

APPLICATION BY PETITION TO AMEND SEALED PLAN 177935 AND SEALED PLAN 131811

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

To: LAUNCESTON CITY COUNCIL

1. Your petitioner

- 1.1 RDO AUSTRALIA PROPERTY HOLDINGS NO 2 PTY LTD being the registered proprietor of Folio 177935/1 situated at 4 Australis Drive, Rocherlea.

2. The subject land

- 2.1 The Drainage Easement 2.00 metres wide inside lot 1 on Sealed Plan 177935
- 2.2 The Drainage Easement 2.00 metres wide inside lot 1 on Sealed Plan 177935, created by Sealed Plan 131811.

3. Background

- 3.1 Sealed Plan 177935 contains two lots and was made effective by the Recorder of Titles on 16th March 2020.
- 3.2 Your petitioner, being the owner of lot 1 on the plan, plans to develop the lot.
- 3.3 Lot 1 on the plan was created as part of a subdivision of Lots 3 and 4 on Sealed Plan 131811 and Lot 15 on Plan 55810, which rendered the Drainage Easement as described in 2.2 obsolete.
- 3.4 To accommodate the development the drainage infrastructure contained in the Easements as described above, is to be removed. Sewerage infrastructure will not be affected.
- 3.5 The proposed amendment will require an amendment to the face plan and the schedule of easements to Sealed Plan 177935 and Sealed Plan 131811.

4. The proposed amendments

- 4.1 Remove the existing Drainage Easement 2.00 metres wide, created by Sealed Plan 131811, appurtenant to Lot 4 on Sealed Plan 131811, shown on Lot 1 on Sealed Plan 177935 and Lot 3 on Sealed Plan 131811.
- 4.2 Remove the existing Drainage Easement 2.00 metres wide in favour of Launceston City Council, shown on Sealed Plan 177935.
- 4.3 A new plan copy and a new schedule of easements page are enclosed herein

5. Persons affected by the proposed amendment

- 5.1 Launceston City Council, being the owners of the drainage infrastructure contained within the Drainage Easements, is the only entity affected by the proposed amendment.
- 5.2 Lot 4 on Sealed Plan 131811 was made redundant as part of the previous subdivision.

6. Section 103 amendment

- 6.1 Section 103 is the only legal mechanism by which an easement may be amended in 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 amendments proposed in the petition to be made, would you please-
 - Endorse and return the new face plan
 - Endorse and return the new schedule of easements Page 1
 - Execute, seal and return the attached Request to Amend document

Dated this 8th day of July 2020

Executed by RDO Australia Property Holdings No 2 Pty Ltd being the registered Proprietor of Folio 177935/1 under section 127 of the Corporations Act 2001

by being signed by a director & secretary-

Director: 

Secretary: 

DOMINANT TENEMENT CONSENT

LAUNCESTON CITY COUNCIL REPRESENTATIVE)
being the owners of the drainage infrastructure)
consent to the proposed amendment-)
Signed:)
Witness:)
Name:
Address:

