



Our Ref: L181105

16<sup>th</sup> August 2019

Launceston City Council  
PO Box 396  
LAUNCESTON TAS 7250

FILE No.	DA0331/2019				
EO		OD	✓	Box	✓
RCV'D		19 AUG 2019		LCC	
Doc No.					
Action Officer			Noted	Replied	
stat tasks					

Dear Madam,

**REQUEST TO AMEND SEALED PLAN 144765 – SWANSTON PARK**

Please find enclosed the following documents for the request to amend sealed plan for the above-mentioned plan;

- Petition to amend sealed plan - signed
- Copy of Folio Plan marked up
- Copy of Schedule of Easements marked up
- Notice to Neighbour

Your early attention to the matter would be appreciated.

Yours faithfully

Woolcott Surveys

Brett Woolcott

Managing Director

Enc

**LAUNCESTON**

10 Goodman Crt, Invermay  
PO Box 593, Mowbray TAS 7248  
P 03 6332 3760

**ST HELENS**

48 Cecilia St, St Helens  
PO Box 430, St Helens TAS 7216  
P 03 6376 1972

**HOBART**

Rear Studio, 132 Davey St,  
Hobart TAS 7000  
P 03 6227 7968

**DEVONPORT**

2 Piping Lane,  
East Devonport TAS 7310  
P 0428 349 479

**APPLICATION BY PETITION TO AMEND SEALED PLAN 144765**

Section 103 Local Government (Building and Miscellaneous Provisions) Act 1993

To: LAUNCESTON CITY COUNCIL

**1. Your petitioner**

1.1 Tasmanian Timber Specialists Pty Ltd a company of 165 St Leonards Road, St Leonards Tas 7250 being the developer of Staged Development Scheme No C698389 & No C893794

**2. The subject land**

2.1 Drainage Easement "C" 7.00 Wide & Drainage Easement 9.14 Wide passing through lot 4 on Sealed Plan 144765

**3. Background**

3.1 Sealed Plan 144765 contains four lots and a road lot and was made effective by the Recorder of Titles on 9 May 2006

3.2 Lot 4 on the plan is a staged development scheme presently being developed within Strata Plan 147220

3.3 Your petitioner is desirous of deleting Drainage Easement "C" 7.00 Wide & Drainage Easement 9.14 Wide passing through Folio 147220-0 & Folio 147220-1000

3.4 Neither of the above easements contain underground infrastructure or overland flow paths and therefore serve no purpose for draining the dominant tenements

3.5 Your petitioner is making application to have these burdening drainage easements deleted as their continued location and existence will impede the future development of Folio 147220-1000 and Folio 147220-0 in accordance with the staged development scheme

**4. The proposed amendments**

4.1 Delete "Drainage Easement "C" 7.00 Wide" and "Drainage Easement 9.14 Wide" from within lot 4 on the face plan

4.2 Delete the corresponding rights of drainage from the schedule of easements

4.3 Marked up copies are enclosed with the proposed amendments encircled

**5. Persons affected by the proposed amendment**

- 5.1 Folio 147220-0, Strata Corporation No 147220, Swanston Park Light Industrial Estate
- 5.2 Folio 144765-100, Launceston City Council owner; Council also has dominant rights of drainage in gross over both easements
- 5.3 Folios 144765-1 & 2, Gerard Thomas Hextall owner, 161-165 St Leonards Road, St Leonards Tas 7250
- 5.4 Folio 144765-3, Tasmanian Timber Specialists Pty Ltd (your petitioner)
- 5.5 Folio 62569-1, SixforGlenorchy Pty Ltd owner, 16 Wanawong Street, Belimbla Park NSW 2570. The enclosed\*\*\* notice has been served on the company in accordance with section 103(3)(b)

**6. Section 103 amendment**

- 6.1 Section 103 is the only legal mechanism by which an easement may be deleted from a sealed plan
- 6.2 Division 5 in the legislation provides for a section 103 Request to Amend document to be lodged with the Recorder of Titles to effect the amendment

**7. Application to Council**

- 7.1 Application is made to Council for amendment of the sealed plan as set out in the petition
- 7.2 Should Council cause the amendment proposed in the petition to be made, would you please execute and return the attached Request to Amend document

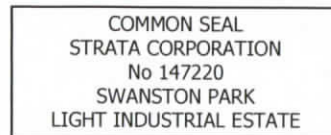
Date: 14/8/19 .....

Executed by TASMANIAN TIMBER SPECIALISTS PTY LTD under section 127 of the Corporations Act 2001 by being signed by- Gerard Hextall: [Signature] .....  
Sole director/secretary

The common seal of STRATA CORPORATION No 147220  
SWANSTON PARK LIGHT INDUSTRIAL ESTATE

was affixed in the presence of-

Member: [Signature] .....  
Print Full Name: Jason Orr  
Member: [Signature] .....  
Print Full Name: Michael Perreall



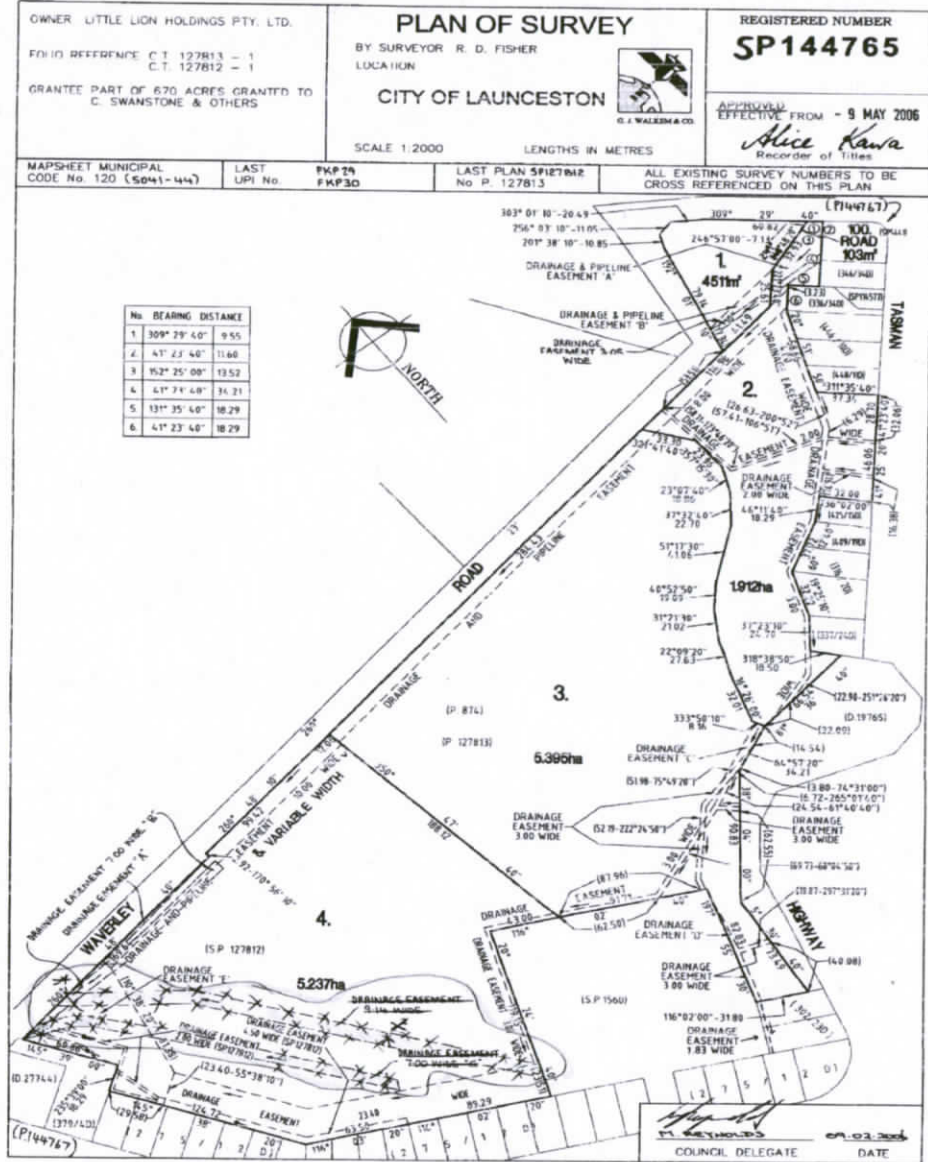
Michael Perreall

PETITION TO AMEND SEALED PLAN 144765, SWANSTON DRIVE, WAVERLEY TAS 7250



**FOLIO PLAN**  
DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





**SCHEDULE OF EASEMENTS**

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b>  <b>PAGE 2 OF 2 PAGES</b>	Registered Number  <b>SP 144765</b>
SUBDIVIDER: - LITTLE LION HOLDINGS PTY LTD FOLIO REFERENCE: - 127813/1 & 127812/1	
<b>EASEMENTS</b> Lots 1, 2, 3, 100 and that part of Lot 4 on the plan which formerly comprised Lot 1 on Plan 127813 are each together with a Right of Drainage over the Drainage Easement marked 'A', Drainage Easement 7.00 wide 'B', <del>Drainage Easement 7.00 wide 'C', Drainage Easements 2.00 wide, Drainage Easement 4.50 wide and that part of Drainage Easement 9.14 wide marked YZ shown with Lot 4 on the plan.</del>	
Lot 1 on the plan is subject to a Right of Drainage and a Pipeline Easement in favour of the Launceston City Council and Esk Water over the Drainage & Pipeline Easement "B" shown passing through such lot.	
Lot 2 on the plan is subject to a Right of Drainage and a Pipeline Easement in favour of the Launceston City Council and Esk Water over Drainage & Pipeline Easement "A" and that portion of the Drainage & Pipeline Easement 8.00 wide shown passing through such lot.	
Lot 3 on the plan is together with a Right of Drainage over the Drainage Easement 1.83 wide shown on the plan.	
Lot 3 on the plan is subject to a Right of Drainage and a Pipeline Easement in favour of the Launceston City Council and Esk Water over that portion of the Drainage & Pipeline Easement 8.00 wide shown passing through such lot.	
Lot 4 on the plan is subject to a Right of Drainage (appurtenant to Lot 2 on Sealed Plan 127812) over the Drainage Easement marked "A" shown passing through such lot.	
Lot 4 on the plan is subject to a Right of Drainage and a Pipeline Easement in favour of the Launceston City Council and Esk Water over the Drainage & Pipeline Easement 10.00 wide and variable width shown passing through such lot.	
Lot 4 on the plan is subject to a Right of Drainage (appurtenant to Lot 1 on Plan 127813) over the Drainage Easement marked 'A', Drainage Easement 7.00 wide 'B', <del>Drainage Easement 7.00 wide 'C',</del> Drainage Easements 2.00 wide, Drainage Easement 4.50 wide and that portion of Drainage Easement 9.14 wide marked YZ shown passing through such lot.	
Lot 4 on the plan is subject to a Right of Drainage (appurtenant to Lot 1 on Sealed Plan 1560) over the whole of the Drainage Easement 9.14 wide shown passing through such lot.	
NOTE: - Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.	



Date: 23 May 2019

SixforGlenorchy Pty Ltd  
16 Wanawong Street  
Belimbla Park NSW 2570

**NOTICE OF A PROPOSED AMENDMENT TO SEALED PLAN 144765  
SWANSTON DRIVE, WAVERLEY TAS 7250**

We are the nominated surveyors for Gerard Hextall of Tasmanian Timber Specialists Pty Ltd a company that is developing the Swanston Park Light Industrial Estate at the above address.

Mr Hextall's development company is desirous of deleting Drainage Easement "C" 7.00 Wide & Drainage Easement 9.14 Wide that pass through lot 4 on Sealed Plan 144765 as neither of the drainage easements contain underground infrastructure or overland flow paths and therefore serve no purpose.

Your company, as the owner of Folio 62569-1, is being forwarded this notice as it has a right of drainage over the Drainage Easement 9.14 Wide which it is proposed to delete. We note your company has alternative drainage rights as shown on the plan and the subject easement has no purpose.

A copy of the petition is enclosed\*\*\* with this notice as required under section 103(3)(b) of the Local Government (Building and Miscellaneous Provisions) Act 1993. The legislation can be found at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

If you support my client's petition you do not have to do anything; however the legislation does provide you with 28 days to advise Council in writing should you wish to be heard in opposition.

Yours faithfully,  
WOOLCOTT SURVEYS

Brett Woolcott  
Director  
[brett@woolcottsurveys.com.au](mailto:brett@woolcottsurveys.com.au)

**LAUNCESTON**  
10 Goodman Crt, Invermay  
PO Box 593, Mowbray TAS 7248  
P 03 6332 3760

**ST HELENS**  
48 Cecilia St, St Helens  
PO Box 430, St Helens TAS 7216  
P 03 6376 1972

**HOBART**  
Rear Studio, 132 Davey St,  
Hobart TAS 7000  
P 03 6227 7968

**DEVONPORT**  
2 Piping Lane,  
East Devonport TAS 7310  
P 0428 349 479

ABN 15 808 360 064