

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS À PRENDRE
INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE
OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO
SECTION 88B OF THE CONVEYANCING ACT, 1919.**

(Lengths are in metres)

(Sheet 1 of 11 sheets)

PLAN:

Plan of Subdivision of Lot 146 in DP 1273154
covered by Council's Certificate No.
Dated:

**Full name and address of
Proprietor of the land:**

Crownland
Suite 301, Level 3
95 Pitt Street
SYDNEY NSW 2000

PART 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of Easement, 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 Drainage of Water 1.5 Wide. (A)	212 213 214 215 216 224 225 226 227 230 231 232 233 234	213 – 217 inclusive 214 – 217 inclusive 215, 216 & 217 216 & 217 217 225 – 228 inclusive 226, 227 & 228 227 & 228 228 229 229 & 230 229, 230 & 231 229 – 232 inclusive 229 – 233 inclusive
2	Easement for Drainage of Water 2.5 Wide & Variable. (B)	221	220
3	Easement for Drainage of Water. (Affects Entire Lot) (C)	207	Liverpool City Council
4	Easement for Drainage of Water 2.5 Wide. (C1)	224 & 239	Liverpool City Council

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Authorised Officer

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5	Right of Access 2.5 Wide & Variable. (D)	220 221	221 220
6	Easement for Access & Maintenance 0.9 Wide. (E)	208 209 210 219 223 225 226 227 236 237 238	209 210 211 218 222 226 227 228 235 236 237
7	Restriction on the Use of Land.	202, 203, 205 – 211 inclusive 213 – 235 inclusive & 239	Liverpool City Council
8	Restriction on the Use of Land.	207	Liverpool City Council
9	Positive Covenant.	207	Liverpool City Council
10	Restriction on the Use of Land.	Each Lot	Every other lot
11	Positive Covenant.	224, 225, 238 & 239	Liverpool City Council
12	Restriction on the Use of Land.	224, 225, 238 & 239	Liverpool City Council
13	Restriction on the Use of Land.	209, 210, 211, 218, 219, 222 & 223	Liverpool City Council
14	Restriction on the Use of Land.	201, 206, 212, 217, 229 & 234	Liverpool City Council

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PART 2 (Terms)

Terms of Easements numbered 1 & 2 in the abovementioned plan:

An Easement for Drainage of Water as set out in Schedule 8, Part 8 of the Conveyancing Act 1919, as amended.

Terms of Easements numbered 3 & 4 in the abovementioned plan:

An Easement for Drainage of Water as set out in Schedule 4A, Part 7 of the Conveyancing Act 1919, as amended.

Terms of Easement numbered 5 in the abovementioned plan:

A Right of Access as set out in Schedule 8, Part 14 of the Conveyancing Act 1919, as amended.

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Terms of Easement numbered 6 in the abovementioned plan:

- 1.1 The owner of the lot benefited by:
- (a) With prior reasonable notice given to the owner or occupier of a lot burdened, use the easement site for the purpose of carrying out necessary work (including construction, maintenance and repair) on:
 - (i) The lot benefited;
 - (ii) Any structure constructed or to be constructed by the owner of the lot benefited, 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, the owner of the lot benefited must:
- (a) Ensure that all work on the lot benefited 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 benefited 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 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 any dispute is a civil matter to be resolved with the relevant parties.

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Terms of Restriction numbered 7 in the abovementioned plan:

No building shall be erected on the lot hereby burdened being a filled lot unless constructed on pier and beam footings to safe and uniform strata or alternatively on footings or slab designed and certified by a Chartered Professional Engineer.

Terms of Restriction numbered 8 in the abovementioned plan:

The registered proprietor shall not make or permit or suffer the making of any alterations to the on-site stormwater detention system and the stormwater pre-treatment system, which is constructed/installed on the lot(s) burdened without the prior consent in writing of Liverpool City Council. The expression "on-site stormwater detention system" and "stormwater pre-treatment system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain and treat stormwater, as well as all surfaces graded to direct stormwater to the temporary storage and system.

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Terms of Positive Covenant numbered 9 in the abovementioned plan:

The expression "on-site stormwater detention system" and "stormwater pre-treatment system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain and treat stormwater, as well as all surfaces graded to direct stormwater to the temporary storage and system. Any on-site stormwater detention and pre-treatment system constructed/installed on the lots burdened is hereafter referred to as "the system".

1. The registered proprietor of the lots hereby burdened will in respect of the system:
 - a) keep the system clean and free from silt, rubbish and debris
 - b) maintain and repair at the sole expense of the registered proprietor the whole of the system so that it functions in a safe and efficient manner
 - c) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for compliance with the requirements of this covenant
 - d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice
 - e) refer to the maintenance schedule and the Council approved stormwater plans as an appendix to items (a) and (b) mentioned above.
2. Pursuant to Section 88F(3) of the Conveyancing Act 1919-64 the Council shall have the following additional powers:
 - a) In the event that the Registered Proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all the necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1.(d) above.
 - b) The Council may recover from the Registered Proprietor in a Court of competent jurisdiction:
 - I. any expense reasonably incurred by it in exercising its powers under sub-paragraph (a) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (a) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, tools and equipment in conjunction with the said work.
 - II. legal costs on an indemnity basis for the issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act.

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Terms of Restriction numbered 10 in the abovementioned plan:

1. No garage outbuildings or other structures shall be erected or be permitted to remain on any lot burdened unless erected concurrently with or subsequently to the erection of a residential building.
2. No existing dwelling or building or part thereof shall be partly or wholly moved to or placed and re-erected upon or re-constructed on or be permitted to remain on any lot burdened.
3. No building or any part thereof shall be erected or be permitted to remain on any lot burdened unless constructed entirely of new materials.
4. No building or buildings shall be erected or be permitted to remain erected on any lot burdened other than with external walls of brick and/or brick veneer and/or stone and/or concrete and/or glass and/or timber and/or hardiplank or similar product. No building or buildings shall be erected or permitted to remain erected on any lot burdened having a roof other than clay tiles, cement tiles, slate or non reflective surface corrugated iron. All roofing materials shall be black or shades of grey only.
5. No vehicle of any make or kind having a tare weight exceeding 5 tonnes shall be garaged, housed, parked, serviced or mechanical repairs carried out thereon or allowed to remain on any lot burdened except where such vehicles are being used for the delivery of goods or purposes of construction of any improvement on any lot burdened.
6. No fence shall be erected or permitted to remain on any lot hereby burdened unless the fencing is of a timber lapped and/or lapped and capped construction or colorbond construction provided such colorbond fence is of either surf mist, shale grey, dune, basalt or woodland grey colour only. No colorbond fence shall be erected on any street frontage or within the front building setback line.
7. 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 and shall bind the adjoining owner of such land successive owners and assigns of each lot burdened.
8. No advertising hoarding signs or matter shall be displayed or erected on any lot burdened (other than a sign advertising that the said lot is for sale) without the prior written consent of the abovenamed proprietors or its successors in title or assigns.
9. No driveway shall be constructed on any lot burdened unless its surface is comprised of faux or stamped or coloured concrete or pavers or as approved by the abovenamed proprietors or its assigns AND unless driveway construction is undertaken prior to practical completion of the main building.
10. No dwelling shall be erected or permitted to remain on any lot burdened unless the area between the building line and the front boundary of the lot burdened is turfed.

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Terms of Positive Covenant numbered 11 in the abovementioned plan:

The registered proprietor of the lot(s) hereby burdened will maintain at the sole expense of the registered proprietor the whole of the Asset Protection Zone delineated (F) on the plan, in accordance with Planning for Bushfire Protection 2019 (or equivalent where this document is superseded).

This Positive Covenant will be extinguished when the land containing the hazard is developed and the hazard is permanently removed.

Terms of Restriction numbered 12 in the abovementioned plan:

No development shall be permitted on the lot(s) hereby burdened within the Asset Protection Zone delineated (F) on the plan.

This Restriction will be extinguished when the area is no longer required to be maintained as an Asset Protection Zone.

Terms of Restriction numbered 13 in the abovementioned plan:

No dwelling shall be erected on the lot(s) hereby burdened unless sited and constructed in accordance with controls set out in the Building Envelope Plan prepared by Orion Consulting (Project No. 20-0221, Plan 003, Revision C, Dated 02/07/2021), approved by Liverpool City Council (DA-144/2021).

Terms of Restriction numbered 14 in the abovementioned plan:

No dwelling shall be erected on the lot(s) hereby burdened unless the driveway crossings are located at least 6 metres from the kerb and gutter tangent point.

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Name of Authority whose consent is required to release, vary or modify

Easements numbered: 1, 2, 3, 4 & 6

Restrictions numbered: 7, 8, 12, 13 & 14

Positive Covenants numbered: 9 & 11

in the abovementioned plan is Liverpool City Council.

Name of Person or Authority whose consent is required to release, vary or modify

Easement numbered: 5

in the abovementioned plan is The Registered Proprietor of the benefited lots

Name of Person or Authority whose consent is required to release, vary or modify

Restriction numbered: 10

in the abovementioned plan is the abovenamed proprietors for such period as they are the registered proprietor of any lot in this plan of subdivision or any lot in a plan of re-subdivision of any part of this plan and thereafter the person or persons shall be the registered proprietors of the lots having the benefit. All costs associated with any such release, variation or modification shall be borne by the applicant.

(Lengths are in metres)

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SIGNATURES

Consent of Owner:

Consent of Mortgagee:

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Approved by Council
Authorised Officer

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SIGNATURES

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

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Signature of Delegate

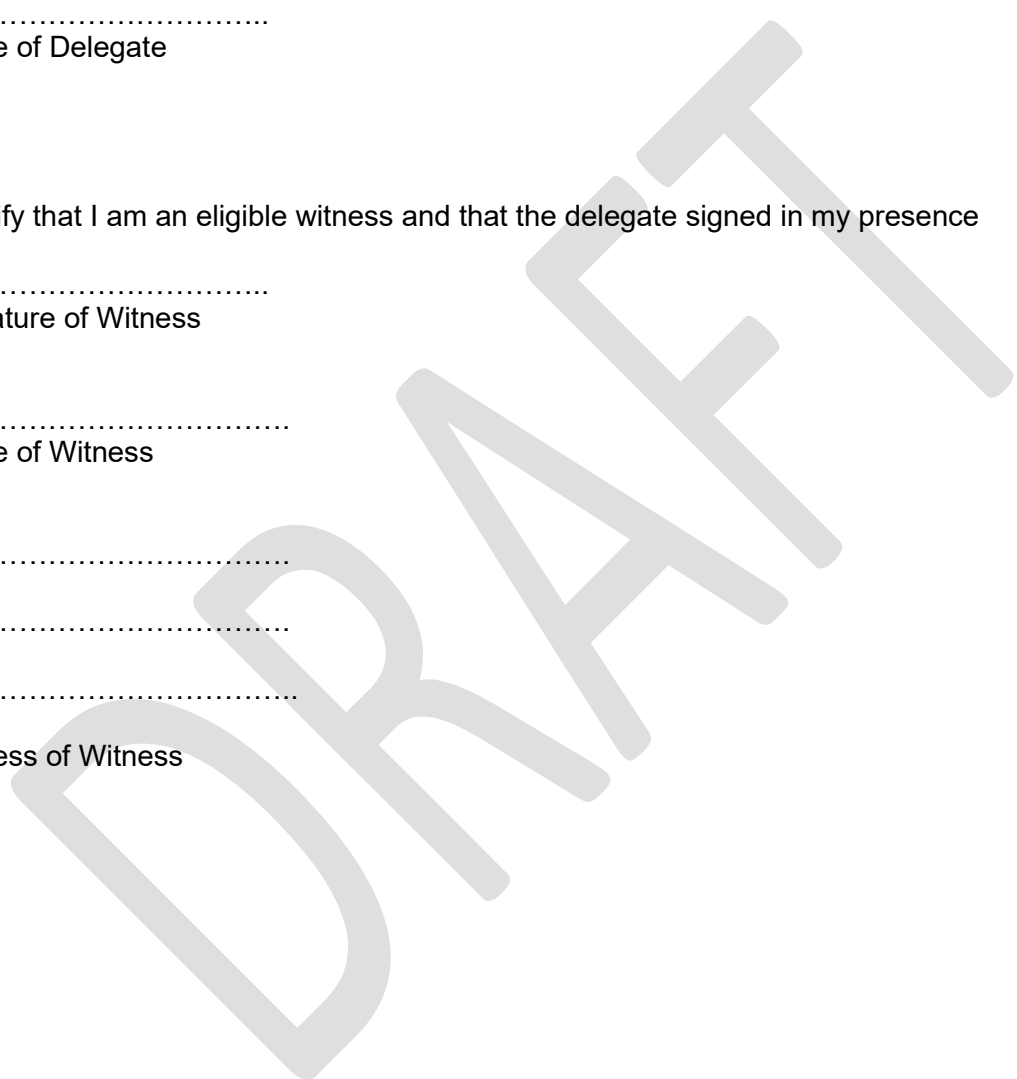
.....
Name of Delegate

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

.....
Signature of Witness

.....
Name of Witness

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.....
.....
Address of Witness



Approved by Council
Authorised Officer