

Terms of Easement

Annexure to transfer granting easement from

.....to the City
of Parramatta Council over the land in certificate of title volume.....

Folio

Full and free right for the Transferee its servants and agents and all persons authorised by the Transferee to go, pass and repass over the whole of the land hereinbefore described as the servient tenement at all times with or without vehicles for the purpose of collecting and removing garbage, recycling and refuse from the servient tenement and for the purposes incidental thereto PROVIDED ALWAYS that nothing herein contained shall entitle any person exercising the aforesaid rights to enter any building private open space/courtyard except to the extent necessary to gain access to garbage/recycling receptacles located therein in positions approved by the Transferee or to drive any motor vehicle on to any part of the servient tenement which has not apparently been constructed or provided for the purpose of a carriage way or parking area for vehicles and PROVIDED FURTHER that if the servient tenement is hereafter subdivided pursuant to the Strata Titles Act (as amended) the rights hereby granted shall be further restricted to the common property comprising in such strata plan and any lot comprised therein shall be released from the easement hereby transferred.

The rights hereby granted may be exercised by the Transferee its servants, agents and all persons authorised by the Transferee to enter the servient tenement without being liable for damage which may be occasional to the servient tenement or any improvements thereon including any paving,, driveways, footpaths, lawns, gardens, fences, walls, buildings or to the property of any person therein or thereon otherwise than by reason of the negligence of the Transferee, its servants and agents and/or of persons authorised by the Transferee.

Without limiting the generality of and notwithstanding anything hereinbefore contained, if any carriage way or parking area and/or the adjacent land supporting the same is damaged by reason of the movement thereon of any vehicle being used in connection with the collection of garbage/recycling from the servient tenement neither the Transferee its servants and agents nor any person authorised by the Transferee shall be liable in respect thereof. the Transferee its servants and agents and all persons authorised by it to exercise the rights hereby granted shall be indemnified and be kept indemnified by the Transferor its successors and assigns against all actions, suits, causes or action or suits, claims, demands, proceedings, costs, charges, damages, or expenses whatsoever which may be brought or made, instituted or claimed against and from them or any of them by the Owner or occupier of the servient tenement or any part thereof or by any person in respect of any loss or injury sustained or threatened or damages suffered or feared by any such person whether in property or person as a consequence of any act or thing done or omitted by any person whilst upon the servient tenement for the purpose of collecting garbage/recycling

from the same or for a purpose incidental thereto except where such loss, injury or damages result from the negligence of the Transferee its servants, agents or of any person authorised by the Transferee as aforesaid.

Nothing herein contained shall oblige the Transferee to have garbage/recycling collections from points within the servient tenement or shall prevent the Transferee from discontinuing collection from within the servient tenement PROVIDED ALWAYS that if the Transferee discontinues collection of garbage from within the servient tenement the Transferee and the registered proprietor for the time being of the servient tenement shall respectively have the same rights and obligations with regard to the removal of garbage/recycling from the servient tenement as they would have had if this transfer had not been executed.

NOTE:- Council will accept a modified form of the easement in which the site of the easement is specifically defined by a plan which will be annexed to the transfer.