

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B of the Conveyancing Act 1919.

Lengths are in Metres

Sheet 1 of 10 Sheets

Plan:

Plan of Subdivision of Lot 132, 133, 134 & 135 D.P.

covered by Council's Subdivision Certificate No.

Dated:

<u>Full Name and address of Proprietor of land:</u>	Crownland Kelly Street Pty Ltd (ACN 617 014 972) Suite 301, Level 3 95 Pitt Street SYDNEY NSW 2000
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Part 1 (Creation)

	Identity of Easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan:-	Burdened lot(s) or parcel(s):-	Benefited lot(s), road(s), bodies or Prescribed Authorities:-
1.	Easement for Access, Maintenance & Overhang 0.9 Wide (A)	202	201
		203	202
		204	205
		205	206
		207	206
		208	207
		211	210
		214	215
		216	215
		217	216
		220	221
		222	223
231	232		

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General Manager / Authorised Officer
CR Ref: 001-17-2 v3 Date: 30/08/2018

Lengths are in Metres

Sheet 2 of 10 Sheets

Plan:

Plan of Subdivision of Lot 132, 133, 134
& 135 D.P.

covered by Council's Subdivision
Certificate No.

Dated:

Part 1 (cont)

	Identity of Easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan:-	Burdened lot(s) or parcel(s):-	Benefited lot(s), road(s), bodies or Prescribed Authorities:-
1.	Easement for Access, Maintenance & Overhang 0.9 Wide (A)	234 235 239 241 242 243 250 260	235 236 238 240 241 244 251 259
2.	Easement for Access, Maintenance & Overhang 0.9 Wide (A1)	217 239	218 240
3.	Easement for Access, Maintenance & Overhang 1.2 Wide (B)	202 204 206 208 211 213 215 218 220	201 205 207 209 210 214 216 217 219

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Sheet 3 of 10 Sheets

Plan:

Plan of Subdivision of Lot 132, 133, 134
& 135 D.P.
covered by Council's Subdivision
Certificate No.
Dated:

Part 1 (cont)

	Identity of Easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan:-	Burdened lot(s) or parcel(s):-	Benefited lot(s), road(s), bodies or Prescribed Authorities:-
3.	Easement for Access, Maintenance & Overhang 1.2 Wide (B)	222 225 226 229 231 234 235 240 242 243 246 247 250 251 254 256 259 261	223 224 227 228 232 233 236 239 241 244 245 248 249 252 253 257 258 260
4.	Restriction on Use of Land	Lots 201 to 261 Inclusive	Liverpool City Council

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Plan:

Plan of Subdivision of Lot 132, 133, 134
& 135 D.P.
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Certificate No.
Dated:

Part 1 (cont)

	Identity of Easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan:-	Burdened lot(s) or parcel(s):-	Benefited lot(s), road(s), bodies or Prescribed Authorities:-
5.	Restriction on Use of Land	Lots 201 to 261 Inclusive	Liverpool City Council
6.	Restriction on Use of Land	Lots 201 to 261 Inclusive	Liverpool City Council
7.	Positive Covenant	Each Lot 201 to 261 inclusive	Every other Lot 201 to 261 inclusive

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Part 2

Terms of easement, profit à prendre, restriction or positive covenant numbered 1, 2 & 3 in the plan.

1.1 The owner of the lot benefitted may:

- (a) With prior reasonable notice given to the owner or occupier of a lot burdened, use the easement site (including any roof structure of the lot burdened) for the purpose of carrying out necessary work (including construction, maintenance and repair) on:
 - (i) The lot benefitted or overhanging structures within the easement site;
 - (ii) Any structure constructed or to be constructed by the owner of the lot benefitted, which cannot otherwise reasonably be carried out;
- (b) Do anything reasonably necessary for that purpose including:
 - (i) Entering into the lot burdened;
 - (ii) Taking anything onto the lot burdened; and
 - (iii) Carrying out the necessary works.

1.2 In exercising the rights under this clause 1.1, the owner of the lot benefitted must:

- (a) Ensure that all work on the lot benefitted or overhanging structures is done properly and carried out as quickly as practicable;
- (b) Cause as little inconvenience to the owner and any occupier of the lot burdened;
- (c) Cause as little damage as practicable to the lot burdened and any improvement on it;
- (d) Restore the lot burdened as nearly as is practicable to its former condition; and
- (e) Make good any collateral damage.

1.3 The owner of the lot benefitted indemnifies the owner of the lot burdened against any damage, injury, costs, expenses, liability, claim, suits or other actions arising from the exercise of the rights under this easement.

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Part 2 (cont)

- 1.4 The owner of the lot burdened must not place any obstructions within the easement site or erect any building or other structure of any kind on or over the easement site except for any dwelling or garage or wall and/or slab, eave and/or gutter, meter boxes and/or roof structure attached to any dwelling or garage that has been granted development approval by Liverpool City Council, and
- 1.5 The owner of the lot burdened and the owner of the lot benefited acknowledge that it is not the responsibility of Liverpool City Council to determine any dispute in relation to the Easement for Access, Maintenance and Overhang and any dispute is a civil matter to be resolved with the relevant parties.

Name of Authority empowered to release vary or modify the terms of the easement numbered 1, 2 & 3 in the plan is Liverpool City Council.

Terms of easement, profit à prendre, restriction or positive covenant numbered 4 in the plan.

No dwelling house or other structure shall be erected on the lot(s) hereby burdened unless they are constructed in accordance with the approved plans listed in Notice of Determination No.699/2017 issued by Liverpool City Council on.

Name of Authority empowered to release vary or modify the term of the restriction numbered 4 in the plan is Liverpool City Council.

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Part 2 (cont)

Terms of easement, profit à prendre, restriction or positive covenant numbered 5 in the plan.

Any rear alfresco awning constructed on the lot(s) burdened shall not be enclosed and must remain open unless prior written approval is obtained from Liverpool City Council and any alternations shall comply with the requirements of Liverpool City Council.

Name of Authority empowered to release vary or modify the term of the positive covenant numbered 5 in the plan is Liverpool City Council. All costs associated with any such release, variation or modification shall be borne by the applicant.

Terms of easement, profit à prendre, restriction or positive covenant numbered 6 in the plan.

No changes to the external colour scheme or architectural style or any building(s) shall be permitted on the lot(s) hereby burdened unless it is approved by Liverpool City Council or is in accordance with the design plans approved under Liverpool City Council's Development Consent No. 699/2017.

Name of Authority empowered to release vary or modify the term of the positive covenant numbered 6 in the plan is Liverpool City Council. All costs associated with any such release, variation or modification shall be borne by the applicant.

Terms of easement, profit à prendre, restriction or positive covenant numbered 7 in the plan.

- 1.1. The owner of the lot burdened covenants with the owner of each lot having a contiguous boundary with the burdened lot to:
- a) Grant access to the burdened lot, including access to any roof structure of the lot burdened, but excluding internal building areas, for the purpose of carrying out necessary work including maintenance and repair on any structure constructed on the benefitted lot, provided such access shall only be granted where reasonable notice is given and access times are agreed between the owners prior to entry.

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Part 2 (cont)

- 1.2. In exercising the rights under this clause 1.1, the owner of the lot benefitted must:
- a) Ensure that all work on the lot benefitted is done properly and carried out as quickly as practicable;
 - b) Cause as little inconvenience to the owner and any occupier of the lot burdened;
 - c) Cause as little damage as is practicable to the lot burdened and any improvement on it;
 - d) Restore the lot burdened as nearly as is practicable to its former condition; and
 - e) Make good any collateral damage.
- 1.3. In exercising the rights under this clause 1.1, the owner of the lot benefitted indemnifies the owner of the lot burdened against any damage, injury, costs, expenses, liability, claim, suits or other actions arising from the exercise of the rights under this easement.
- 1.4. The owner of the lot burdened and the owner of the lot benefitted acknowledge that it is not the responsibility of Liverpool City Council to determine any dispute in relation to access and any dispute is a civil matter to be resolved with the relevant parties.

Name of Authority empowered to release vary or modify the term of the positive covenant numbered 7 in the plan is Liverpool City Council. All costs associated with any such release, variation or modification shall be borne by the applicant.

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Part 2 (cont)

EXECUTED by Crownland Kelly Street Pty Ltd)
(ACN 617 014 972))
In accordance with section 127 (1) of the)
Corporations Act:)

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Signature of Director

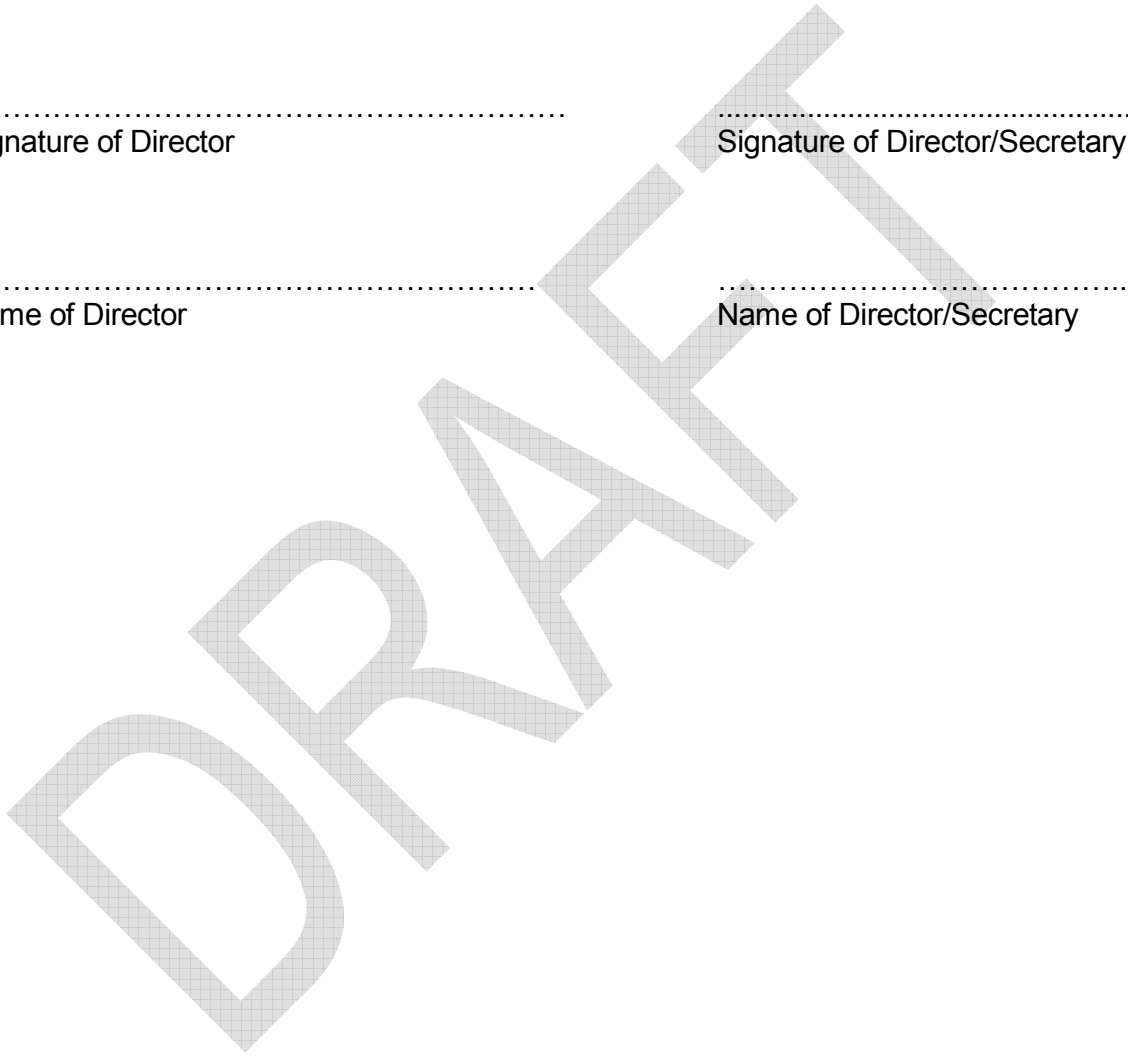
.....
Signature of Director/Secretary

.....
Name of Director

.....
Name of Director/Secretary

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Part 2 (cont)

Liverpool City Council by its authorised delegate pursuant to s.377 of Local Government
Act 1993 No 30

(name of delegate)

.....
Signature of Delegate

.....
Name of Delegate (print)

I certify that I am an eligible witness and that the delegates signed in my presence

.....
Signature of Witness

.....
Name of Witness (print)

.....
Address of Witness

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General Manager / Authorised Officer
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