

Proposed Encumbrances and Terms to accompany
Plan of proposed Subdivision 1801942-PSUB-001-N
in DA 919/2018

Part 1 (Creation)

Number of item shown in the intention panel on the plan	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.	Right of Access, 4 Wide and Variable (A)	601	Central Coast Council
2.	Easement to Drain Water 1.5 Wide & Variable (D1)	Lots as Shown	Upstream Lots, and Central Coast Council
3.	Easement to Drain Water Variable Width (D2)	601	Central Coast Council
4.	Easement for Maintenance and Support 1.5 Wide & Variable (R1)	705-710 inclusive, and 718-721 inclusive	Central Coast Council

Part 2 (Terms)

1. Terms of Proposed Right of Access (A) 4 Wide and Variable

A Right of Access in accordance with Schedule 4A, Part 11, of the Conveyancing Act 1919

2. Terms of Proposed Easement to Drain Water (D1) 1.5 Wide and Variable

An Easement in accordance with Schedule 8, Part 3, of the Conveyancing Act 1919.

3. Terms of Proposed Easement to Drain Water (D2) Variable Width

An Easement in accordance with Schedule 4A, Part 3, of the Conveyancing Act 1919.

4. Terms of Proposed Easement for Maintenance and Support (R1) 1.5 Wide and Variable

(a) The Authority benefited may:

- (i) maintain on the lot burdened, but only within the site of this easement, whatever retaining wall is reasonably necessary to support the surface or subsurface of the abutting public road or any part of it, and
- (ii) Do anything reasonably necessary for that purpose, including:
 - (I) entering the lot burdened, and
 - (II) taking anything on to the lot burdened, and
 - (III) carrying out work.

(b) The registered proprietor of the lot burdened must not:

- (i) Interfere with the retaining wall or the support it offers, or

- (ii) Use the site of this easement, or any other part of the lot burdened, or any other land, in the way which may detract from the stability of, or the support provided by the retaining wall.
 - (iii) Within the site of the easement, plant or retain any planting which would exceed a maximum natural growth height of two (2) metres.
- (c) If the registered proprietor of the lot burdened:
 - (i) Does or allows anything to be done which damages the retaining wall or impairs its effectiveness, the Authority benefited may serve not less than 14 days' notice on the registered proprietor of the lot burdened requiring the damage to be repaired or the impairment removed.
 - (ii) Does not comply with the notice, the Authority benefited may enter and repair the damage and remove the impairment and may recover any reasonable costs from the registered proprietor of the lot burdened.
- (d) In exercising those powers (whether or not after serving such a notice), the Authority lot benefited must:
 - (i) Ensure all work is done properly, and
 - (ii) Cause as little inconvenience as is practicable to the registered proprietor and any occupier of the lot burdened, and
 - (iii) Cause as little damage as is practicable to the lot burdened and any improvement on it, and
 - (iv) Restore the lot burdened as nearly as is practicable to its former condition and
 - (v) Make good any collateral damage.