

D Y M O C K S G R O U P

Attention Assistant General Manager –
Engineering Services
PO Box 177
Macksville NSW 2447

Tuesday, 14 May 2019

By email

Dear Sir

412 South Bank Road, Tamban NSW 2441
Plan of Correction

We refer to our previous correspondence and discussions with Council in this matter.

For ease of reference, we **attach** our correspondence of 22 May 2018 which provides the history in this matter.

We understand that Council is in favour of the road correction through the property at 412 South Bank Road, Tamban.

Accordingly, we make a formal request to Council to correct the road alignment of the road reserve. The road as shown on the plans does not match the physical location of the road that is maintained by Council. The position of the road as shown in the registered plans against the actual location as shown in Google Maps clearly shows that the road passes through current improvements to the property. This has a detrimental effect for any future improvements to be made to the property by Jamajon Pty Ltd (**Jamajon**).

We request for the preparation of a plan of correction to identify the actual position of the road rather than its location as shown in the plans. If this does not happen and Jamajon invests in making further improvements to the property, then Jamajon do not want to be in a position that any improvements it makes have to be demolished or removed, for some reason or another, despite the error in location of the road on the plan.

Please let us know whether anything else is required or advise of us the next steps to progress the matter with Council.

Yours faithfully



Adelina Tama
Group Legal Counsel

T: +61 02 9224 0440
E: legal@dymocks.com.au

D Y M O C K S G R O U P

Att: Assistant General Manager – Engineering Services
PO Box 177
Macksville NSW 2447
By Email: council@nambucca.nsw.gov.au

Tuesday, 22 May 2018

Dear Sir

412 South Bank Road, Tamban NSW 2441 and South Bank Road

Jamajon Pty Ltd (**Jamajon**) is the registered proprietor of 412 South Bank Road, Tamban which is the property comprised in Folio Identifier 34/755559 (**Property**).

The Property excludes the road shown in the title diagram (**Road**). The Road was created in a Crown Plan created in 1889. That plan created Portion 34 (the Property) and reserved the road to the crown.

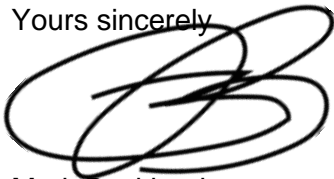
Jamajon has become aware that the Road as shown on the plans does not match the actual physical location of the road that is maintained by Council. This can be seen both on the NSW Mapping system (maps.six.nsw.gov.au) as well as Google Maps.

You can see from the images attached to this letter that the position of the Road (as shown on the registered plans) is problematic. It passes through current improvements to the Property. Furthermore, the position poses a problem for future improvements which Jamajon wishes to make to the Property.

From a practical viewpoint, Jamajon seeks clarity that it can continue to develop the Property and to have regard only to the actual position of the road rather than the position as marked on the plans. What Jamajon does not want is for Council, at some time in the future, to request that improvements along the path of the Road be demolished. Whether this comfort is provided by means of a written undertaking from Council or whether Council formally amends the registered plans to denote the actual area of the Road is a matter that Jamajon leaves to Council but some form of comfort is required.

It would be appreciated if you could review the information in this letter and contact us to discuss.

Yours sincerely

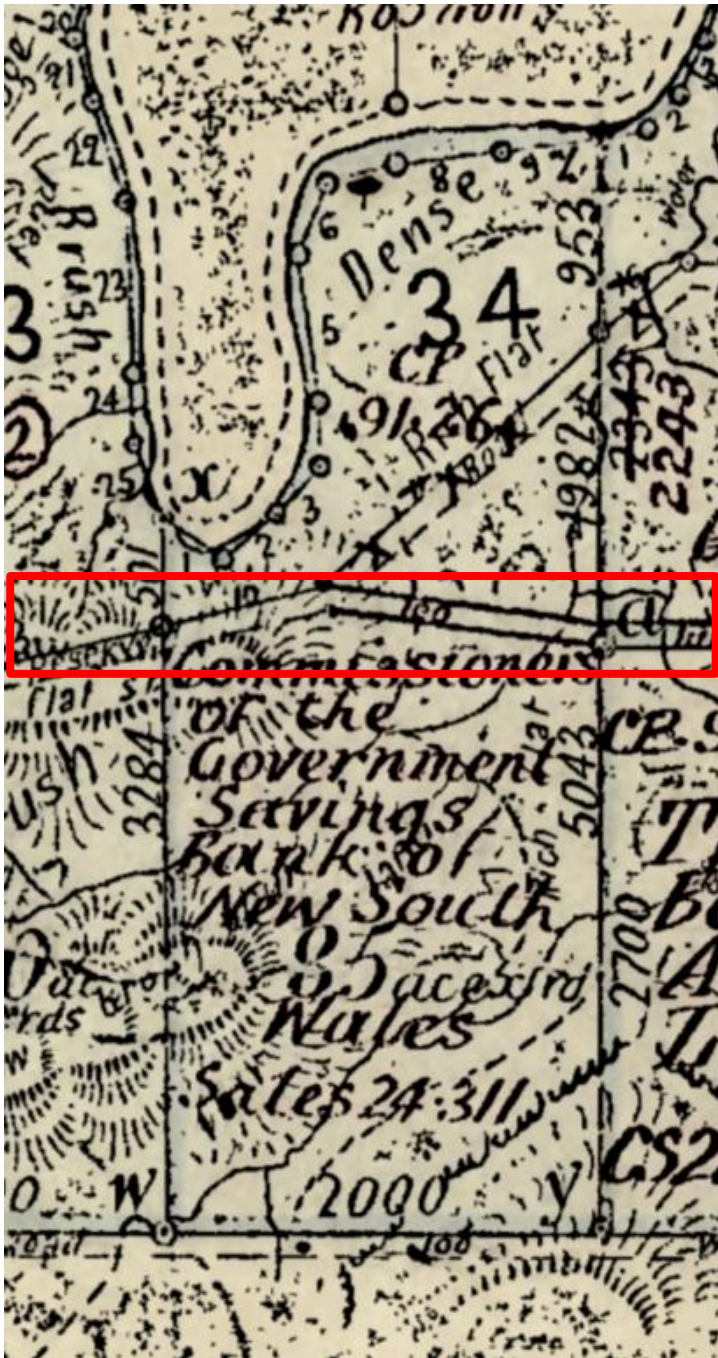


Mark Buckland
Company Secretary & General Counsel

T: +61 02 9224 0476
E: mark.buckland@dymocks.com.au

Crown Plan – 1889

The original crown plan reserved a road bisecting portion 34 which subsequently became known as Lot 34 in DP75559. See below:



Title Search

The title for Lot 34 DP 75559 reflects the position established in 1889. Specifically, the title is noted to exclude the land reserved in the Crown Plan. See below.

LAND

LOT 34 IN DEPOSITED PLAN 755559
LOCAL GOVERNMENT AREA NAMBUCCA
PARISH OF UNKYA COUNTY OF RALEIGH
(FORMERLY KNOWN AS PORTION 34)
TITLE DIAGRAM CROWN PLAN 863.1714

FIRST SCHEDULE

JAMAJON PTY LTD

(T AC305348)

SECOND SCHEDULE (2 NOTIFICATIONS)

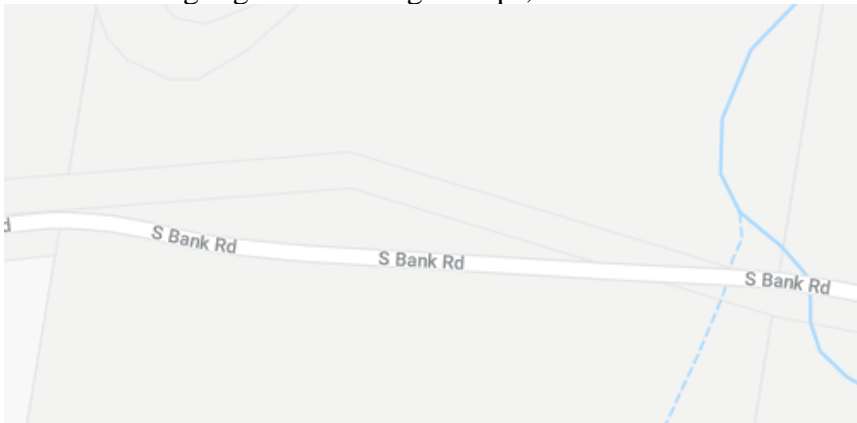
- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
2 LAND EXCLUDES THE ROAD(S) SHOWN IN THE TITLE DIAGRAM

Position of South Bank Road

The NSW mapping system (maps.six.nsw.gov.au) clearly shows both the reservation and the area that the South Bank Road runs along. See below. The reservation is the area not highlighted yellow. Our lot is shaded yellow and the actual road runs right through our lot and, except on the eastern side, does not even run within the reservation.



This is also highlighted on Google Maps, see below.



You can see both the reservation and the location of the road clearly on the plans above.