

Our Ref: BSO:603487

31 October 2016

Claire Stuckey  
Georges River Council

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Dear Claire

**Former Oatley Bowling Club Site**

We provide the following comments and advice in relation to the subject Lots:

	Lot	Registered Proprietor	Comments and Advice
1.	<b>Lot 1 DP 1159269</b> (Part River Road - Folio 1/1159269)	Hurstville City Council	<p>1.1 The land comprising Lot 1 DP1159269 was resumed by Council in 1960 under the <i>Local Government Act 1919</i> for the purpose of the improvement and embellishment of the area.</p> <p>1.2 Upon publication of the Notice of Resumption in New South Wales Gazette No. 148, the land vested in Council free from all trusts, obligations, estates, contracts, charges, rates, rights of way or easements whatsoever.</p> <p>1.3 DP 1159269 does not include any statement of intention to dedicate any part of Lot 1 as public road.</p> <p>1.4 The Second Schedule of Folio 1/1159269 does not identify Lot 1 as public road.</p>

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	Lot	Registered Proprietor	Comments and Advice
			<p>1.5 Unless since the resumption, the land comprising Lot 1 or any part of Lot 1 has been opened as a public road in accordance with the <i>Public Road Act 1902</i> or the <i>Roads Act 1993</i> or been dedicated as public road, Lot 1 is <b>not a public road</b> which must be closed in accordance with the <i>Roads Act 1993</i> before being sold.</p> <p>1.6 Under the <i>Roads Act 1993</i>, a public road may be created by registration of a plan which includes a statement of intention to dedicate land as a public road. We understand that no such plan is registered at the LPI.</p> <p>Under the <i>Roads Act 1993</i>:</p> <ul style="list-style-type: none"> <li>• a council may, by notice published in the Gazette, dedicate any land held by it as public road; and</li> <li>• the Governor may proclaim land to be a public road.</li> </ul> <p>1.7 We note that Legal Liaison Security Services' Report dated 11 April 2016 does not refer to any dedication of Lot 1 as public road. As DP 115926 was only registered in 2010, we recommend that Council should instruct Mark Groll to undertake a further search to ascertain whether there is any evidence of dedication or proclamation of any part of Lot 1 DP1159264 as a public road since the resumption in 1960.</p>

	<b>Lot</b>	<b>Registered Proprietor</b>	<b>Comments and Advice</b>
			<p>1.8 The notations in the Second Schedule of Folio 1/1159269 regarding qualified title and limited title will not prevent Council from selling or leasing any portion of Lot 1.</p> <p>1.9 We note that as at 8 April 2016, there were no unregistered dealings recorded on Folio 1/1159264.</p>
2.	<p><b>Lots 1 to 4 inclusive</b>  <b>Section 4 of DP 7124 -</b>            (Auto Consol 5508-11 - Volume 5508 Folio 11 is the current Certificate of Title)</p>	Hurstville City Council	<p>2.1 The land was transferred to Council for valuable consideration.</p> <p>2.2 The Transfer to Council did not refer to any trust, interest or restriction which prevents Council from selling or leasing the land.</p> <p>2.3 Neither Auto Consol 5508-11 nor Volume 5508 Folio 11 refer to any trust, interest or restriction which prevents Council from selling or leasing the land.</p>
3.	<p><b>Lots 5 to 7 inclusive of</b>  <b>Section 4 of DP 7124 -</b>            (Auto Consol 3571-223 - Volume 3571 Folio 223 is the current Certificate of Title)</p>	Hurstville City Council	<p>3.1 The land was transferred to Council for valuable consideration.</p> <p>3.2 The Transfer to Council did not refer to any trust, interest or restriction which prevents Council from selling or leasing the land.</p> <p>3.3 Neither Auto Consol 3571-223 nor Volume Folio 3571 Folio 223 refer to any trust, interest or restriction which prevents Council from selling or leasing the land.</p>
4.	<p><b>Lots 14 and 18 of Section 3 of DP 7124 -</b>            (Auto Consol 5486-18 - Volume 5486-18 is the current Certificate of Title).</p>	Hurstville City Council	<p>4.1 The land was transferred to Council for valuable consideration.</p> <p>4.2 The Transfer to Council did not refer to any trust, interest or restriction which prevents Council from selling or leasing the land.</p>

	<b>Lot</b>	<b>Registered Proprietor</b>	<b>Comments and Advice</b>
			4.3 Neither Auto Consol 5486-18 nor Volume 5486 Folio 18 refer to any trust, interest or restriction which prevents Council from selling or leasing the land.
5.	<b>Lot 15 of Section 3 of DP 7124 -</b> (Folio 15/1/7124 - Volume 2714 Folio 54 is the current Certificate of Title).	Hurstville City Council	5.1 The land was transferred to Council for valuation consideration. 5.2 The Transfer to Council did not refer to any trust, interest or restriction which prevents Council from selling or leasing the land. 5.3 Neither Auto Consol 15/1/7124 nor Volume 2714 Folio 54 refer to any trust, interest or restriction which prevents Council from selling/leasing the land.
6.	<b>Lot 16 of Section 3 of DP 7124 -</b> (Folio 16/3/7124 - Volume 5493 Folio 101 is the current Certificate of Title).	Hurstville City Council	6.1 The land was transferred to Council for valuation consideration. 6.2 The Transfer to Council did not refer to any trust, interest or restriction which prevents Council from selling or leasing the land. 6.3 Neither Folio 16/3/7124 nor Volume 5493 Folio 101 refer to any trust, interest or restriction which prevents Council from selling or leasing the land.
7.	<b>Lot 17 of Section 3 of DP 7124 -</b> (Auto Consol 5661-222 - Volume 5661 Folio 222 is the current Certificate of Title).	Hurstville City Council	7.1 The land was transferred to Council for valuation consideration. 7.2 The Transfer to Council did not refer to any trust, interest or restriction which prevents Council from selling or leasing the land. 7.3 Neither Auto Consol 5661-222 nor Volume 5661 Folio 222 refer to any trust, interest or restriction

	Lot	Registered Proprietor	Comments and Advice
			which prevents Council from selling or leasing the land.
8.	<b>Lot 19 of Section 3 of DP 7124 -</b> (Folio 19/3/7124 - Volume 3436 Folio 30 is the current Certificate of Title.)	Hurstville City Council	<p>8.1 The land was transferred to Council for valuation consideration.</p> <p>8.2 The Transfer to Council did not refer to any trust, interest or restriction which prevent Council from selling or leasing the land.</p> <p>8.3 Neither Folio 19/3/7124 nor Volume 3436 Folio 30 refer to any trust, interest or restriction which prevents Council from selling or leasing the land.</p>
9.	<b>Lot 20 of Section 3 of DP 7124 -</b> (Folio 20/3/7124 - Volume 2528 Folio 49 is the current Certificate of Title).	Hurstville City Council	<p>9.1 The land was transferred to Council for valuation consideration.</p> <p>9.2 The Transfer to Council did not refer to any trust, interest or restriction which prevents Council from selling or leasing the land.</p> <p>9.3 Neither Folio 20/3/7124 nor Volume 2528 Folio 49 refer to any trust, interest or restriction which prevents Council from selling or leasing the land.</p>

Please do not hesitate to contact me if you have any query in relation to the above or require any further advice or assistance regarding this matter.

Yours faithfully  


**Brian Olliver**  
Partner  
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