

ENCROACHMENTS

A Half-Day Workshop-Course for Councils called on to authorise desirable encroachments onto roads, lanes and reserves, and to prevent or remove the undesirable...

Private developments may spill across title boundaries onto...

- Roads and lanes
- Railway land, parks, reserves
- River frontages and foreshores
- ...at the surface or at stratum



No 1 Fitzroy St
St Kilda

These spill-overs may be...

- Desirable enhancements to the public domain
- Acceptable, benign adjuncts to private or commercial properties
- Unacceptable intrusions requiring removal and/or prosecution
- Existing or proposed; temporary or permanent

The Solly Lew Pool,
Mount Eliza



Friday 16 November 2018

Law Institute of Victoria
470 Bourke Street, Melbourne

9:00 a.m. to 12:30 p.m.

You may also engage us to run this workshop in-house, at your own Council premises

Course Content

- The land encroached upon – is it a road or a reserve;
- is it Crown land or freehold; who owns it, controls it, who has power to authorise its use?
- Three separate sets of permits needed – planning, building, and rights of occupation – why the first two are worthless without the third.
- The nature of title boundaries – which boundaries are permeable and which impermeable
- The common law relating to trespass, adverse possession and easement of long user
- Statutory law – the half-dozen Acts governing roads, their ownership, control, management and use.
- Types of authorization of occupation – grants, leases, licences, and easements

Cases we analyse ...

- Balconies over (and underpasses below) city streets
- Fenced-off back lanes
- Verandahs, awnings, architectural features and advertising signs
- Access into back yards across reserves
- Farmers who crop or graze abutting road reserves
- Temporary works and short-term activities on roads and reserves
- Major developments that may need their own Acts of Parliament

Legislation we review...

- Road Management Act 2004
- Planning & Environment Act 1987
- Subdivision Act 1988
- Road Safety Act 1986
- Transfer of Land Act 1958
- Local Government Act 1989
- The various Crown land Acts
- Limitation of Actions Act 1958

Facilitator

David Gabriel-Jones

MPP (hons)(Melb), Dip Civ Eng
(RMIT)

*Principal,
The Public Land
Consultancy*

To arrange a presentation, or to book into one of our scheduled courses...

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