

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919, as amended

(Sheet 1 of 4 Sheets)

Plan: Plan of Easements and Positive Covenant within Road

Full name and address of the owner of the land Central Coast Council
91-99 Mann Street
GOSFORD NSW 2250

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	Easement for Encroaching Structure variable width	Part of Warrigal Street	Lot 1 DP 180642 & Lot 1 DP 406038
2	Positive Covenant for Maintenance and Repair	Part of Warrigal Street	Lot 1 DP 180642 & Lot 1 DP 406038
3	Easement for overhang variable width	Part of Warrigal Street	Lot 1 DP 180642 & Lot 1 DP 406038

PART 2 (Terms)

Terms of easement for encroaching structure firstly referred to in the plan.

The owner of the lot benefited:-

1. (a) may insist that the parts of the structure (*including existing and any future structure*) on the lot benefited which, when this easement was created, encroached on the lot burdened remain, but only to the extent they are generally within the site of this easement, and
(b) must keep the encroaching structure in good repair and safe condition, and
(c) may do anything reasonably necessary for those purposes, including—
 - entering the lot burdened, and
 - taking anything on to the lot burdened, and
 - carrying out work.
2. In exercising those powers, the owner of the lot benefited must:-
 - (a) ensure all work is done properly, and
 - (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
 - (c) restore the lot burdened as nearly as is practicable to its former condition, and
 - (d) make good any collateral damage.
3. The owner of the lot burdened may request that this easement be extinguished when the structure on the lot benefited is removed.
4. The owner of the lot burdened must not do or allow anything to be done to damage or interfere with any existing and future structures within that part of Warrigal Street, denoted (A), within the plan.

Plan:

Plan of Easements and Positive Covenant within Road

NAME OF AUTHORITY whose consent is required to release, vary or modify the terms of the easement numbered 1 in the plan.

CENTRAL COAST COUNCIL

Terms of Positive Covenant secondly referred to in the plan.

1. In this Positive Covenant:
‘**easement site**’ means that area of the lot burdened shown on the plan as affected by ‘Positive Covenant for Maintenance and Repair’.
2. Subject to Clause 3, the owner of the lot benefited may:
 - a) With prior reasonable notice given to the owner of the lot burdened, use the easement site for the purpose of carrying out necessary work (including construction, maintenance and repair) on:
 - (i) The lot benefited; and
 - (ii) Any structure belonging to the owner of the lot benefited, which cannot otherwise be reasonably carried out without accessing the burdened lot; and
 - 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 necessary works
3. The rights under this Positive Covenant are:
 - a) Limited to the extent necessary to permit the owner of the lot benefited to construct, maintain and repair any part of:
 - (i) The lot benefited; and
 - (ii) Any structure belonging to the owner of the lot benefited
4. In exercising the rights under this easement, the owner of the lot benefited must:
 - a) Ensure all work on the lot benefited is done properly and carried out as quickly as practicable;
 - b) Cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened;
 - c) Cause as little damage as is 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
5. The owner of the lot benefited has the right to install and maintain in the wall adjacent to the easement site one or more cavity weephole drainage points and drain water from the weephole, but only within the easement site.

NAME OF AUTHORITY whose consent is required to release, vary or modify the terms of the Positive Covenant numbered 2 in the plan.

CENTRAL COAST COUNCIL

Plan:

Plan of Easements and Positive Covenant within Road

Terms of Easement for Overhang thirdly referred to in the plan.

1. The owner of the lot benefited:
 - (a) may insist that the parts of the structure (the including existing and any future structure) on the lot benefited which, when this easement was created, overhung the burdened remain, but only to the extent they are generally within the site of this easement, and
 - (b) must keep the overhanging structure in good repair and safe condition, and
 - (c) may do anything reasonably necessary for those purposes, including:
 - entering the lot burdened, and
 - taking anything on the lot burdened, and
 - carrying out work.
2. In exercising those powers, the owner of the lot benefited must:
 - (a) ensure all work is done properly, and
 - (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
 - (c) restore the lot burdened as nearly as is practicable to its former condition, and
 - (d) make good any collateral damage.
3. The owner of the lot burdened may request that this easement be extinguished when the structure on the lot benefited is removed.
4. The owner of the lot burdened must not do or allow anything to be done to damage or interfere with any existing and future overhanging structures within that part of Warrigal Street, denoted (C), in the plan.

Plan:


Plan of Easements and Positive Covenant within Road

Execution by the Registered Proprietors of Lot 1 DP 180642 & Lot 1 DP 406038

Central Coast Council
.....
(Name of Council)


by its authorised delegate pursuant to
s.377 Local Government Act 1993 No 30

Jamie Barclay
.....
Name of Delegate


.....
Signature of Delegate

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

Rosemarie Eliasson
.....
Name of Witness


.....
Signature of Witness

2 Hely Street, Wyong
.....

.....
Address of Witness