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17 February 2017

BY EMAIL: jparker@urbis.com.au

Jacqueline Parker
Associate Director
Urbis Pty Ltd
Level 23, Darling Park Tower 2
201 Sussex Street
Sydney NSW 2000

ashurst

Dear Jacqueline

DA 2015/212 – 496-520 Pacific Highway, St Leonards

1. INTRODUCTION

- 1.1 We refer to the above development application and the meeting of the Sydney North Planning Panel held on 25 January 2017 (**Planning Panel Meeting**).
- 1.2 At the Planning Panel Meeting, Mr Andrew Gough of Storey & Gough Lawyers, on behalf of the owners of SP 69455, known as 69 Christie Street, St Leonards (**69 Christie Street**), made a submission to the Planning Panel asserting that:
- (a) the terms of the easements over 69 Christie Street benefitting the land the subject of the development application (development land) do not permit members of the public to traverse over those parts of 69 Christie Street affected by these easements to access shops on the development land;
 - (b) the owners of 69 Christie Street would be entitled to erect a fence to prevent members of the public accessing the development land across 69 Christie Street; and
 - (c) it is therefore inappropriate for the proposed development to provide a retail level four metres from the common boundary with 69 Christie Street.

2. PURPOSE

- 2.1 The purpose of this letter is to provide advice on the following issues:
- (a) whether the terms of the easements burdening 69 Christie Street and benefitting Lot 1 DP 1203289 (owned by New Hope VIMG Pty Ltd) permit members of the public to traverse those easements to access the proposed development, including ground floor retail space; and
 - (b) whether the owners of 69 Christie Street would be entitled to erect a fence to prevent such access.

3. SUMMARY OF ADVICE

3.1 In our view:

- (a) the terms of the easements permit visitors and invitees to traverse 69 Christie Street in order to access the proposed development, including the retail and commercial spaces on the ground floor; and
- (b) the owners of 69 Christie Street cannot lawfully erect a fence within the areas of the easements in order to prevent access across 69 Christie Street to Lot 1 DP 1203289.

3.2 Our detailed reasons are set out below.

4. THE EASEMENTS

4.1 Lot 1 DP 1203289 benefits from the following five easements over 69 Christie Street:

- (a) right of footway 1.3 wide and variable width limited in stratum DP 1053017 (**Easement O**);
- (b) right of way variable width DP 638396 (**Easement P**);
- (c) right of way and easement for support variable width DP 638396 (**Easement Q**);
- (d) right of footway 2 wide DP 638396 (**Easement R**); and
- (e) right of footway 1.39 wide DP 638396 (**Easement S**);

together referred to as "the **Easements**".

4.2 For your reference, we have **enclosed** with this letter:

- (a) a title search for Lot 1 DP 1203289;
- (b) DP 1053017;
- (c) the instrument setting out the terms of the easements created by DP 1053017 pursuant to section 88B of the *Conveyancing Act 1919* (NSW) (**Conveyancing Act**) (**Section 88B Instrument for DP 1053017**);
- (d) DP 638396;
- (e) the instrument setting out the terms of the easements created by DP 638396 pursuant to section 88B of the *Conveyancing Act* (**Section 88B Instrument for DP 638396**);
- (f) Plan of Easements prepared by LTS Lockley Registered Surveyors, which shows the Easements.

5. TERMS OF THE EASEMENTS

Easement O

- 5.1 As set out in the Section 88B Instrument for DP 1053017, the terms of Easement O are:

"Full and free right for every person who is at any time entitled to an estate or interest in possession of the lot benefited or any part thereof with which the right shall be capable of enjoyment, and every person authorised by him to go, pass and repass on foot at all times without vehicles for all purposes through that part of the lot burdened shown on the plan as 'Right of Footway 1.3 wide and variable'." (emphases added).

Easement P

- 5.2 As set out in the Section 88B Instrument for DP 638396, the terms of Easement P are:

"Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment and every person authorised by him to go, pass and repass at all times and for all purposes with or without vehicles to and from the dominant tenement or any such part thereof and to park for a reasonable time interval service vehicle(s) at, near or adjacent to the loading dock erected upon the servient tenement to permit the loading and unloading thereof." (emphases added).

Easement Q

- 5.3 Easement Q is a small triangular area adjacent to the boundary of Lot 1 DP 1203289. As set out in the Section 88B Instrument for DP 638396, the terms of Easement Q are:

"Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment and every person authorised by him to go pass and repass with or without vehicles at all times to and from the dominant tenement or any such part thereof for the purpose of utilising for normal commercial purposes the loading dock erected upon the servient tenement." (emphases added).

Easements R and S

- 5.4 Easements R and S are small rights of footway affecting the north-eastern end of 69 Christie Street. The Section 88B Instrument for DP 638396 does not set out their terms. However, by virtue of section 181A(1) and Schedule 8 of the Conveyancing Act, their terms are:

"Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that person, to go, pass and repass on foot at all times and for all purposes, without animals or vehicles to and from the said dominant tenement or any such part thereof." (emphases added).

6. WHO IS ENTITLED TO USE THE RIGHTS OF WAY?

- 6.1 The first general proposition is that courts rarely construe restrictively an easement that is granted in wide, general terms.¹ In the absence of a contrary intention, the grant of an easement is construed against the grantor.² For instance, courts rarely limit the permissible use of an easement by reference to the use to which the dominant tenement was put at the time of the grant of the easement.³ Additionally, the terms on the grant of

¹ Peter Butt, *Land Law* (6th ed, 2010), 489.

² *Gallagher v Rainbow* (1993) 179 CLR 624 at 640 per McHugh J.

³ Butt, *supra* note 1, 489.

an easement mentioning persons entitled to use the easement are generally regarded by courts as illustrative, not restrictive.⁴

- 6.2 There is a long line of case law which has held that a grant of a right of way to owners or lessees extends to the owner's guests, visitors, employees and others as long as the use is within the scope of the easements, which in this case is "*for all purposes*".⁵
- 6.3 In *Baxendale v North Lambert Liberal and Radical Club Ltd* [1902] 2 Ch. 427, it was held that a grant, contained in a lease, of full right "for the lessee, his executors, administrators, and assigns, undertenants and servants" at all times and for all purposes connected with the use and enjoyment of the premises, to use a way, extended to members and honorary members of, and all other persons going lawfully to and from, a workmen's club that was subsequently established on the premises.
- 6.4 These principles have been applied more recently by the Supreme Court of NSW in *Fenwick v Wambo Coal Pty Ltd (No 3)* (2011) 15 BPR 29,559; [2011] NSWSC 788. That case concerned the terms of an easement over mining land owned by the respondent (**Wambo Coal**), which the plaintiff used to access his farm. Wambo Coal argued that the grant of a right of way to the "owner for the time being of the land hereby transferred or any part thereof... for himself his agents servants and workmen" did not extend the plaintiff's invitees, tradesmen or visitors. The Court followed *Baxendale* and held that the easement should not be strictly construed and that the description of the persons entitled to the benefit of the easement is "illustrative and not restrictive."⁶
- 6.5 The terms of Easements O, P, R and S are broader than the terms of the easements considered in the above case law because those Easements expressly extend to "*every person authorised*" by any person who is "*at any time entitled to an estate or interest in possession*" in Lot 1 DP 1203289. This means that any person authorised by any person who owns a stratum lot in the proposed development or any lessee occupying the proposed development (including lessees of the retail premises) may use the Easements to access Lot 1 DP 1203289. This would include all visitors to the proposed development, regardless of whether visiting an apartment or a commercial or retail tenancy because the Easements permit access "*for all purposes*".
- 6.6 The terms of Easement Q allow access across 69 Christie Street to Lot 1 DP 1203289 for the purpose of "*utilising for normal commercial purposes the loading dock erected upon the servient tenement*". As the loading dock will no longer be utilised as part of the proposed development, Easement Q does not extend to enable use of the right of way for purposes other than the loading dock, so is unable to be used for access to Lot 1 DP 1203289 for the retail and commercial development. However, this is a small area which does not impede the broader access available under Easements O, P, R and S.

7. **MAY A FENCE BE ERECTED BETWEEN 69 CHRISTIE STREET AND THE SUBJECT SITE?**

- 7.1 At the Planning Panel Meeting, Mr Andrew Gough of Storey & Gough Lawyers asserted that the owners of 69 Christie Street would be entitled to erect a fence along the boundary

⁴ Ibid, 490 – 491; Jonathan Gaunt QC, *Gale on Easements* (19th ed, 2012), 432.

⁵ See eg. *Baxendale v North Lambert Liberal and Radical Club Ltd* [1902] 2 Ch 427; *Moncreiff v Jamieson* [2007] 1 WLR 2620; *Thornton v Little* (1907) 97 LT 24.

⁶ *Fenwick v Wambo Coal Pty Ltd (No 3)* (2011) 15 BPR 29,559; [2011] NSWSC 788 at [70].

between 69 Christie Street and Lot 1 DP 1203289, which would limit access for visitors and customers of the retail and commercial areas on the ground floor at the rear of the proposed development.

- 7.2 It is a well-established principle that the owner of a servient tenement may not exercise his or her rights (as the owner in fee simple) in such a way as to substantially interfere with the rights of the dominant tenement under the terms of an easement.⁷ Whether or not an obstruction to a right of way is actionable or not is a question of fact and degree, to be determined in light of all of the circumstances of each case.⁸ On various occasions, courts have held that a gate, fence or part thereof has amounted to an unreasonable obstruction of an easement.⁹
- 7.3 As shown in the enclosed Plan of Easements, Easements O, P, R and S provide a long interface along the boundary between 69 Christie Street and Lot 1 DP 1203289. The erection of a fence within the area of Easements O, P, R and S which would prevent visitors' access to and from Lot 1 DP 1203289 across 69 Christie Street would amount to a substantial interference of those rights of way and, in our view, would not be permissible under the terms of those Easements. Similarly, any building within the easements would also amount to a substantial interference with the rights of the dominant tenement and would not be permissible.
- 7.4 While the owners of 69 Christie Street may, subject to planning requirements, seek to erect a fence along other parts of the boundary between 69 Christie Street and Lot 1 DP 1203289 that are not within the area of an Easement, such fencing would not significantly affect access to and the utility or amenity of the proposed retail and commercial uses on the ground floor at the rear of the proposed development.

8. CONCLUSIONS

- 8.1 Based on the above reasoning:
- (a) the terms of Easements O, P, R and S allow visitors and invitees to traverse 69 Christie Street to access the proposed development, including the retail and commercial spaces on the ground floor; and
 - (b) the owners of 69 Christie Street cannot lawfully erect a fence within the areas of the easements in order to prevent access across 69 Christie Street to Lot 1 DP 1203289.

Yours sincerely



Ashurst Australia

⁷ Butt, *supra* note 1, at 500.

⁸ *Powell v Langdon* (1944) 45 SR (NSW) 136 at 139.

⁹ See eg. *Owners Corporation of Strata Plan 42472 v Menala Pty Ltd* (1998) 9 BPR 16,337; *Dunell v Phillips* (1982) 2 BPR 9517 at 9522; *Dresdner v Scida* (2003) 169 BPR 22,629; *Andersen v Pender* [2002] NSWSC 1005.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/1203289

SEARCH DATE	TIME	EDITION NO	DATE
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10/11/2016	12:24 PM	3	8/12/2015

LAND

LOT 1 IN DEPOSITED PLAN 1203289
AT ST LEONARDS
LOCAL GOVERNMENT AREA LANE COVE
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1203289

DESCRIPTION

504 PACIFIC HIGHWAY & 95 NICHOLSON ST ST LEONARDS

LEASE FOLIOS CREATED. SEE LEASE PREMISES INDEX SEARCH FOR LF309

THIS FOLIO MAY BE AFFECTED BY CAVEATS AND/OR WRITS
RECORDED ON THE LEASE FOLIOS FOR THESE PREMISES

FIRST SCHEDULE

NEW HOPE VIMG PTY LTD (T AK49097)

SECOND SCHEDULE (9 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 A857432 EASEMENT FOR DRAINAGE 0.305 METRE(S) WIDE
APPURTENANT TO THE PART(S) SHOWN SO BENEFITED IN THE
TITLE DIAGRAM AFFECTING THE LAND SHOWN SO BURDENED IN
DP638396
- 3 DP638396 RIGHT OF WAY VARIABLE WIDTH APPURTENANT TO THE LAND
ABOVE DESCRIBED
- 4 DP638396 RIGHT OF WAY AND EASEMENT FOR SUPPORT VARIABLE WIDTH
APPURTENANT TO THE LAND ABOVE DESCRIBED
- 5 DP638396 RIGHT OF FOOTWAY 2 METRE(S) WIDE APPURTENANT TO THE
LAND ABOVE DESCRIBED
- 6 W795398 LEASE TO THE SYDNEY COUNTY COUNCIL OF SUBSTATION
PREMISES NO 2015 TOGETHER WITH RIGHT OF WAY AND
EASEMENT FOR ELECTRICITY PURPOSES OVER ANOTHER PART OF
THE LAND ABOVE DESCRIBED SHOWN IN DP117657. EXPIRES:
31/12/2031.
- 7 DP1053017 RIGHT OF FOOTWAY 1.3 METRE(S) WIDE AND VARIABLE WIDTH
APPURTENANT TO THE LAND ABOVE DESCRIBED
- 8 AJ790634 PLANNING AGREEMENT PURSUANT TO SECTION 93H
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

END OF PAGE 1 - CONTINUED OVER

FOLIO: 1/1203289

PAGE 2

SECOND SCHEDULE (9 NOTIFICATIONS) (CONTINUED)

9 AK49098 MORTGAGE TO BANK OF CHINA LIMITED

NOTATIONS

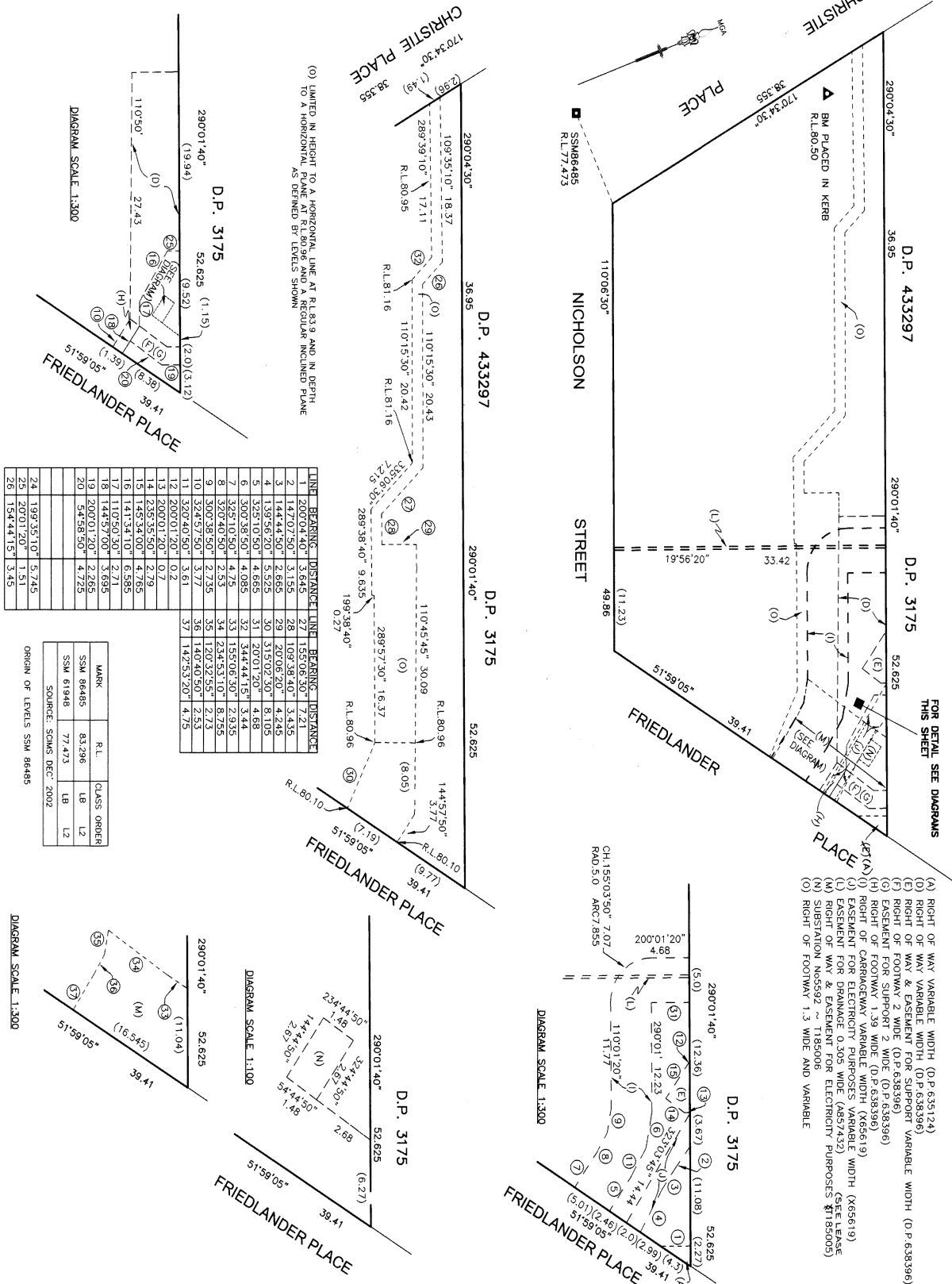
NOTE: REFER ALL DEALINGS TO SD2
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Tony Hill - St Leonards

PRINTED ON 10/11/2016

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.



DP1053017

Registered M. L. T. 2007

This is sheet 2 of my plan in 2 sheets

Geoff A. Cuth

Surveyor registered under Surveyors Act 1929
This is sheet 2 of the plan in 2 sheets
covered by Subdivision Certificate No. 01

Authorised Person/General Manager/Authorised Officer
Form 2 Where space is sufficient at any point on Plan

Reduction Ratio 1:300

SURVEYOR'S REFERENCE: 22139 CHECKLIST

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR
RELEASED, AND OF PROFITS A PRENDRE, 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 4 Sheets)

DP

Plan of Subdivision of Lot 1
in Deposited Plan 635124

Full name and address of
registered proprietor

Lend Lease Real Estate
Partners 1 Limited ACN 086
947 926 of level 14, Tower
Building, Australia Square,
George St, Sydney

DP1053017

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 lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1.	Right of footway 1.3 wide and variable	Lot 1 DP 635124	Lots 2 to 6 of section 17 Lots 2 to 6 of DP 635124. 3175

PART 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement, profit a prendre, to be released and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Right of Way affecting the site designated (X) in DP 635124	Lot 1 DP 635124	Lots 2 to 6 of section 17 Lots 2 to 6 of DP 635124. 3175
2	Right of Way affecting the site designated (Y) in DP 635124	Lot 1 DP 635124	Lots 2 to 6 of section 17 Lots 2 to 6 of DP 635124. 3175
3	Right of Way affecting the site designated (Z) in DP 635124	Lot 1 DP 635124	Lots 2 to 6 of section 17 Lots 2 to 6 of DP 635124. 3175
4	Easement for car parking affecting the parts shown so	Lot 1 DP 635124	Lots 2 to 6 of section 17 Lots 2 to 6 of DP 635124. 3175

Council Authorised Person.....

DP1053017

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR
RELEASED, AND OF PROFITS A PRENDRE, 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 **2** of 4 Sheets)

DP

Plan of Subdivision of Lot 1
in Deposited Plan 635124

Full name and address of
registered proprietor

Lend Lease Real Estate
Partners 1 Limited ACN 086
947 926 of level 14, Tower
Building, Australia Square,
George St, Sydney

	burdened in DP 635124		
5.	Right of carriageway variable width (DP 638396)	Lot 1 DP 635124	Lots 2 to 6 of section 17 Lots 2 to 6 of DP 635124. 3175
6.	Right of Footway variable width (DP 638396)	Lot 1 DP 635124	Lots 2 to 6 of section 17 Lots 2 to 6 of DP 635124. 3175
7.	Easement for support variable width (DP 638396)	Lot 1 DP 635124	Lots 2 to 6 of section 17 Lots 2 to 6 of DP 635124. 3175

PART 2 (Terms)

1. Right of Footway 1.3 wide and variable eighthly referred to in the above mentioned plan

Full and free right for every person who is at any time entitled to an estate or interest in possession of the lot benefited or any part thereof with which the right shall be capable of enjoyment, and every person authorised by him to go, pass and repass on foot at all times without vehicles for all purposes through that part of the lot burdened shown on the plan as "Right of Footway 1.3 wide and variable ."

Council Authorised Person.....

DP1053017

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR
RELEASED, AND OF PROFITS A PRENDRE, 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 **3** of 4 Sheets)

DP

Plan of Subdivision of Lot 1
in Deposited Plan 635124

Full name and address of
registered proprietor

Lend Lease Real Estate
Partners 1 Limited ACN 086
947 926 of level 14, Tower
Building, Australia Square,
George St, Sydney

The common seal of Lend Lease Real
Estate Partners 1 Limited was
hereunto affixed in accordance
with its constitution in the presence of:





Director



PRINT NAME



Director/Secretary
James Anthony Coyne

PRINT NAME

Council Authorised Person.....



DP1053017

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR
RELEASED, AND OF PROFITS A PRENDRE, 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 4 of 4 Sheets)

DP

Plan of Subdivision of Lot 1
in Deposited Plan 635124

Full name and address of
registered proprietor

Lend Lease Real Estate
Partners 1 Limited ACN 086
947 926 of level 14, Tower
Building, Australia Square,
George St, Sydney

Executed on behalf of **Stockland Trust
Management Limited** (ACN 001 900 741)
by its attorney

pursuant to power of attorney book 4332
no. 734 in the presence of:

Signature of witness

Name of witness

Occupation of witness

35 CLARENCE STREET
level 16, 157 Liverpool Street
Sydney NSW 2000

By executing this document the attorney
states that the attorney has received no
notice of revocation of the power of
attorney

Trust Company of Australia Limited by its
attorney ~~SIMON HINDSON~~ pursuant
to power of attorney Registered No. 670
Book 4279 dated 10 July 2000 (who
states by executing this document that the
attorney has received no notice of
revocation of the power of attorney).

Executed by BWA Custodians Ltd
A.C.N. 009 413 852 by Michael Dodson
constituted Attorneys under Power of
Attorney dated 5 August 2002
who at the date hereof had no notice of
revocation of such Power of Attorney in the
presence of:

(Witness)

Don Gillespie

Council Authorised Person

REGISTERED



MS 4-7-2003

[illegible]

0138H

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED PURSUANT TO
SECTION 88B OF THE CONVEYANCE ACT, 1919

(Sheet 1 of 4 sheets)

Longitudinal area in Metres

PAGE 1

Plan:

DP638396

Plan of right of footway variable width, easement for support variable width, right of way and easement for support variable width, right of carriage way variable width, right of footway 2 wide, easement for support 2 wide, right of footway 1.35 wide over Lot 1 in DP 631324.

Full name and address of
Proprietor of land

LENNER PROPERTIES (AUSTRALIA) PTY
LIMITED OF 504 Pacific Highway, St
Leonards.

1. Identity of easement finally
referred to in above mentioned
Plan:

Right of footway variable width

Schedule of lots, etc. affected

Lot benefited

Lot 1 D.P. 631324
Vol. 15204 Fol. 126

Lot benefited

Lots 2 to 6 inclusive of Section
17, in DP 3175 (Certificate of
Title Volume 12121 Folio 163)

2. Identity of easement secondly
referred to in above mentioned
Plan:

Basement for support variable width

Schedule of lots, etc. affected

Lot benefited

Lot 1 D.P. 631324
Vol. 15204 Fol. 126

Lot benefited

Lots 2 to 6 inclusive of Section
17, in DP 3175 (Certificate of
Title Volume 12121 Folio 163)

3. Identity of easement thirdly
referred to in above mentioned
Plan:

Right of way variable width

Schedule of lots, etc. affected

Lot benefited

Lot 1 D.P. 631324
Vol. 15204 Fol. 126

Lot benefited

Lots 2 to 6 inclusive of Section
17, in DP 3175 (Certificate of
Title Volume 12121 Folio 163)

Deborah
JP

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED PURSUANT TO
SECTION 88B OF THE CONVEYANCE ACT, 1919

(Sheet 2 of 4 sheets)

Longitudinal area in Metres

Plan:

DP638396

Plan of right of footway variable width, easement for support variable width, right of way and easement for support variable width, right of carriage way variable width, right of footway 2 wide, easement for support 2 wide, right of footway 1.35 wide over Lot 1 in DP 631324.

4. Identity of easement fourthly
referred to in above mentioned
Plan:

Right of way and easement for
support variable width

Schedule of lots, etc. affected

Lot benefited

Lot 1 D.P. 631324
Vol. 15204 Fol. 126

Lot benefited

Lots 2 to 6 inclusive of Section
17, in DP 3175 (Certificate of
Title Volume 12121 Folio 163)

5. Identity of easement fifthly
referred to in above mentioned
Plan:

Right of carriage way variable width

Schedule of lots, etc. affected

Lot benefited

Lot 1 D.P. 631324
Vol. 15204 Fol. 126

Lot benefited

Lots 2 to 6 inclusive of Section
17, in DP 3175 (Certificate of
Title Volume 12121 Folio 163)

6. Identity of easement sixthly
referred to in above mentioned
Plan:

Right of footway 2 wide

Schedule of lots, etc. affected

Lot benefited

Lot 1 D.P. 631324
Vol. 15204 Fol. 126

Lot benefited

Lots 2 to 6 inclusive of Section
17, in DP 3175 (Certificate of
Title Volume 12121 Folio 163)

7. Identity of easement seventhly
referred to in above mentioned
Plan:

Basement for support 2 wide

Schedule of lots, etc. affected

Lot benefited

Lot 1 D.P. 631324
Vol. 15204 Fol. 126

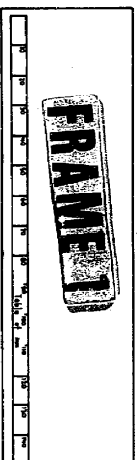
Lot benefited

Lots 2 to 6 inclusive of Section
17, in DP 3175 (Certificate of
Title Volume 12121 Folio 163)

Deborah
JP

DP638396

DP 5-3-1986



This negative is a photograph made as a permanent
record of a document in the custody of the
Registrar General this day 6th March, 1986.



EXISTING EASEMENTS PLAN

69 CHRISTIE STREET ONLY - SP 69455

69 CHRISTIE STREET ONLY - SP 69455

STREET

NICHOLSON

- (A) EASEMENT FOR ELECTRICITY & OTHER PURPOSES 2 WIDE LIMITED IN STRATUM (DP117936)
- (A1) RIGHT OF CARRIAGEWAY VARIABLE WIDTH LIMITED IN STRATUM (DP1179636)
- (B) RIGHT OF CARRIAGEWAY VARIABLE WIDTH LIMITED IN STRATUM (DP1179636)
- (C) RIGHT OF CARRIAGEWAY VARIABLE WIDTH LIMITED IN STRATUM (DP1179636)
- (D) RIGHT OF CARRIAGEWAY VARIABLE WIDTH LIMITED IN STRATUM (DP1179636)
- (D1) RIGHT OF CARRIAGEWAY VARIABLE WIDTH LIMITED IN STRATUM (DP1179636)
- (D2) RIGHT OF CARRIAGEWAY VARIABLE WIDTH LIMITED IN STRATUM (DP1179636)
- (E) PUBLIC RIGHT OF FOOTWAY 1.5 WIDE LIMITED IN STRATUM (DP1179636)
- (F) RIGHT OF FOOTWAY 1.0 WIDE LIMITED IN STRATUM (DP1179636)
- (N) EASEMENT FOR DRAINAGE 0.305 WIDE (A857432)
- (I) RIGHT OF FOOTWAY 1.3 WIDE & VARIABLE WIDTH LIMITED IN STRATUM (DP 1053017)
- (P) RIGHT OF WAY VARIABLE WIDTH (DP 638396)
- (Q) RIGHT OF WAY & EASEMENT FOR SUPPORT VARIABLE WIDTH (DP 638396)
- (R) RIGHT OF FOOTWAY 2 WIDE (DP 638396)
- (S) RIGHT OF FOOTWAY 1.39 WIDE (DP 638396)
- (T) RIGHT OF CARRIAGEWAY VARIABLE WIDTH (X65619)
- (U) EASEMENT FOR ELECTRICITY PURPOSES 2 WIDE (W795398)
- (V) RIGHT OF WAY & EASEMENT FOR ELECTRICITY PURPOSES 3.81 & 1.97 WIDE (W795398)
- (W) RIGHT OF WAY 5 WIDE (W795398)



**DIAL BEFORE
YOU DIG**
www.1100.com.au

REFER TO NOTES AND LEGEND



					X	X	X		X
					X	X	X		X
					X	X	X		X
X	X	X		X	A	01/02/17	EASEMENT DESCRIPTIONS AMENDED TO SHOW BENEFITED PARTIES	42579	
Revision	Date		Description	Reference	Revision	Date	Description	Reference	

THIS IS THE PLAN REFERRED TO
IN MY LETTER DATED:

.....
Registered Surveyor NSW



Suite 1, Level 1
810 Pacific Highway
Gordon NSW 2072
Locked Bag 5
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P 1300 587 000
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Client URBAN PTY LTD
Drawing title
PLAN OF DETAIL AND LEVELS OVER LOT 1 DP 1203289,
LOT 1 DP 1146146 & LOT 1 DP 1179636, BEING No. 500
& 504 PACIFIC HIGHWAY, ST LEONARDS

datum	project number	reference number
AHD	42312	42579EASE
site Area	scale	date of survey
3754m ² (CALC)	1:200 @A1	05/11/2015
LGA		
LANE COVE	OF SHEET 1	SHEETS 1