

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED  
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919 AND  
SECTION 7 (3) OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973**

Lengths are in metres

(Sheet 1 of 2 sheets)

Plan **SP 58629**

Strata Plan: **58629**  
(being a subdivision of Lot 11 in  
DP 270127) herein after referred to as  
"the Plan"

Full name and address of  
the proprietor of the land:

ABBOTSFORD BAY TRADING COMPANY PTY  
LIMITED Suite 301, "The Bijou" 2A Rowntree  
Street, Balmain NSW 2041

Full name and address of  
Mortgagee of the land:

MACQUARIE BANK LIMITED  
20 Bond Street, Sydney NSW 2000

**PART 1**

- |   |   |
|---|---|
| 1. <u>Identity of easement to be created and firstly referred to in the Plan:</u> | Right of Footway and Cycleway<br>(Variable Width) |
|---|---|

**SCHEDULE OF LOTS AFFECTED**

<u>Lots Burdened</u>	<u>Lots Benefited</u>
The Common Property	Lot 1 in DP 270127

**PART 2**

1. **TERMS OF RIGHT OF FOOTWAY AND CYCLE WAY (VARIABLE WIDTH) FIRSTLY REFERRED TO IN THE PLAN:**

The owner of the lot benefited, including any person entitled to possession of the whole (or part) of the lot benefited or any person authorised or permitted by such a person may pass across the lot burdened, but only within the site of this easement, to get to or from the lot benefited on foot or by means of a unicycle, bicycle or tricycle, but without animals or vehicles.

Name of authority empowered to release, vary or modify the easement firstly referred to in the Plan

Community Association DP 270127

The Common Seal of ABBOTSFORD BAY TRADING COMPANY PTY LIMITED )  
 was hereunto affixed in accordance with its )  
 Articles of Association in the presence of: )  
 Date: *21.12.98* )

(Affix Seal clearly in the space below)

*Alex Noykovic*  
 Director  
*[Signature]*  
 Secretary



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED  
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919 AND  
SECTION 7 (3) OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973**

Lengths are in metres      **SP 58629**

(Sheet 2 of 2 sheets)

MACQUARIE BANK LIMITED ACN 008 583 543  
By its Attorneys who hereby state that at the time  
of their executing this instrument they have no  
notice of the revocation of the power of attorney  
registered in the Land Titles Office ~~Book 4142 No.421~~  
under the authority of which they executed this  
instrument in the presence of :      **Book 4217 No78**

*John Mackenzie*  
.....  
**J H MacKENZIE**

*R J Oliphant*  
.....  
**R J OLIPHANT**

*S Williams*  
.....  
Witness: **S WILLIAMS**

**COMMUNITY LAND DEVELOPMENT ACT 1989  
SECTION 35(1)  
CERTIFICATE OF COMMUNITY ASSOCIATION**

Approved Form

COMMUNITY ASSOCIATION DP 270127 HEREBY CERTIFIES THAT IT HAS:

1. BY UNANIMOUS RESOLUTION ACCEPTED THE EASEMENT REFERRED TO IN THIS SECTION 88B INSTRUMENT BURDENING THE SAID LOT AND BENEFITING ASSOCIATION PROPERTY, BEING LOT 1 IN DP 270127.

**ATTESTATION**

The common seal of the Community Association DP 270127 was hereunto affixed:

(Affix Seal clearly in the space below)

on the *21<sup>ST</sup>* day of *DECEMBER* 1998  
in the presence of:



*[Signature]*  
.....  
being the person authorised by Section 8 of the  
Community Land Management Act 1989  
to attest the affixing of the seal.

**DRUMMOYNE COUNCIL**

Dated:      *23rd* DECEMBER 1998.

Application No. *JA:109/94*

Drummoyme Council

*[Signature]*  
.....  
Authorised Person



Strata Schemes (Freehold Development) Act 1973  
Strata Schemes (Leasehold Development) Act 1986

**COUNCIL'S CERTIFICATE**  
**DRUMMOYNE** (Name of Council)  
Having satisfied itself that the requirements of the Strata Schemes (Freehold Development) Act 1973 or \* Strata Schemes (Leasehold Development) Act 1986 or have been complied with, approves the proposed:  
- strata plan  
- strata plan of subdivision  
Illustrated in the annexure to this certificate.

\* The strata plan/strata plan of subdivision is part of a development scheme. The Council is satisfied that the plan is consistent with any conditions of any development consent and that the plan gives effect to the stage of the strata development contract to which it relates.

\* Council does not object to the encroachment of the building beyond the alignment of

\* This approval is given on the condition that the use of lot (1) ..... being utility lot /s designed to be used primarily for the storage or accommodation of boats, motor vehicles or goods and not for human occupation as a residence, office, shop or the like) is restricted to the proprietor or occupier of a lot or proposed lot (not being such such a utility lot) the subject of the strata scheme concerned, as a referred to in section 58 of the Strata Schemes (Freehold Development) Act 1973 or \* section 60 of the Strata Schemes (Leasehold Development) Act 1986.

Date: **23 DECEMBER 1998**  
Subdivision No: **DA:109/94**

*[Signature]*  
Common Property Authorized Person

\* Complete, or delete if inapplicable

Strata Schemes (Freehold Development) Act 1973  
Strata Schemes (Leasehold Development) Act 1986

**SURVEYOR'S CERTIFICATE**  
**NORMAN LAWRENCE HAYES**  
of **2/199 CONDOMINE ST. BALGOWLAH 2093**  
a surveyor registered under the Surveyors Act 1929, hereby certify that:

(1) each applicable requirement of  
- Schedule 1A to the Strata Schemes (Freehold Development) Act 1973  
- Schedule 1A to the Strata Schemes (Leasehold Development) Act 1986  
has been met;

(2) ~~(a) the building encroaches on a public place.~~  
\* (b) the building encroaches on land (other than a public place) in respect of which encroachment or appropriate easement:  
\* has been consented by registered +  
\* has been created under section 88B of the Conveyancing Act 1986.

(3) the survey information recorded in the accompanying location plan is accurate.

*[Signature]*  
Date: **26/11/98**

\* Delete if inapplicable  
\* State whether dealing or plan, and quote registered number

This is sheet 1 of my Plan in **3** sheets.

**PLAN OF SUBDIVISION OF LOT 11 IN D.P. 270127**

**L G A DRUMMOYNE** Suburb/Locality: **ABBOTSFORD**

Parish : **CONCORD** County : **CUMBERLAND**

Zoning: **URBAN**

Reduction Ratio **1: 500** Lengths are in metres

Name of, and \*address for service of notices on, the owners corporation  
**THE OWNERS S.P. 58629 'DENISON'**  
\*Address required on original strata plan only.  
**1 ABBOTSFORD COVE DRIVE, ABBOTSFORD 2046**

**STRATA PLAN SP 58629**

Registered: **15.1.1999**

CA: No. DA 109/94 OF 23.12.1998

Purpose: **STRATA PLAN**

Ref Map: **U0952-74**

Last Plan: **DP270127**

Signatures, seals and statements of intention to create easements, restrictions on the use of land or positive covenants.

PURSUANT TO SEC 88B OF THE CONVEYANCING ACT 1919 AND SEC 7(3) OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1977 IT IS INTENDED TO CREATE:  
1. RIGHT OF FOOTWAY AND CYCLEWAY VARIABLE WIDTH

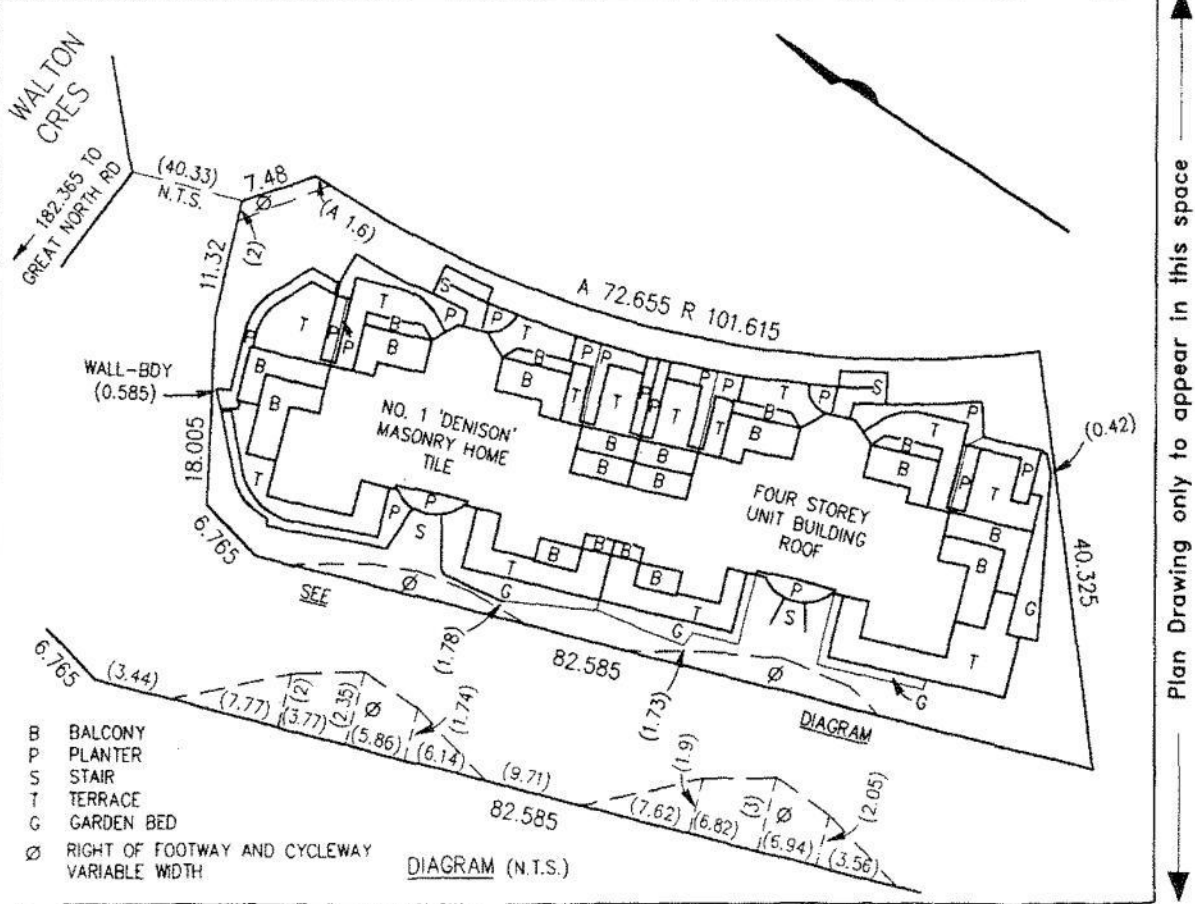


*[Signature]*  
Director

*[Signature]*  
Director

MACQUARIE BANK LIMITED ACN 008 583 542 by  
**J.H. MacKENZIE**  
*[Signature]*  
R.G. OLIPHANT

its Attorneys who hereby state that at the time of their executing this instrument they have no notice of the revocation of the Power of Attorney registered in Land Titles Office Book 4217 No. 78 under authority, in which they execute this instrument.



10	20	30	40	50	60	Table of mm	100	110	120	130	140	150	160
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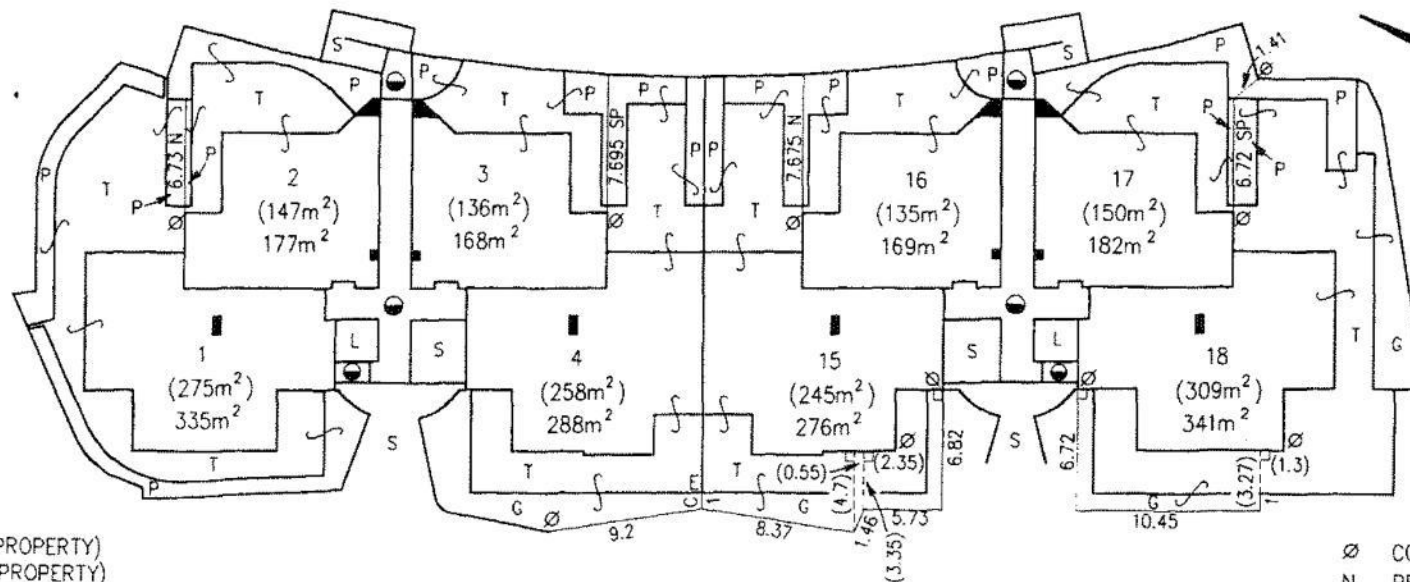
SURVEYOR'S REFERENCE: 6267(5000)BLD11

Plan Drawing only to appear in this space

Plan Drawing only to appear in this space

Req: RP088800 / Doc: SP 0058629 P / Rev: 08-Jan-1999 / Sts: OK. OK/Prt: 26-Feb-2003 08:09 / Pgs: 3 / Ref: a / Src: F

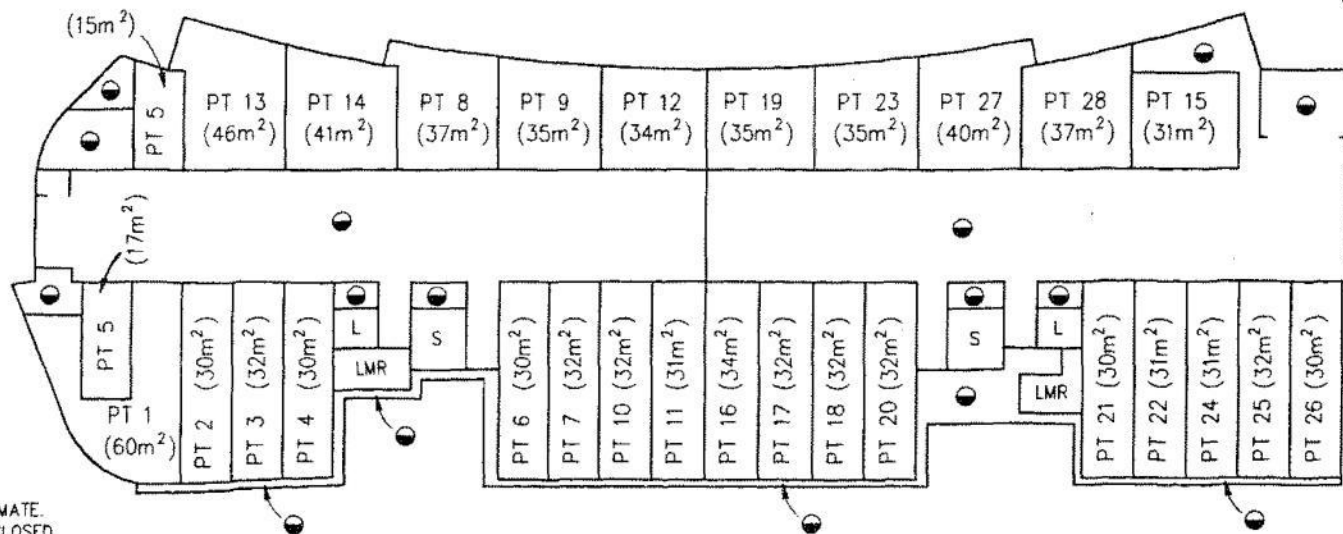
OFFICE USE ONLY



GROUND FLOOR

- T TERRACE
- G GARDEN BED
- P PLANTER
- L LIFT (COMMON PROPERTY)
- S STAIR (COMMON PROPERTY)
- LMR LIFT MOTOR ROOM (COMMON PROPERTY)
- COMMON PROPERTY
- DUCT (COMMON PROPERTY)

- ∅ COR. WALL
- N PROL'N OF NORTH FACE WALL
- SP PROL'N OF SOUTH FACE WALL
- C PROL'N OF CENTRELINE WALL
- E END WALL
- ⊥ RIGHT ANGLE



BASEMENT  
(GARAGES)

1. ALL AREAS ARE APPROXIMATE.
2. GARAGES ARE FULLY ENCLOSED.
3. TERRACES AND PLANTERS ARE RESTRICTED IN HEIGHT TO THE UNDERSIDE OF THE CEILING OF THEIR ADJOINING UNIT.
4. GARDEN BEDS ARE RESTRICTED IN HEIGHT FROM 1M BELOW TO 3M ABOVE THE UPPER SURFACE OF THE CONCRETE FLOOR OF THEIR ADJOINING UNIT.

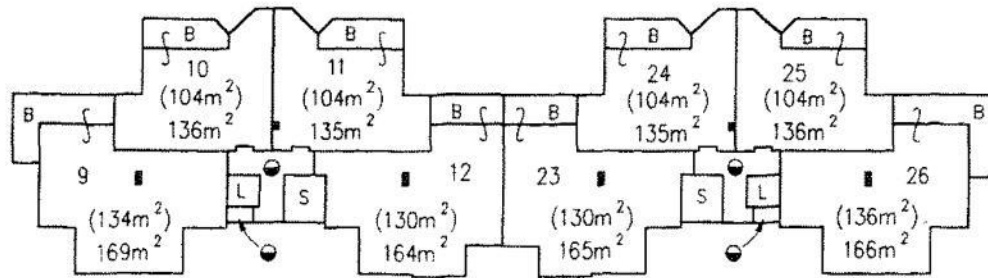
Reduction Ratio 1: 300

Lengths are in metres

*Norman J. Hayes*  
Surveyor Registered under Surveyors Act 1929

*Dunlong*  
General Manager / Authorised Person

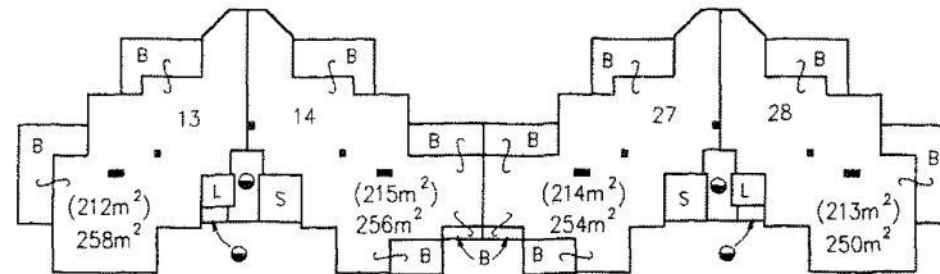
Req: RP088800 / Doc: SP 0058629 P / Rev: 08-Jan-1999 / Sts: OK / Prt: 26-Feb-2003 08:09 / Pgs: 3 / Ref: a / Src: F



SECOND FLOOR

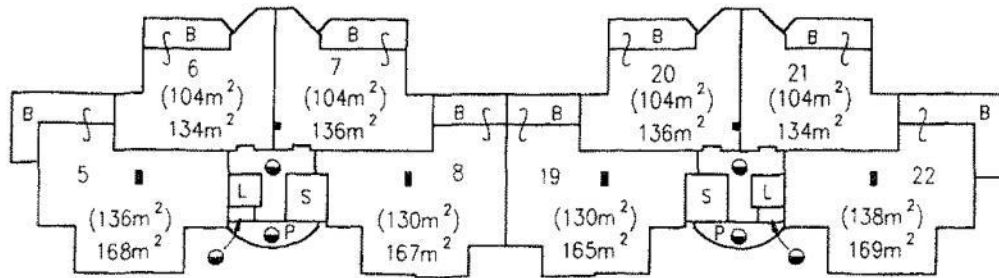
- L LIFT (COMMON PROPERTY)
- S STAIR (COMMON PROPERTY)
- B BALCONY
- COMMON PROPERTY
- DUCT (COMMON PROPERTY)
- P PLANTER

SCHEDULE OF UNIT ENTITLEMENT			
UNIT NO.	U.E.	UNIT NO.	U.E.
1	36	15	35
2	26	16	27
3	27	17	25
4	37	18	33
5	33	19	35
6	27	20	32
7	28	21	25
8	35	22	34
9	35	23	36
10	28	24	29
11	30	25	26
12	36	26	34
13	66	27	64
14	68	28	53
TOTAL U.E.		1000	



THIRD FLOOR

1. ALL AREAS ARE APPROXIMATE.
2. BALCONIES WHERE NOT ROOFED ARE RESTRICTED IN HEIGHT TO THE UNDERSIDE OF THE CEILING OF THEIR ADJOINING UNIT.



FIRST FLOOR

Reduction Ratio 1: 400

Lengths are in metres

*Norman J. Kay*  
 Surveyor Registered under Surveyors Act 1929

*[Signature]*  
 General Manager/Authorised Person



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED  
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919 AND  
SECTION 7 (3) OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973**

Lengths are in metres

(Sheet 1 of 2 sheets)

**SP60565**

Strata Plan:  
(being a subdivision of Lot 12 in  
DP 270127 ) herein after referred to as  
"the Plan"

Full name and address of  
the proprietor of the land:

ABBOTSFORD BAY TRADING COMPANY PTY  
LIMITED Suite 301, "The Bijou" 2A Rowntree  
Street, Balmain NSW 2041

Full name and address of  
Mortgagee of the land:

MACQUARIE BANK LIMITED  
20 Bond Street, Sydney NSW 2000

**PART 1**

1. Identity of easement to be created and firstly  
referred to in the Plan: **Right of Footway and Cycleway  
(Variable Width)**

**SCHEDULE OF LOTS AFFECTED**

Lots Burdened

Lots Benefited

The Common Property

Lot 1 in DP 270127

**PART 2**

1. **TERMS OF RIGHT OF FOOTWAY AND CYCLE WAY (VARIABLE WIDTH) FIRSTLY  
REFERRED TO IN THE PLAN:**

1. The owner of the lot benefited, including any person entitled to possession of the whole (or part) of the lot benefited or any person authorised or permitted by such a person may pass across the lot burdened, but only within the site of this easement, to get to or from the lot benefited on foot or by means of a unicycle, bicycle or tricycle, but without animals or vehicles.
2. The owner of the lot benefited must, at its own cost, at all times ensure that the area of the right of footway and cycleway is maintained in good repair and a reasonable standard and for the purposes thereof the owner of the lot benefited, its servants and agents shall have the right to do the following with any necessary equipment, vehicles or machinery:
  - (a) enter the lot burdened, and
  - (b) take anything on to the lot burdened, and
  - (c) carry out work, such as constructing, placing, repairing, maintaining or replacing the surface of the said area of the right of footway and cycleway.
3. In exercising those rights, 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) cause as little damage as is practicable to the lot burdened, and
  - (d) make good any collateral damage.

Name of authority empowered to release, vary or modify the easement firstly referred to in the Plan

Community Association DP 270127

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED  
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919 AND  
SECTION 7 (3) OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973**

SP60565

Lengths are in metres

(Sheet 2 of 2 sheets)

The Common Seal of ABBOTSFORD BAY  
TRADING COMPANY PTY LIMITED )  
ACN 065 116 154 )  
was hereunto affixed in accordance with its )  
Articles of Association in the presence of: )  
Date: 21. 6. 99 )

(Affix Seal clearly in the space below )



.....  
Director

.....  
Secretary

MACQUARIE BANK LIMITED ACN 008 583 543 )  
By its Attorneys who hereby state that at the time )  
of their executing this instrument they have no )  
notice of the revocation of the power of attorney )  
registered in the Land Titles Office ~~Book 4142 No. 421~~ MP )  
under the authority of which they executed this )  
instrument in the presence of: Book 4217 No 78 )

.....  
M. J. SCHEEN

.....  
R. I. OLIPHANT

.....  
A.J. BOWIE  
.....  
Witness:

**COMMUNITY LAND DEVELOPMENT ACT 1989  
SECTION 35(1)  
CERTIFICATE OF COMMUNITY ASSOCIATION  
Approved Form**

COMMUNITY ASSOCIATION DP 270127 HEREBY CERTIFIES THAT IT HAS:

- 1. BY UNANIMOUS RESOLUTION ACCEPTED THE EASEMENT REFERRED TO IN THIS SECTION 88B INSTRUMENT BURDENING THE SAID LOT AND BENEFITING ASSOCIATION PROPERTY, BEING LOT 1 IN DP 270127.

**ATTESTATION**

The common seal of the Community Association DP 270127 was hereunto affixed:

(Affix Seal clearly in the space below )

on the 8th day of June 1999  
in the presence of:

.....  
being the person authorised by Section 8 of the  
Community Land Management Act 1989  
to attest the affixing of the seal.

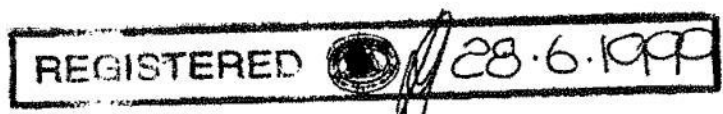


**DRUMMOYNE COUNCIL**

Dated: 21/6 1999. Application No. DA 217/99

Drummoyne Council

.....  
Authorised Person



Strata Schemes (Freehold Development) Act 1973  
Strata Schemes (Leasehold Development) Act 1986

COUNCIL'S CERTIFICATE

Drummoyne

(Name of Council)  
having satisfied itself that the requirements of the Strata Schemes (Freehold Development) Act 1973 or \* Strata Schemes (Leasehold Development) Act 1986 or have been complied with, approves of the proposed:

- \* strata plan
- \* strata plan of subdivision

Illustrated in the annexure to this certificate

\* The strata plan/strata plan of subdivision is part of a development scheme. The Council is satisfied that the plan is consistent with any conditions of any development consent and that the plan gives effect to the stage of the strata development contract in which it relates.

Council does not object to the encroachment of the building beyond the alignment

This approval is given on the condition that the use of lot (s) (being utility lot /s assigned to be used primarily for the storage or accommodation of boats, motor vehicles or goods and not for human occupation as a residence, office, shop or the like) is restricted to the proprietor or occupier of a lot or proposed lot (not being such a utility lot) the subject of the strata scheme concerned, as a referred to in \* section 55 of the Strata Schemes (Freehold Development) Act 1973 or \* section 62 of the Strata Schemes (Leasehold Development) Act 1986.

Date: 21/6/99

Subdivision No: 476

J. Clare

Surveyor/Manager/Authorised Person

\* Complete, or delete if inapplicable

Strata Schemes (Freehold Development) Act 1973  
Strata Schemes (Leasehold Development) Act 1986

SURVEYOR'S CERTIFICATE

NORMAN LAWRENCE HAYES

of 2/199 CONDOMINE ST. BALGOWLAH 2093

a surveyor registered under the Surveyors Act 1929, hereby certify that:

- (1) each applicable requirement of
  - \* Schedule 1A to the Strata Schemes (Freehold Development) Act 1973
  - \* Schedule 1A to the Strata Schemes (Leasehold Development) Act 1986
  - has been met;

- (2) (a) the building encroaches on a public place;
  - \* (b) the building encroaches on land (other than a public place) in respect of which an easement or appropriate easement:
    - \* has been created by registered
    - \* is to be created under section 88B of the Conveyancing Act 1919

- (3) the survey information recorded in the accompanying location plan is accurate.

Norman J. Hayes  
Date: 27/5/99

- \* Delete if inapplicable
- \* State whether dealing or plan, and quote registered number

This is sheet 1 of my Plan in 3 sheets.

PLAN OF SUBDIVISION OF LOT 12 IN D.P. 270127

L G A DRUMMOYNE Suburb/Locality: ABBOTSFORD

Parish : CONCORD

Reduction Ratio 1 : 500

County : CUMBERLAND

Zoning: URBAN

Lengths are in metres

S' SP60565

Registered: 28.6.1999

CA: N<sup>o</sup> 476 OF 21.6.1999

Purpose: STRATA PLAN

Ref Map: U0952-74#, 81#

Last Plan: DP 270127

Name of, and \*address for service of notices on, the owners corporation  
\*Address required on original strata plan only.

THE OWNERS  
S.P. 60565  
'JACKSON'  
3 ABBOTSFORD COVE DRIVE, ABBOTSFORD 2046

Signatures, seals and statements of intention to create easements, restrictions on the use of land or positive covenants.

PURSUANT TO SEC 88B OF THE CONVEYANCING ACT 1919 AND SEC 7(3) OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1977 IT IS INTENDED TO CREATE:  
1. RIGHT OF FOOTWAY & CYCLEWAY (VAR. WIDTH)



*Norman J. Hayes*  
*J. Clare*

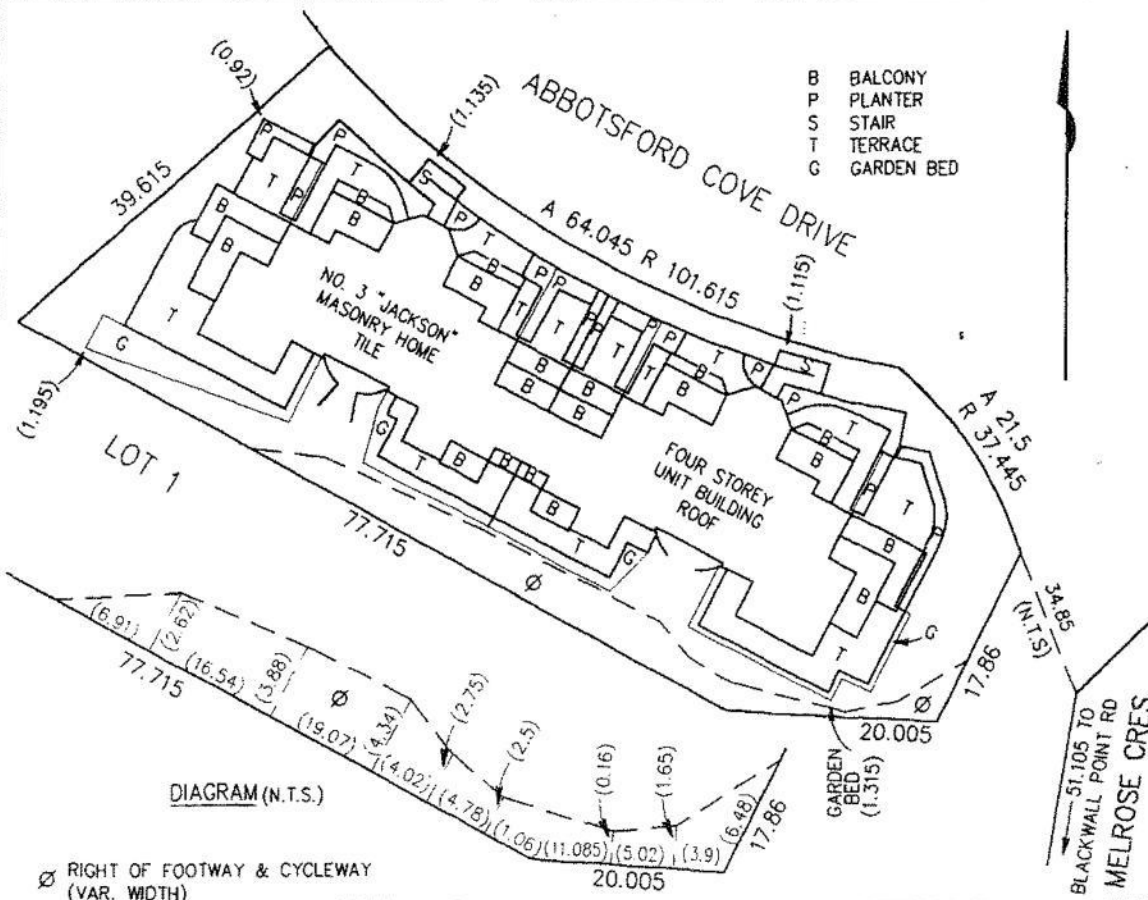
MACQUARIE BANK LIMITED ACN 008 583 542 by

*Michael H. Schein*  
*R. J. O'Leary*

its Attorneys who hereby state that at the time of their executing this instrument they have no notice of the revocation of the Power of Attorney registered in Land Titles Office Book 4217 No. 78 under authority of which they execute this instrument.

RESIDENTIAL

- \* (insert type being adopted) Model By-laws adopted for this scheme
- Garbage Disposal : Option A/~~B~~ Keeping of Animals : Option A/~~B/C~~
- \* Schedule of By-laws in sheets filed with plan
- \* No By-laws apply
- \* Strike out whichever is inapplicable



Plan Drawing only to appear in this space

Plan Drawing only to appear in this space

10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160
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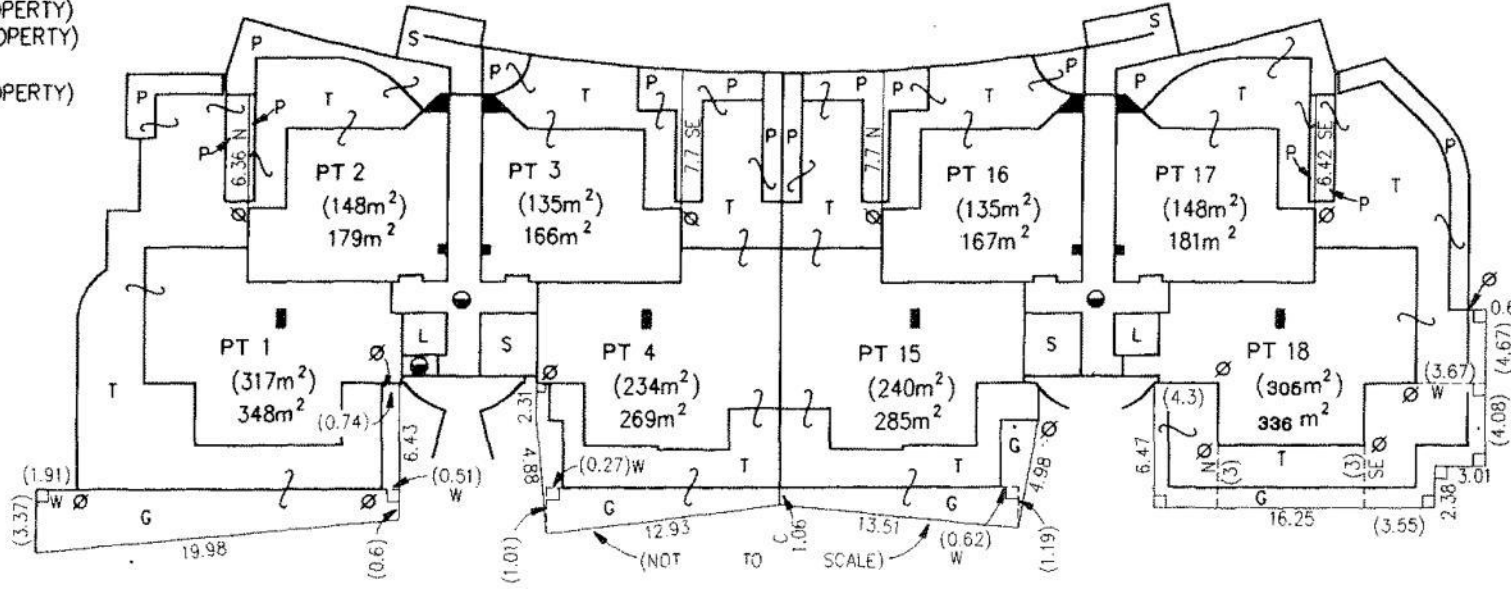
SURVEYOR'S REFERENCE: 6406(5000)BLD12

Reg: RP068801 / Doc: SP 0060565 P / Rev: 30-Jun-1999 / Sts: OK, OK / Prt: 26-Feb-2003 08:09 / Pgs: 3 / Ref: a / Src: P



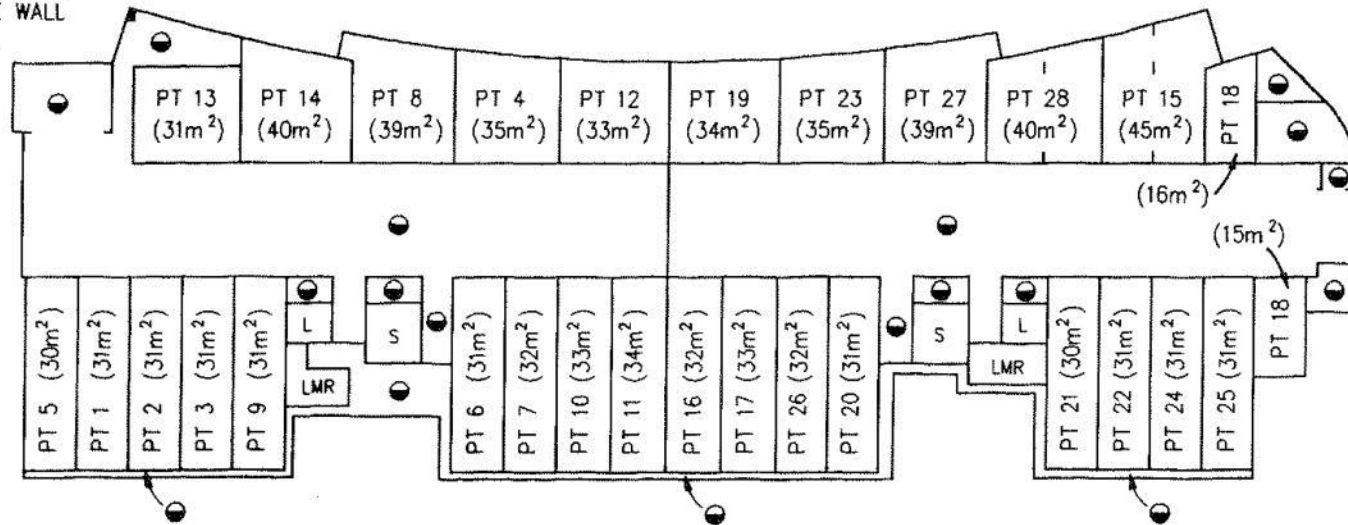
SP60565

- T TERRACE
- LMR LIFT MOTOR ROOM (COMMON PROPERTY)
- P PLANTER
- L LIFT (COMMON PROPERTY)
- S STAIR (COMMON PROPERTY)
- COMMON PROPERTY
- DUCT (COMMON PROPERTY)



GROUND FLOOR

- ∅ COR. WALL
- G GARDEN BED
- W PROL'N OF SOUTH WEST FACE WALL
- N PROL'N OF NORTH WEST FACE WALL
- SE PROL'N OF SOUTH EAST FACE WALL
- C PROL'N OF CENTRELINE WALL
- E END WALL
- ⊥ RIGHT ANGLE



BASEMENT  
(GARAGES)

1. ALL AREAS ARE APPROXIMATE.
2. GARAGES ARE FULLY ENCLOSED.
3. TERRACES AND PLANTERS ARE RESTRICTED IN HEIGHT TO THE UNDERSIDE OF THE CEILING OF THEIR ADJOINING UNIT.
4. GARDEN BEDS ARE RESTRICTED IN HEIGHT FROM 1M BELOW TO 3M ABOVE THE UPPER SURFACE OF THE CONCRETE FLOOR OF THEIR ADJOINING UNIT.

Reduction Ratio 1:300      Lengths are in metres

*Norman S. Hayes*  
Surveyor Registered under Surveyors Act 1925

*Juan*  
General Manager/Authorised Person

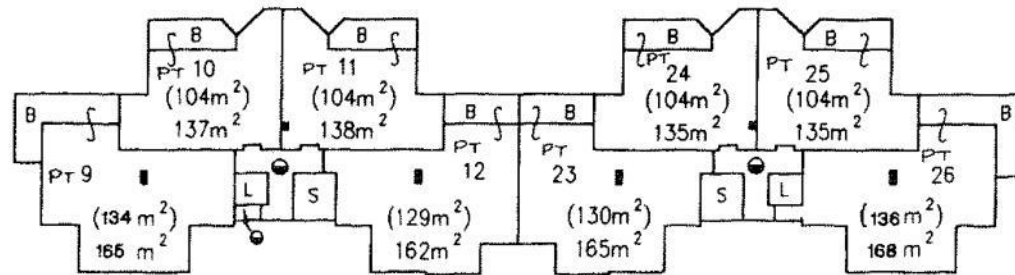
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OFFICE USE ONLY

SP60565

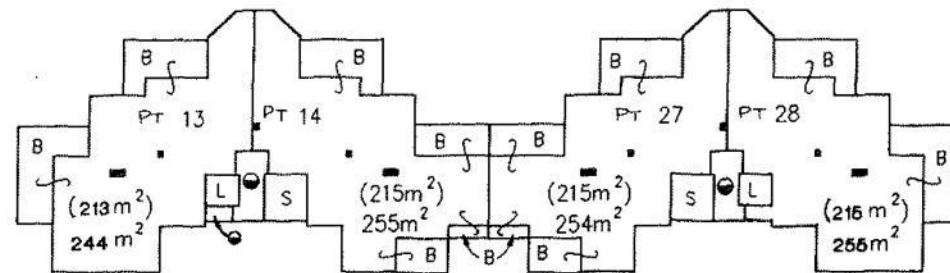


SCHEDULE OF UNIT ENTITLEMENT			
UNIT NO.	U.E.	UNIT NO.	U.E.
1	36	15	35
2	27	16	29
3	28	17	27
4	35	18	34
5	34	19	35
6	26	20	29
7	30	21	26
8	35	22	34
9	34	23	36
10	27	24	29
11	29	25	28
12	36	26	34
13	54	27	64
14	65	28	64
TOTAL U.E. 1000			



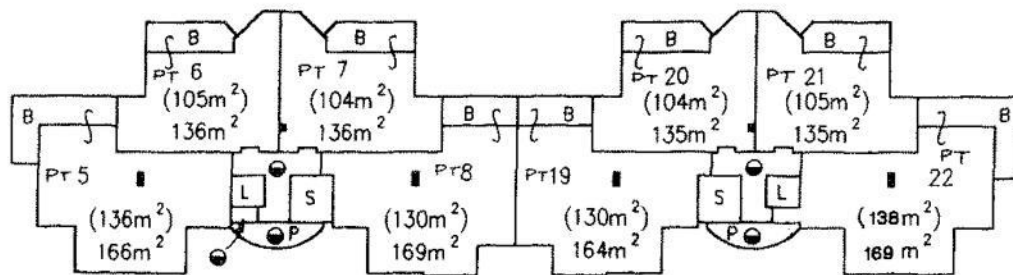
SECOND FLOOR

- L LIFT (COMMON PROPERTY)
- S STAIR (COMMON PROPERTY)
- B BALCONY
- COMMON PROPERTY
- DUCT (COMMON PROPERTY)
- P PLANTER



THIRD FLOOR

1. ALL AREAS ARE APPROXIMATE.
2. BALCONIES WHERE NOT ROOFED ARE RESTRICTED IN HEIGHT TO THE UNDERSIDE OF THE CEILING OF THEIR ADJOINING UNIT.



FIRST FLOOR

Reduction Ratio 1: 400

Lengths are in metres

*Norman J. Hayes*  
Surveyor Registered under Surveyors Act 1929

*J. Clark*  
General Manager/Authorised Person

AMENDMENT MADE IN LTO AT 5/R.

OFFICE USE ONLY

Req:RP088801 /Doc:SP 0060565 P /Rev:30-Jun-1999 /Sta:OK/Prt:26-Feb-2003 08:09 /Pgs:3 /Ref:a /Src:F