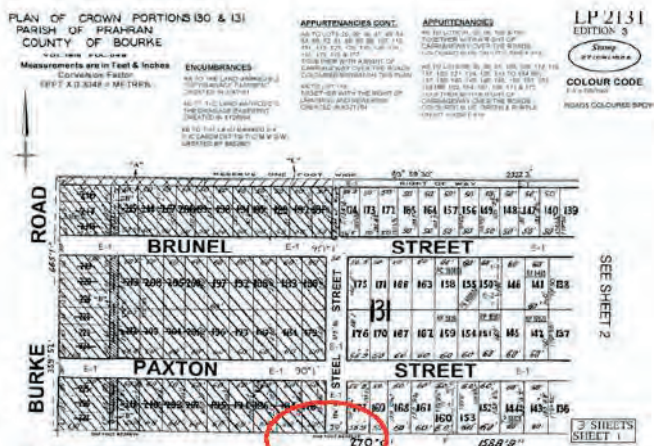


Principles of Re-establishment

Exercise 9

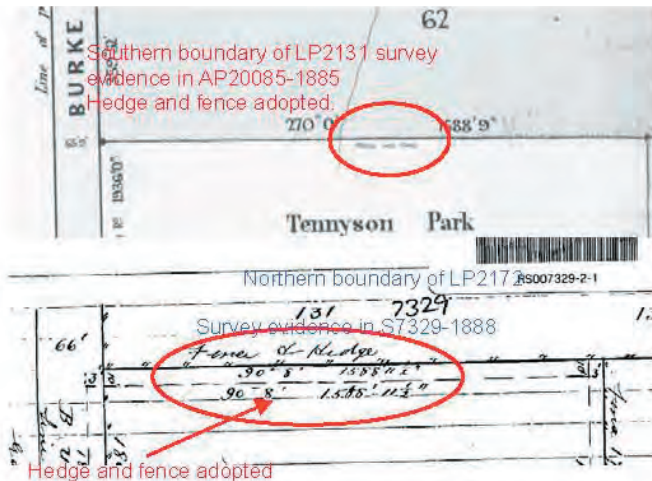


With the bank having foreclosed on the property, the remaining land was sold off by solicitor's transfer in generally smaller parcels. However, the road network remained the same.



This plan also created a revenge strip

The subdivision to the north also created a revenge strip thereby barring any access from the south along Steele Street.



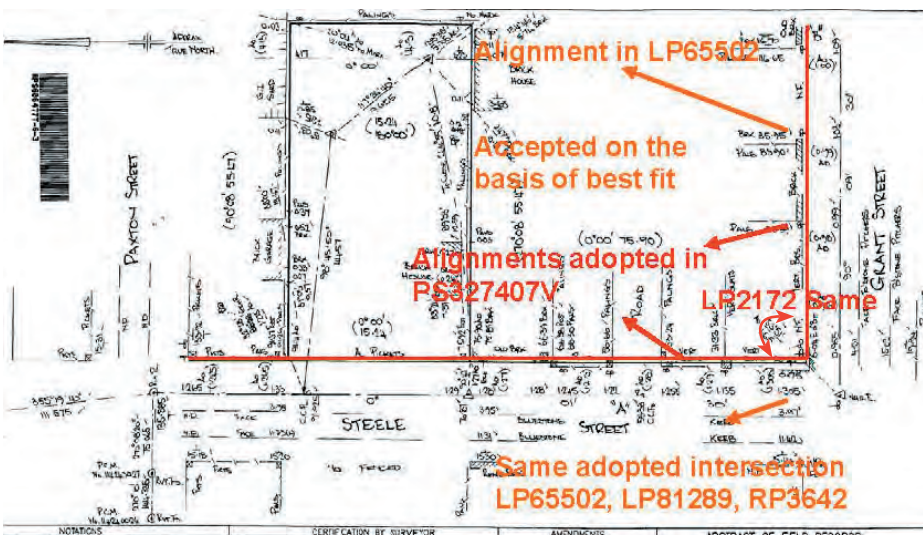
Although both plans purported to adopt the same boundary – the fence and hedge – the vague nature of a rural fence with hedge means that, even if the original survey marks were found, there is likely to be a discrepancy between the two.

Principles of Re-establishment

Exercise 9

Steele Street, what do we know?

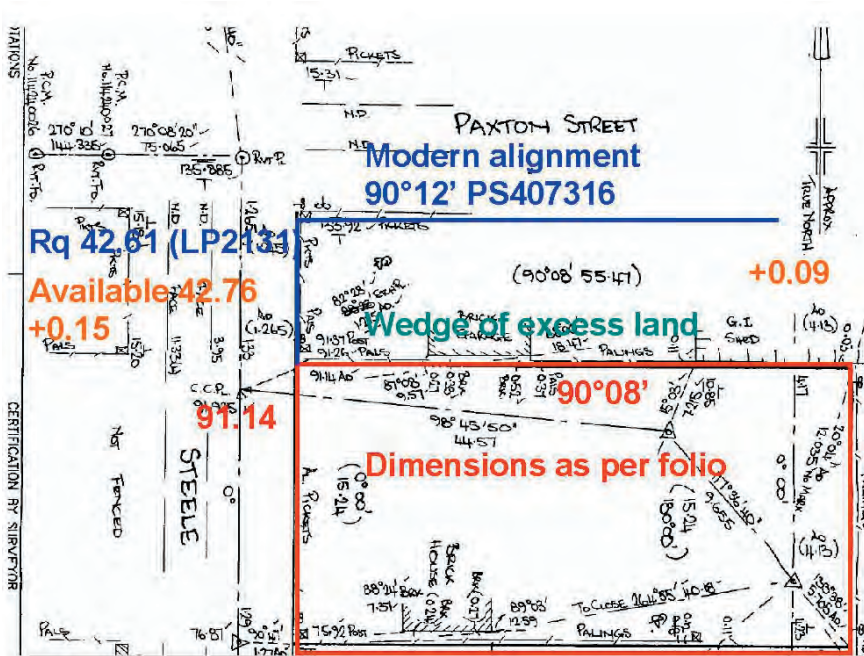
- The bearings along the northern and southern boundaries of Vol 4225 Fol 808 are in error.
- There is a high probability that the northern boundary of the subject land will not be compatible with the southern boundary of AP20085.
- The northern boundary is a Crown boundary.
- The survey should run the Paxton Street alignment to determine what effect, if any, there is on the properties in between.
- A link will need to be established with RP3642.
- An abuttal to the whole of Steele Street will need to be justified.



Principles of Re-establishment

Exercise 9

Survey of Subject Land



The survey has maintained the title dimensions.

The survey has also found excess land through to the modern alignment of Paxton Street. That part of the excess within the possession of the subdivider could have been taken up in the plan.