This checklist must be completed, signed and produced at lodgment for all removal of easement applications under section 73 of the Transfer of Land Act 1958.

The signed checklist indicates to Land Use Victoria that the lodging party has taken responsibility for providing all required documents.

**If the examination process reveals significant deficiencies in the lodgment, the application will be rejected and fees forfeited.**

Land Use Victoria recommends engaging a legal practitioner to assist with the completion of these applications. For further information refer to the Guide to removal of easements on the [Fees, guides and forms page.](https://www.land.vic.gov.au/land-registration/fees-guides-and-forms)

# Application (Verify and tick all boxes below)

|  |  |
| --- | --- |
| Verify | Requirement |
|  | Electronic Residual Document Application to remove an instrument Transfer of Land Act section 73 or Form TLA73 – Application for removal of easement (paper) |
|  | Full name and address of applicant(s), including postcode (PO Box and ‘Care of’ addresses not acceptable) |
|  | The applicant has specified in the application form the ground(s) of the application |
|  | Sufficient evidence has been provided to support the ground(s) of the application (see mandatory supporting evidence below) |
|  | **I verify that the application:** |
|  | Is not supported by a planning permit (refer to section 23 of the Subdivision Act 1988) and |
|  | Does not relate to rights saved under section 528(2)(e) of the Local Government Act 1958 or section 207C of the Local Government Act 1989, and |
|  | Does not relate to conditions or reservations in the nature of an easement in a Crown Grant |

# Mandatory supporting evidence (Tick only those that apply)

|  |  |
| --- | --- |
| Check | Type |
|  | If abandonment by agreement – deed(s) of abandonment signed by all relevant parties clearly stating that any and all rights, title or interest in the easement are abandoned |
|  | If abandonment through non-use – statutory declaration(s) of applicant(s), and prior possessor(s) and if necessary an independent witness providing unequivocal evidence of non-use for a continuous period of 30 years |
|  | If extinguishment by merger – statutory declaration(s) by applicant(s) stating that the same legal person/entity is the registered proprietor(s) of the servient land and the dominant land and the easement has been extinguished |
|  | If extinguishment by operation of law – statutory declaration(s) by applicant(s) detailing the specific legislation or case law and how it applies |
|  | If right of way or carriageway easement – written confirmation from council that the easement is not a road within the meaning of the *Road Management Act 2004* |
|  | If right of way or carriageway easement – written consent of council to the removal(for an electronic instrument the consent should not be produced – instead the Dealing Requirement ‘Consent of Council, if required’ must be selected) |
|  | If drainage easement – written consent of drainage authority/council to the removal (for an electronic instrument Council’s consent should not be produced – instead the Dealing Requirement ‘Consent of Council, if required’ must be selected) |
|  | If easement created in a plan of subdivision – written consent of council to the removal (for an electronic instrument the consent should not be produced – instead the Dealing Requirement ‘Consent of Council, if required’ must be selected) |

# Lodging party signing

The signatory certifies that the minimal lodging requirements for this application have been provided at lodgment and that any application that is non-compliant, incomplete or contains significant deficiencies WILL BE REJECTED and fees forfeited.

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Organisation | Contact phone/email | Date |
|  |  |  |  |