

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A PRENDRE 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.**

(Sheet 1 of 5 sheets)

Plan: Plan of Subdivision of Lot 914 in DP2475  
covered by Subdivision Certificate No.

**Full name and address of  
proprietors of the land**

Leppington Central Investments Trust  
(ACN 595 943 627)  
145A Zouch Road  
BARDIA NSW 2565

**PART 1 (Creation)**

Number of item shown in the intention panel on the plan	Identity of easement, profit a prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lots or parcels:	Benefited lots, roads, bodies or Prescribed Authorities:
1	Easement for access & maintenance 0.9 wide	1 2 3 4 5 6 7 8 9 10 11 12 14 15 20 21 22 24 25 27 28 29	2 3 4 5 6 7 8 9 10 11 12 13 15 16 19 20 21 23 24 26 27 28

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(Authorised Officer)

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2	Easement for drainage of water 1.5 wide	1 2 3 4	2, 3, 4 and 5 3, 4 and 5 4 and 5 5
3	Easement for drainage of water 2.5 wide	18 19 20 21	19, 20, 21 & 22 20, 21 & 22 21 & 22 22
4	Temporary easement for drainage of water 2.5 wide	19 to 22 inclusive	Liverpool City Council
5	Temporary easement for drainage of water 13.42 wide	18	Liverpool City Council
6	Temporary right of way variable width	22, 23 & 24	Liverpool City Council
7	Restriction on the use of land	Each Lot	Every other lot

**PART 2 (Terms)****Terms of easement, profit a prendre, restriction or positive covenant numbered 1 in the plan:**

The owner of the lot benefited and persons authorised by him may:

- (a) enter upon the lot burdened but only within the site of this easement.
- (b) do anything reasonably necessary for the purpose of constructing, renewing, replacing, painting, repairing and maintaining the dwelling adjacent to this easement.
- (c) remain on the site of this easement for any reasonable time for the said purposes.

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In exercising those powers, the owner of the lot benefited must:

- (a) ensure that all work is done properly and carried out as quickly as is practicable; and
- (b) cause as little inconvenience as is practicable to the owner or occupier of the lot burdened; and
- (c) cause as little damage as possible to the lot burdened and any improvement on it; and
- (d) restore as nearly as is practicable the lot burdened to its former condition; and
- (e) make good any collateral damage; and

The owner of the lot burdened shall not place any obstructions within the site of the easement nor erect any building or other structure of any kind on or over the site of the easement except for any wall and/or slab, eave and/or gutter and/or roof structure attached to any dwelling or garage that has been granted development approval by Liverpool City Council. and

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 any dispute is a civil matter to be resolved with the relevant parties.

**Terms of easement, profit a prendre, restriction or positive covenant numbered 2 & 3 in the plan:**

Easement for drainage of water as set out in Part 8 of Schedule 8 of the Conveyancing Act, 1919, as amended.

**Terms of easement, profit a prendre, restriction or positive covenant numbered 4 & 5 in the plan:**

Easement for drainage of water as set out in Part 7 of Schedule 4A of the Conveyancing Act, 1919, as amended SUCH THAT this easement will be extinguished upon the extension of Road 2 and the decommissioning of the stormwater drainage system and Bioretention basin erected on Lot 18.

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**Terms of easement, profit a prendre, restriction or positive covenant numbered 6 in the plan:**

Right of carriageway as set out in Part 1 of Schedule 4A of the Conveyancing Act, 1919, as amended SUCH THAT this easement will be extinguished upon the extension and registration of Road 2 into the adjacent property to the East.

**Terms of easement, profit a prendre, restriction or positive covenant numbered 7 in the plan:**

No fence shall be erected on each lot burdened to divide it from any adjoining land owned by the abovenamed proprietors without the consent of the abovenamed proprietors but such consent shall not be withheld if such fence is erected without expense to the abovenamed proprietors provided that this restriction shall remain in force only during such time as the abovenamed proprietors are the Registered proprietors of any land herein and shall bind the adjoining owner of such land, successive owners and assigns of each lot burdened.

**The authority whose consent is required to release, vary or modify the easements numbered 1, 2, 3, 4, 5 and 6 in the plan is Liverpool City Council. The cost and expense of any release, variation or modification shall be borne by the person or corporation requesting the same in all respects.**

Executed by Leppington Central Investments Trust (ACN 595 943 627)

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Director

Name:

.....  
Secretary

Name:

Approved by Liverpool City Council .....  
(Authorised Officer)

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Liverpool City Council by its  
authorised delegate pursuant to s.377  
Local Government Act 1993

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

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Signature of delegate

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Signature of Witness

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Name of delegate

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Name of Witness

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Address of Witness

Approved by Liverpool City Council .....

(Authorised Officer)