

# STEPHEN THORNE & ASSOCIATES

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Our ref: 201032

16 June 2020

Lahznimmo Architects  
Suite 404 Flourmill Studios  
3 Gladstone Street  
**NEWTOWN NSW 2042**

**Attn: Andrew Nimmo - Director**

**Re: Status Of Easements Within The Southern Car Parking Area Of Lot 11  
DP 746819, No. 123B-125A Donnison Street , Gosford.**

Dear Andrew,

Further to your instructions we have carried out an investigation and searches of the existing easements which benefit Lot 100 DP 711850 and are located within and burden the southern car parking area of Lot 11 DP 746819 as shown on our accompanying sketch.

Lot 100 DP 711850 is identified as 123A Donnison Street at Gosford in the Local Government Area of Central Coast and is owned by Central Coast Council. Lot 11 DP 746819 is identified as 123B-125A Donnison Street at Gosford and is owned by Employment And Training Australia Incorporated.

The attached current title search for Lot 100 DP 711850 confirms that this parcel of land enjoys the ongoing benefit of the easements listed below which are located within the southern car parking area of Lot 11 DP 746819:

**1) RIGHTS OF CARRIAGEWAY 3.55 WIDE DESIGNATED "W", "X", "Y", "Z" ON  
DP746819 (SEE DEALING X790647 FOR TERMS OF EASEMENT):**

These easements are shown highlighted in yellow on our accompanying sketch and are located adjacent to the eastern boundary of Lot 11 DP 746819 with Henry Parry Drive. The easements are limited in depth to RL 14.0 AHD and limited in height to RL 17.5 AHD. Vehicles obtain access to Lot 11 and also to western neighbouring Lots 12,13,14, & 15 DP 746819 from Henry Parry Drive by passing through an electric boom gate. Our searches have not revealed who controls the operation and maintenance of the boom gate and I suggest that further enquiries should be made with Central Coast Council and neighbouring property owners to clarify this issue.

It is noted that the Second Schedule of Dealing X790647 and the Title Search for Lot 100 DP711850 refer to right of carriageways "W", "X", "Y" & "Z" as 3.55 wide but they are shown as **3.35 wide** on DP746819, Folio Identifier 11/746819, and in the Annexure "A" terms of Dealing X790647. It is my opinion that the correct width is 3.35 metres.

  
STEPHEN THORNE, REGISTERED SURVEYOR NSW  
MEMBER OF INSTITUTION OF SURVEYORS AUSTRALIA

**2) RIGHT OF CARRIAGEWAY 6.5 WIDE & VARIABLE WIDTH DESIGNATED "C4" ON DP746819 (SEE DEALING X790647 FOR TERMS OF EASEMENT):**

This easement is shown with green hatching on our accompanying sketch and is limited in depth to RL 14.0 AHD and limited in height to RL 17.5 AHD. Vehicles obtain access to the existing car park and through Lot 11 to western neighbouring Lots 12,13,14, & 15 DP 746819 from Henry Parry Drive.

**3) RIGHT OF CARRIAGEWAY 6.5 WIDE DESIGNATED "C3" ON DP746819 (SEE DEALING X790647 FOR TERMS OF EASEMENT):**

This easement is also shown with green hatching on our accompanying sketch and is limited in depth to an inclined plane defined by RL 14.0 AHD at its eastern end and RL 11.0 AHD at its western end. The right of carriageway is limited in height to an inclined plane defined by RL 17.5 AHD at its eastern end and RL 14.5 AHD at its western end. Vehicles obtain access to the existing car park and through Lot 11 to western neighbouring Lots 12,13,14, & 15 DP 746819 from Henry Parry Drive.

**4) RIGHT OF FOOTWAY 1.2 WIDE DESIGNATED "F" ON PLAN WITH DLG X790647 (SEE DEALING X790647 FOR TERMS OF EASEMENT):**

This easement is shown highlighted in pink on our accompanying sketch and is limited in depth to RL 8.75 AHD and limited in height to RL 16.0 AHD. A stairway has been constructed within the right of footway as shown on the sketch but the previous survey indicates that it encroaches over the eastern limit of the easement by approximately 0.4 metres. This should be confirmed by further accurate survey.

**5) EASEMENT FOR PARKING DESIGNATED "P4" ON PLAN WITH DLG X790647 (SEE DEALING X790647 FOR TERMS OF EASEMENT):**

This easement is separated into 3 sections containing a total of 23 existing car spaces as shown with orange hatching on our accompanying sketch. The easement allows for the parking of motor vehicles and is not limited in depth or height by the terms of Dealing X790647.

**6) RIGHT OF CARRIAGEWAY 4.755 WIDE DESIGNATED "L1" ON PLAN WITH DLG X790647 (SEE DEALING X790647 FOR TERMS OF EASEMENT):**

This easement is shown with blue hatching on our accompanying sketch and is limited in depth to RL 14.0 AHD and limited in height to RL 17.5 AHD. The terms of the easement specify that vehicles may stand or park on the burdened land for any period of time as may reasonably be necessary to deliver or pick-up any goods, materials, foodstuffs, waste or refuse to or from the lot benefited but no vehicle shall obstruct or stand on or park on the burdened land unless it is being used for the abovementioned purposes.

The persons having the right to extinguish, vary or modify any of the above easements are all of the registered proprietors for the time being of Lot 100 in Deposited Plan 711850 and Folio Identifier 11/746819.

  
STEPHEN THORNE, REGISTERED SURVEYOR NSW  
MEMBER OF INSTITUTION OF SURVEYORS AUSTRALIA



The terms of Dealing X790647 are not explicit regarding the responsibilities of the burdened and benefited parties with respect to ongoing maintenance and repair of the trafficable bitumen surfaces and other items but Clause 6(c) of Dealing X790647 states: "the proprietor of the lot benefited and any other persons authorised by him shall comply with the rules (if any) from time to time promulgated by the proprietor of the lot burdened for the orderly management of the lot burdened PROVIDED that any such rule does not derogate from the rights hereby granted".

Our conventional searches have not found any evidence of "rules" promulgated by the owner of Lot 11 DP746819 but I suggest that you check with Council if they are aware of any previous dealings with the owner that may fall under this category.

Yours faithfully,

**STEPHEN THORNE & ASSOCIATES**

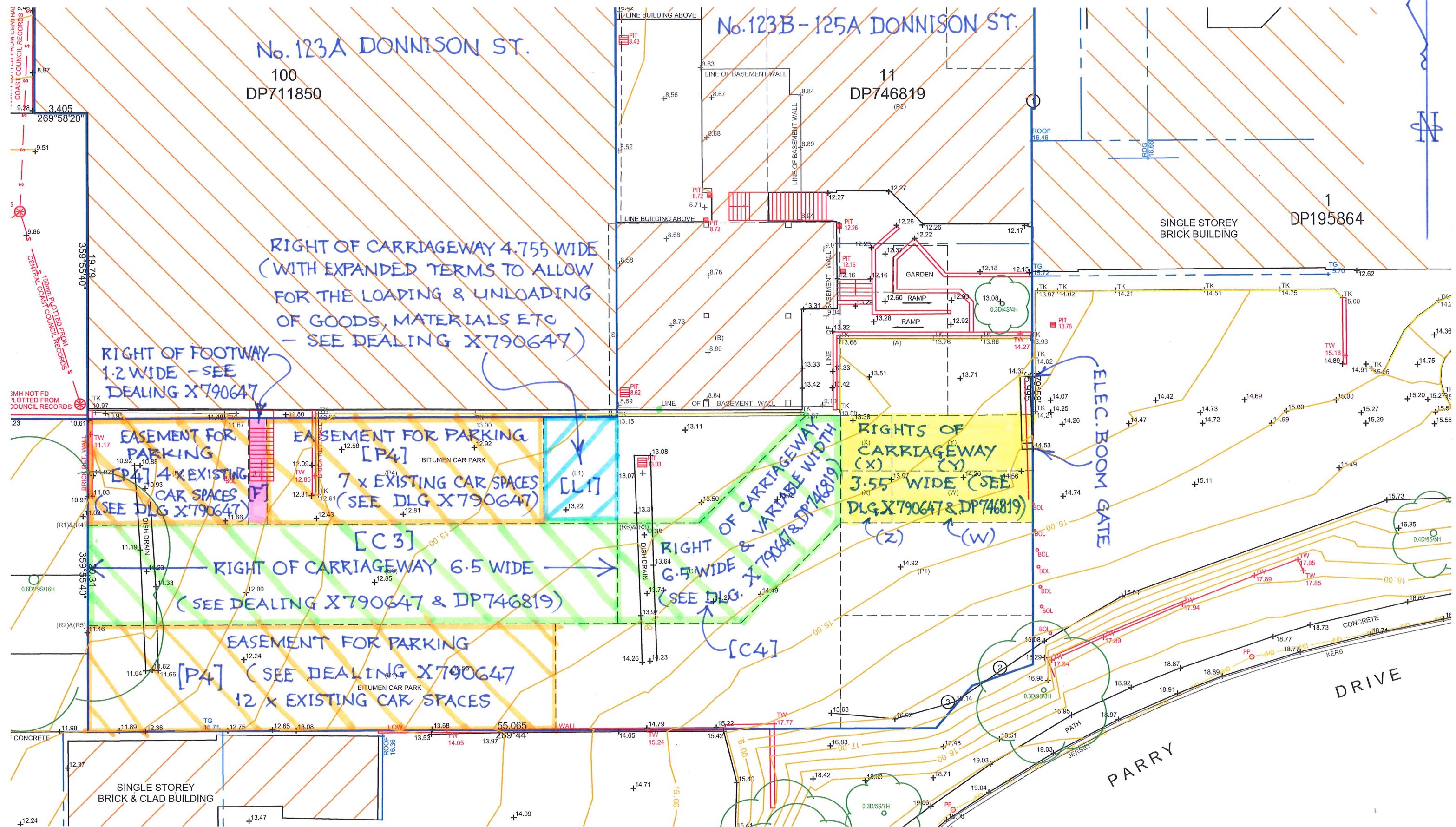


Stephen R Thorne  
Surveyor Registered Under  
The Surveying and Spatial Information Act 2002



OUR REF: 201032

# EASEMENTS WITHIN CAR PARKING AREA - LOT 11 DP 746819



STEPHEN THORNE , REGISTERED SURVEYOR NSW

TSS TOTAL SURVEYING SOLUTIONS PTY LTD

SKETCH TO BE READ WITH MY REPORT DATED 16TH JUNE 2020