

ePlan

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 Sections 88A and 88B of the Conveyancing Act 1919.

Lengths are in metres:

(Sheet 1 of 6 sheets)

Plan: **DP1119836**

Easements over Lot 32 DP 1117408 being the land in Computer Folio 32/1117408

Full name and address of proprietor of the land:

The Trustees of the Hospitaller Brothers of St John of God
 c/- Johnson Property Group Pty Ltd
 340 Kent Street Sydney NSW 2000

Full name and address of Mortgagee of the land:

St George Bank Limited ACN 055 513 070
 Level 5, 402-410 Chapel Road, Bankstown, NSW 2200 and Gresham Property Funds Management Limited ACN 092 191 270
 Level 17, 167 Macquarie Street, Sydney, NSW 2000

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 to maintain structures and right of access 19 wide & variable A	32 DP 1117408	31 DP 1117408
2	Right to maintain structures and services and right of access 9 wide (A) B	32 DP 1117408	31 DP 1117408
3	Right to maintain structures and services and right of access 9 wide (B) C	32 DP 1117408	31 DP 1117408
4	Right to maintain structures and rights of access variable width D	32 DP 1117408	31 DP 1117408
5	Right of carriageway variable width E	32 DP 1117408	31 DP 1117408

Part 2 (Terms)

1. Terms of the Right to maintain structures and right of access firstly referred to in this plan:

The right to maintain and operate a boat repair ramp and slipway and supporting columns and/or other like structures over the land indicated as the servient tenement, but in such a manner as does not prevent persons passing and re-passing by foot over or underneath the ramp and slipway.

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The body having the benefit of this easement may:

- a) by any reasonable means pass across the lot burdened, with animals or vehicles, but only within the site of this easement, for the purpose of exercising or performing any of its powers, authorities, duties or functions, and
- b) do anything reasonably necessary for passing across the lot burdened, including:
 - a. entering the lot burdened, and
 - b. taking anything on to the lot burdened, and
 - c. carrying out work within the site of this easement, such as constructing, placing, repairing or maintaining trafficable surfaces, footways, landscaping works or structures.

In exercising those powers, the body having the benefit of this easement must:

- a) ensure all work is done properly,
- 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.

2. Terms of the Right to maintain structures and services and right of access *(A/B)*
secondly referred to in this plan:

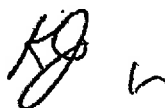
The right to maintain a marina accessway and supporting columns and/or other like structures over the land indicated as the servient tenement, but in such a manner as does not prevent persons passing and re-passing by foot over or underneath the accessway.

Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass on foot at all times and for all purposes with or without animals or vehicles over the land indicated as the servient tenement.

The body having the benefit of this easement may:

- a) by any reasonable means pass across the lot burdened, with animals or vehicles, but only within the site of this easement, for the purpose of exercising or performing any of its powers, authorities, duties or functions,
- b) do anything reasonably necessary for passing across the lot burdened, including:
 - a. entering the lot burdened,

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- b. taking anything on to the lot burdened, and
- c. carrying out work within the site of this easement, such as constructing, placing, repairing or maintaining trafficable surfaces, footways, landscaping works or structures.
- c) provide *domestic services* supplied by or on behalf of that body through the lot burdened, but only within the site of this easement, and
- d) do anything reasonably necessary for that purpose, including:
 - a. entering the lot burdened,
 - b. taking anything on to the lot burdened, and
 - c. carrying out work, such as constructing, placing, repairing or maintaining pipes, poles, wires, cables, conduits, structures and equipment.

In exercising those powers, the body having the benefit of this easement must:

- a) ensure all work is done properly,
- 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.

For the purposes of this easement, *domestic services* includes supply of water, gas, fuel, electricity, telephone, television and other telecommunication systems and transport and discharge of sewage, sullage and other fluid wastes.

3. Terms of the Right to maintain structures and services and right of access (B) C
thirdly referred to in this plan:

The right to maintain a marina walkway and supporting columns and/or other like structures over the land indicated as the servient tenement, but in such a manner as does not prevent persons passing and re-passing by foot underneath the walkway.

Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass on foot at all times and for all purposes with or without animals or vehicles over the land indicated as the servient tenement.

The body having the benefit of this easement may:

- a) by any reasonable means pass across the lot burdened, with animals or vehicles, but only within the site of this easement, for the purpose of exercising or performing any

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of its powers, authorities, duties or functions, and

- b) do anything reasonably necessary for passing across the lot burdened, including:
 - a. entering the lot burdened,
 - b. taking anything on to the lot burdened, and
 - c. carrying out work within the site of this easement, such as constructing, placing, repairing or maintaining trafficable surfaces, footways, landscaping works or structures.
- c) provide domestic services supplied by or on behalf of that body through the lot burdened, but only within the site of this easement, and
- d) do anything reasonably necessary for that purpose, including:
 - a. entering the lot burdened,
 - b. taking anything on to the lot burdened, and
 - c. carrying out work, such as constructing, placing, repairing or maintaining pipes, poles, wires, cables, conduits, structures and equipment.

In exercising those powers, the body having the benefit of this easement must:

- a) ensure all work is done properly,
- 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.

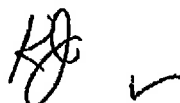
For the purposes of this easement, *domestic services* includes supply of water, gas, fuel, electricity, telephone, television and other telecommunication systems and transport and discharge of sewage, sullage and other fluid wastes.

**4. Terms of the Right to maintain structures and rights of access fourthly referred to in this plan: **

The right to maintain walkways and supporting columns and/or other like structures over the land indicated as the servient tenement, but in such a manner as does not prevent persons passing and re-passing by foot underneath or over such walkways.

Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass on foot at all times and for all purposes with or without animals or vehicles over the land indicated as the servient tenement.

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Lengths are in metres:

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The body having the benefit of this easement may:

- a) by any reasonable means pass across the lot burdened, with animals or vehicles, but only within the site of this easement, for the purpose of exercising or performing any of its powers, authorities, duties or functions, and
- b) do anything reasonably necessary for passing across the lot burdened, including:
 - a. entering the lot burdened, and
 - b. taking anything on to the lot burdened, and
 - c. carrying out work within the site of this easement, such as constructing, placing, repairing or maintaining trafficable surfaces, footways, landscaping works or structures.

In exercising those powers, the body having the benefit of this easement 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) cause as little damage as is practicable to the lot burdened and any improvement on it, and
- d) restore the lot burdened as nearly as is practicable to its former condition, and
- e) make good any collateral damage.

5. Terms of the Right of carriageway fifthly referred to in this plan: E

Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass at all times and for all purposes with or without animals or vehicles or both over the land indicated herein as the servient tenement.

Name of Person or Authority empowered to release, vary or modify the easements Firstly, Secondly, Thirdly, Fourthly and Fifthly referred to in this Plan.

The owner from time to time of Lot 31 in DP 1117408.



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Easements over Lot 32 DP 1117408 being
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Executed as a deed by The Trustees of the
Hospitaller Brothers of St John of God
acting by its duly authorised attorney Kendall
Grange Properties Pty Limited Book 4480 No 607
in the presence of:

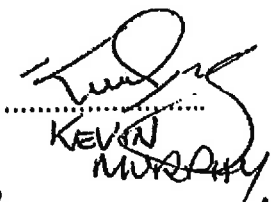

Witness
Name: **ANDREW MUTTON**
Address: **340 KENT STREET SYDNEY**


Sole director and sole secretary
Kendall Grange Properties Pty Limited
ACN 097 579 185

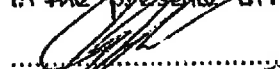
Executed as a deed by St George Bank Limited
acting by its duly authorised attorney Book No
in the presence of:


Witness
Name: **ANDREW MIDDLETON**
Address: **LV5 410 CHAPEL RD
BANKSTOWN NSW**


Attorney - JOHN
Name: **JOHN MICHAEL**
SENIOR MANAGER


Name: **KEVIN MURRAY**

Executed as a deed by Gresham Property Funds
Management Limited acting by its duly authorised
signatories in accordance with its Constitution
in the presence of:


Authorised signatory
Name: **Graham J Rich**
Title: **Director**


Name: **PHILIP MANNING**
Title: **Director/Secretary**

Authorised signatory
Name: **PHILIP MANNING**
Title: **Director/Secretary**

REGISTERED



12.11.2007