

Castlebar Cove Easement Report

1 Executive Summary

- 1.1 The common property for *Castlebar Cove*-
- (a) is encumbered with 9 easements; and
 - (b) has the benefit of one easement.
- 1.2 The title search for the *Castlebar Cove* Common property is attached (**Attachment 1**).
- 1.3 The boundaries of the *Castlebar Cove* common property are identified on the attached plan (**Attachment 2**).
- 1.4 The easement position for *Castlebar Cove* is complex and because of the age of some of the easements, it has been a painstaking task to gain a clear understanding of the legal rights and obligations of *Castlebar Cove*.
- 1.5 In summary:-
- (a) Wimbledon Court has the benefit of 4 easements namely easements A, C, D and E over Castlebar Cove common property for access purposes thereby giving Wimbledon Court access to both Lambert and Castlebar streets;
 - (b) The adjoining 3 townhouse sites¹ have the benefit of easements A, C, and D for access purposes over Castlebar common property. These easements give the townhouses owners access to Lambert street;
 - (c) BCC has the benefit of easements G, H and J over Castlebar common property for drainage and public utility purposes;
 - (d) Castlebar Cove has the benefit of Easement B for access purposes. This easement effectively provides pedestrian access to Lambert street via Wimbledon Court.

2 Easement C (Dealing 601237305)

- 2.1 Easement C was created in 1949. Easement C (17.5 perches) is highlighted on RP 68039 (**Attachment 3**).
- 2.2 Easement C is an access easement in favour of 3 lots, two of which are now part of *Castlebar Cove*, namely lots 4 and 6 on RP 68039. The easement now effectively benefits BUP 167 (formerly lot 3 on RP 68039) being "Wimbledon Court" which is the unit development behind the north tower.
- 2.3 As an interesting aside, the Wimbledon Court units were developed in 1967 by the Aussie tennis player Rod Laver.

¹ 25, 27 and 29 Castlebar Street described as lots 1-3 on SP116789.

3 Easements A and E (Dealing 601237306)

- 3.1 Easements A (6.5 perches) and E (1.4 perches) were created in 1949. Easements A and E are highlighted in yellow on RP 68039 (**attachment 4**).
- 3.2 Easement A and E are access easements and are in favour of lot 3 on RP 68039 (namely Wimbledon Court).

4 Easement D (Dealing 601237307)

- 4.1 Easement D was created in 1949. Easement D (5.3 perches) is highlighted in yellow on RP 68039 (**attachment 5**).
- 4.2 Easement D is an access easement in favour of lot 3 on RP68039 (Wimbledon Court).

5 Easements A and E and Benefit easement B (Dealing 601248533)

- 5.1 This is both an encumbrance and benefit easement created in 1949.
- 5.2 Easement A (6.5 perches) and Easement E (1.4 perches) are encumbrance easements in favour of lot 5 on RP 68039 which is now part of Castlebar Cove.
- 5.3 Easement B (4.2 perches) is a benefit easement in favour of Castlebar Cove. This easement gives Castlebar Cove access to Lambert street.
- 5.4 Easements A, B and E are highlighted in yellow on RP 68039 (**attachment 6**).
- 5.5 All the easements are for access purposes.

6 Easement C (Dealing 601296741)

- 6.1 Easement C was created in 1949. Easement C (17.5 perches) is highlighted on RP 68039 (**Attachment 3**).
- 6.2 Easement C is an access easement in favour of 2 lots being lots 6 and 7 on RP 65842. Lot 6 is now part of Castlebar Cove. Lot 7 has since been subdivided into the adjoining 3 townhouse lots namely 25,27 and 29 Castlebar street.

7 Easement A (Dealing 601851355)

- 7.1 Easement A (6.5 perches) was created in 1949. Easement A is highlighted in yellow on RP 68039 (**attachment 4**).
- 7.2 Easement A is an access easements and is in favour of lot 7 on RP65842. Lot 7 has since been subdivided into the adjoining 3 townhouse lots.

8 Easement D (dealing 602386249)

- 8.1 Easement D was created in 1949. Easement D (5.3 perches) is highlighted in yellow on RP 68039 (**attachment 5**).
- 8.2 Easement D is an access easement in favour of lot 7 on RP65842. Lot 7 has since been subdivided into the adjoining 3 townhouse lots.

9 Easement B (Dealing 601248534)

- 9.1 Easement B (4.2 perches) is a benefit easement in favour of lots 4 and 6 on RP 68039 which lots are part of *Castlebar Cove*. This easement gives *Castlebar Cove* access to Lambert street
- 9.2 Easement B is highlighted in yellow on RP 68039 (**attachment 6**)
- 9.3 Easement B is for access purposes.

10 Easements G & H (Dealing 710811945)

- 10.1 These easements were created at the time of the registration of the Building Format Plan for *Castlebar Cove* in 2007.
- 10.2 Easements G and H are highlighted in yellow on **attachment 7** (registered plan SP 163172).
- 10.3 **Easement H** is an encumbrance easement in favour of Brisbane City council for Drainage(underground and overland flow) purposes.
- 10.4 **Easement G** is an encumbrance easement in favour of Brisbane City Council for Drainage (underground and overland flow) purposes.

11 Easements J (Dealing 710811949)

- 11.1 This easement was created at the time of the registration of the Building Format Plan for *Castlebar Cove* in 2007.
- 11.2 Easement J is highlighted in yellow on **attachment 8**. (registered plan SP 163172).
- 11.3 **Easement J** is an encumbrance easement in favour of Brisbane City council for Public Utility purposes.

12 Covenant (Dealing 710902406)

- 12.1 The Covenant is between the Castlebar Body Corporate and the State of Queensland and was registered in August 2007.
- 12.2 The effect of the covenant is to ensure that the Castlebar Common property and lot 903 (the Marina) remain in the same ownership.

Michael Walton

16/01/2014.

Attachment 1

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 17582029

Search Date: 11/12/2013 10:05

Title Reference: 50677273

Date Created: 09/08/2007

Previous Title: 12997194
13064009
50122803

REGISTERED OWNER

Dealing No: 710811896 13/07/2007

BODY CORPORATE FOR CASTLEBAR COVE COMMUNITY TITLES
SCHEME 37148

STEWART SILVER KING AND BURNS
LEVEL 2, THE PRECINCT
12 BROWNING STREET
WEST END QLD 4101

LAND DESCRIPTION

COMMON PROPERTY OF CASTLEBAR COVE COMMUNITY TITLES SCHEME 37148
COMMUNITY MANAGEMENT STATEMENT 37148
Local Government: BRISBANE CITY

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 19551007 (ESA 44)
Deed of Grant No. 19551174 (ESA 43)
2. EASEMENT No 601237305 (A873478) 09/08/1949
BURDENING THE LAND
TO RESUBS 3, 4 AND 6 OF SUBS 71 AND 72 AND OF RESUB 2 OF
SUBS 70 AND 75 OF ESA 43
OVER RESUB C ON RP68039
3. EASEMENT No 601237306 (A873483) 09/08/1949
BURDENING THE LAND
TO RESUB 3 OF SUBS 71 AND 72 AND OF RESUB 2 OF SUB 70 OF ESA
43
OVER RESUB A AND E OF THE WITHIN LAND
4. EASEMENT No 601237307 (A873484) 09/08/1949
BURDENING THE LAND
TO LOT 3 ON RP68039
OVER EASEMENT D ON RP68039

EASEMENTS, ENCUMBRANCES AND INTERESTS

5. EASEMENT No 601248533 (A873481) 09/08/1949
Burdening
THE LAND
TO SUB 5 OF RESUB 2 AND OF SUB 2 OF RESUB A OF SUBS 70 AND
75 OF ESA 43 AND 44 OVER
EASEMENTS A AND E ON RP68039
AND BENEFITTING THE LAND OVER EASEMENT B ON RP68039
6. EASEMENT No 601296741 (A873479) 09/08/1949
BURDENING THE LAND
TO RESUBS 6 AND 7 OF SUB 2 OF RESUB A OF SUB 75 OF ESA 44
OVER RESUB C ON RP68039
7. EASEMENT No 601851355 (A886425) 05/10/1949
BURDENING THE LAND
TO RESUB 7 OF SUB 2 OF RESUB A OF SUB 75 OF ESA 44
OVER SUB A OF RESUB 4 OF SUB 71 AND OF RESUB 2 OF SUB 70 OF
ESA 43
8. EASEMENT No 602386249 (B189758) 03/07/1953
BURDENING THE LAND
TO LOT 7 ON RP65842
OVER EASEMENT D ON RP68039
9. EASEMENT No 601248534 (A883590) 06/07/1967
BENEFITTING RESUB 4 OF THE WITHIN LAND
OVER RESUB B OF SUB 3 OF RESUB 2 OF SUB 70 OF ESA 43
10. EASEMENT IN GROSS No 710811945 13/07/2007 at 15:59
burdening the land
BRISBANE CITY COUNCIL
over
EASEMENTS G AND H ON SP163172
11. EASEMENT IN GROSS No 710811949 13/07/2007 at 16:00
burdening the land
BRISBANE CITY COUNCIL
over
EASEMENT J ON SP163172
12. REQUEST FOR NEW CMS No 713718137 16/02/2011 at 15:08
New COMMUNITY MANAGEMENT STATEMENT 37148
STANDARD MODULE
13. COVENANT No 713733037 25/02/2011 at 15:12
THE STATE OF QUEENSLAND
(REPRESENTED BY DEPARTMENT OF ENVIRONMENT AND RESOURCE
MANAGEMENT)

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 17582029

Search Date: 11/12/2013 10:05

Title Reference: 50677273

Date Created: 09/08/2007

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES) [2013]

Requested By: D APPLICATIONS GLOBAL X

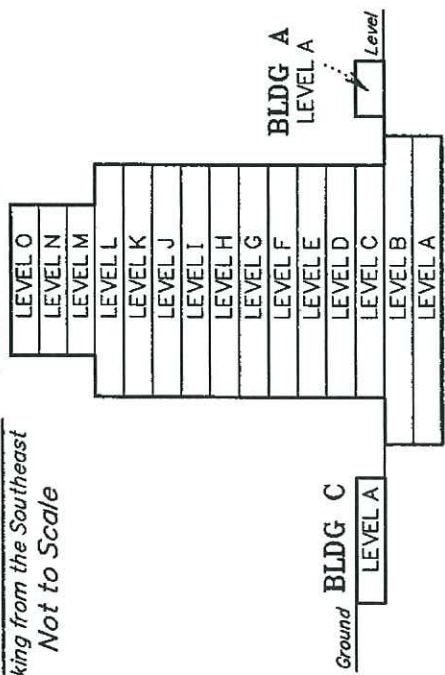
Attachment 2

Land Title Act 1994; Land Act 1994
Form 21 Version 2

LATERAL ASPECT

Looking from the Southeast
Not to Scale

TOWER A & B



SURVEY PLAN

Sheet
1
of
17

DIAGRAM A

Scale 1:300

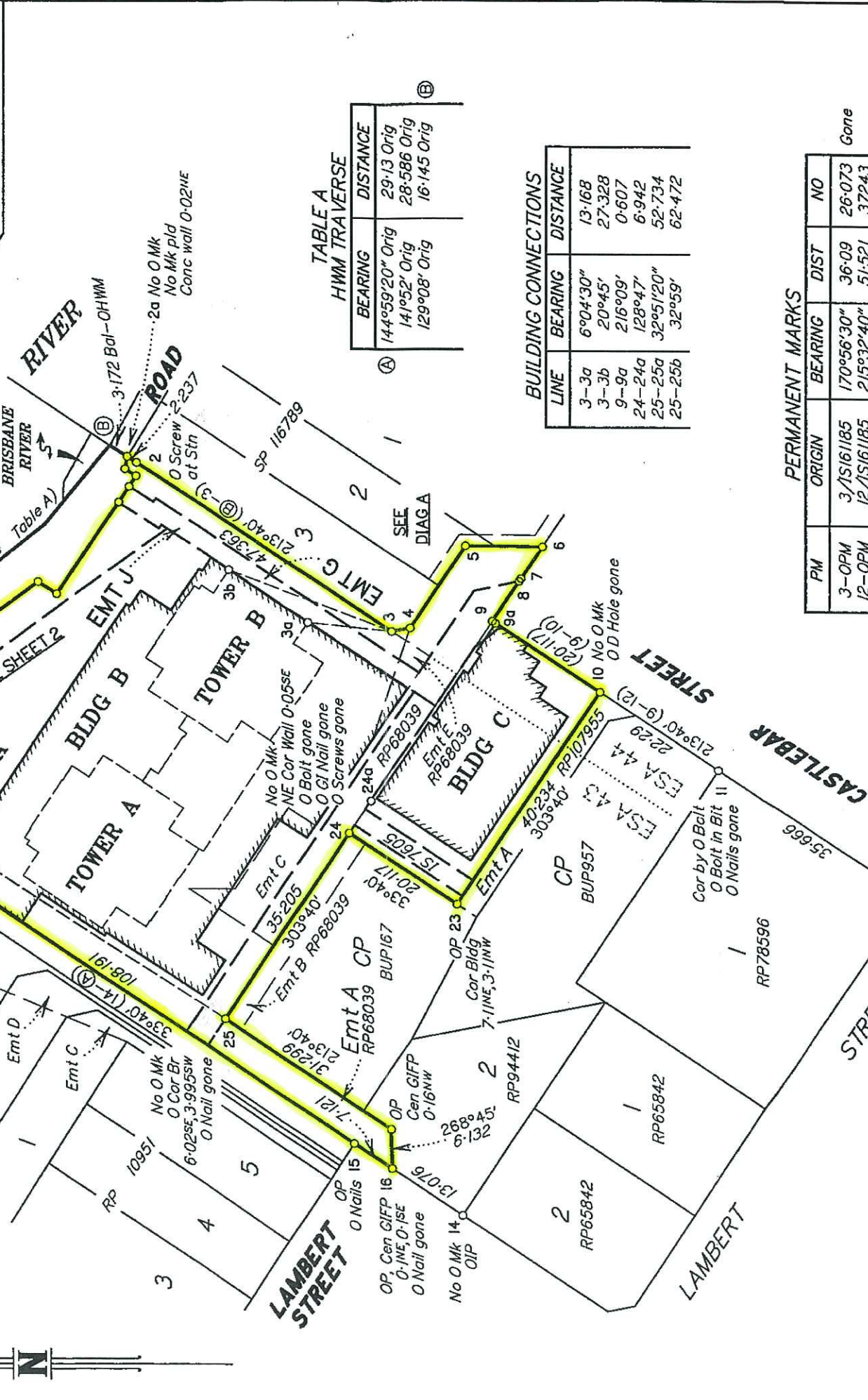
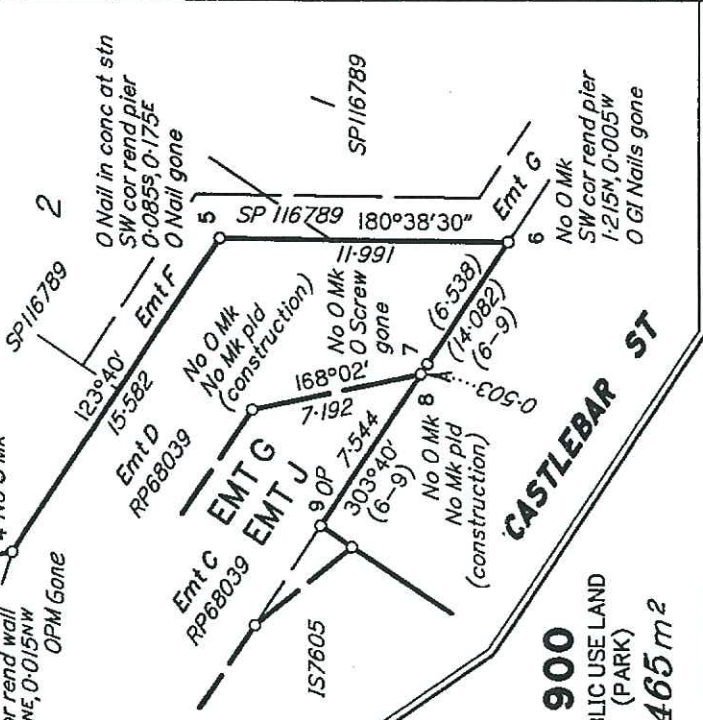


TABLE A
HWM TRAVERSE

BEARING	DISTANCE
144°59'20" Orig	29.13 Orig
141°52' Orig	28.586 Orig
129°08' Orig	16.145 Orig

BUILDING CONNECTIONS

LINE	BEARING	DISTANCE
3-3a	6°04'30"	13.168
3-3b	20°45'	27.328
9-9a	216°09'	0.607
24-24a	128°47'	6.942
25-25a	32°51'20"	52.734
25-25b	32°59'	62.472

PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO
3-OPM	3/15161185	170°56'30"	36.09	26-073
12-OPM	12/15161185	215°32'40"	51.521	37243
12-PM fd		205°34'50"	55.444	131361
24-PM		25°40'	1.607	167490

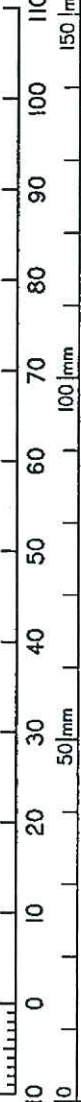
FOR REFERENCE MARKS SEE SHEET 2

5891 m²

Area of Base Parcel

Lot 900 is a Standard Format Lot
Original information compiled from
RP68039 in the Department of Natural
Resources and Water.

Scale 1:800 - Lengths are in Metres.



Plan of Lots 900, 1011, 1021, 1022, 1031, 1032, 1041, 1042, 1051, 1052, 1061, 1062, 1071, 1072, 1081, 1082, 1091, 1092, 1101, 1111, 2021, 2022, 2031, 2032, 2041, 2042, 2051, 2052, 2061, 2062, 2071, 2072, 2081, 2082, 2091, 2092, 2101, 2111 & Common Property and Easements G, H & J in Common Property Cancelling Lot 1 on RP10961 & Lots 4-6 on RP68039

Scale: 1:800

Format: BUILDING

SP163172

PARISH: SOUTH BRISBANE COUNTY: Stanley

Meridian: IS161185

F/N's: No

Plan Status:

LandPartners Limited (ACN 118 146 008) hereby certify that the land comprised in this plan was surveyed by the corporation, by David WELLINGTON, cadastral surveyor for whose work the corporation accepts responsibility and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Survey Act 2003 and associated Regulations and Standards and that the said survey was completed on 22/05/2007.



Date: 24.5.07

Attachment 3

Attachment 4

THIS PLAIN should be FOLDED and folded
--- FOR OFFICE USE ONLY

CT 179652	1081-142	Sub 2 of Res A of Subs 70 & 75	65842 B
CT 184143	1105-133	Subs 72 & Res 2 of Subs 70 & 75	"
Reserve	117-51p	Res C	Subs 3 & 4 of Res 2 of Subs 70 & 75
A 873478		Res B of Sub 2 of Res A of Subs 70 & 75	
A 873480	5-30	Sub D of Res 2 of Subs 70 & 75	
A 873481	12-1p	Res 4 of Subs 3 & 4 of Res 2 of Subs 70 & 75	
A 873483	7-9p	Res A of Subs 4 & 5 of Res 2 of Subs 70 & 75	
A 873484	7-9p	Sub 4 & 5 of Res 2 of Subs 70 & 75	
A 873490	4-20p	Res B 1/2 of Subs 70 & 75	
A 883591	4-20p	Res B 1/2 of Subs 70 & 75	
A 886423	5-30p	Sub D of Res 6	
A 886424	1-10p	Res E of Sub 6	
A 886425	6-8p	Sub A of Res 6	
A 886426	1-10p	Sub 6 of Res 6	
Resub 3	See Plan No. 04412 B		

Made at Brisbane, La.
1938
Brisbane the 31st May
J.P.
Signature of President of the
Court of Magistrates

of which that this plan has been correctly compiled from my survey as shown in sketch figures and ground plan for Dec 5842 in the files Office, Brisbane., as shown in ground figures hereon.

[Signature]
Authorized Surveyor

SCALE 60 Links

As Proprietor of this land, I agree to this Plan of subdivision, and dedicate the new roads shown herein to public use.

Signature of Proprietor } *Richard W. Foxwell*

10

10

Copyright protects the plan/s being ordered by you. Unauthorised reproduction or amendments are not permitted.

Attachment 5

C.T. 179652	1081-142	Sub 2 of Res A of Subs 70 & 75	6:54428*
C.T. 184143	1105-133	Subs 71 & 72 & Res 2 of Subs 70 & 75	"

68089

No. 10142120 Loc. 1
 1954, top no.
 Brisbane 81st May
 J.P.
 Signature of Resident of P.P.
 Loc. of Photo.

of certainty that this plan has been correctly compiled from my survey as shown in sketch figures and ground plan for D-50412 in the Files Office, Spokane, as shown in ground sketch hereon _____

[Signature]
Authorised Surveyor

[illegible]

SALE OF THE HOUSE

~~J. MacFarlane~~
~~Secretary 1898-1900~~

SCALE 60 Links

As Proprietor of this land, I agree to this Plan of subdivision and dedicate the new roads shown herein to public use.

Signature } *N. J. Harvey*
of Proprietor

33

Received _____
 at _____
 Examined _____
 Passed _____
 Registered _____

[Signature]

TITLE OFFICE, PRINCETON.

NOTES- This description takes effect upon
assignment of the current Title Deed
which will be evidenced by a further
notation

Survey of Lot (s)
notation
37.64 E.A.M.S.

ATOF in Lots 3 To 6
68039 on R.P.

RE
OF ¹/₄ SUBDIVISIONS 3766 (& Subs A 75 L¹), Easements, of Resub.
3766) of Subs. 71 & 72 & of Resub. 2 & of Sub. 2 of Resub. A of
Subs. 71 & 75 E. S. ⁵/₈ OF ALIGNMENT & SECTION NO. 43 & 44

CITY OF BRISBANE

COUNTY OF *Stanley*

PART II OF
South Brisbane

Cat. No. 03033

Cat. No. 03033

Copyright protects the plan/s being ordered by you. Unauthorised reproduction or amendments are not permitted

Attachment 6

Attachment 7

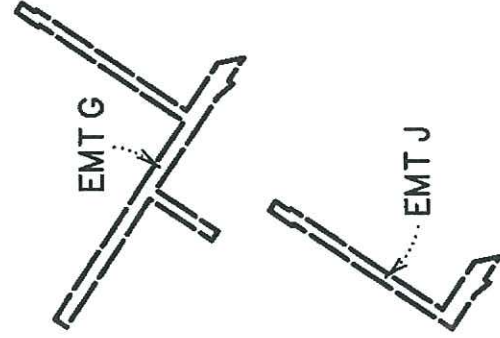
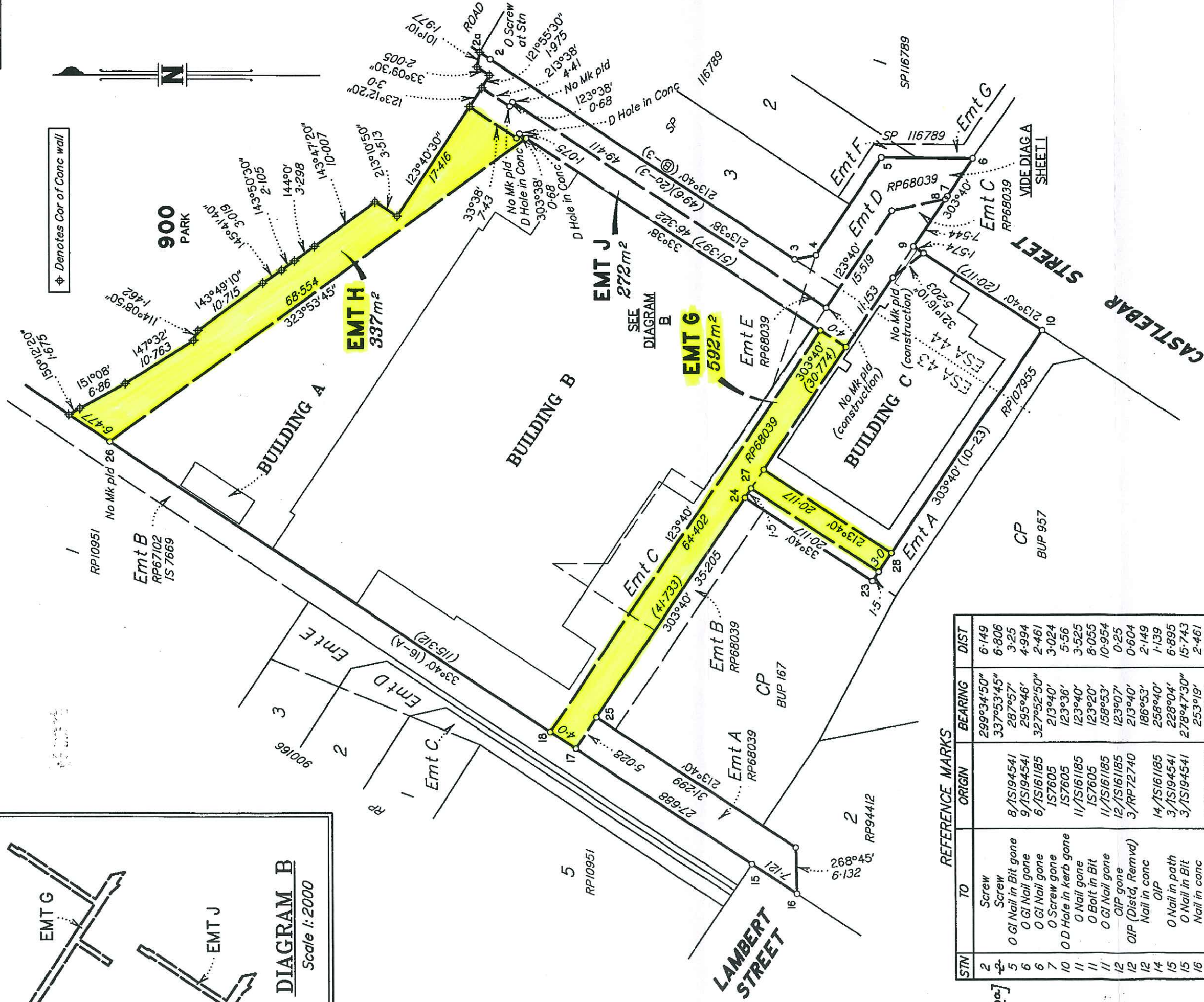


DIAGRAM B

Scale 1:2000



STN	TO	ORIGIN	BEARING	DIST
2	Screw	8/15194541	299°34'50"	6.149
5	Screw	9/15194541	337°53'45"	6.806
6	O GI Nail in Bit gone	6/15161185	287°57'	3.25
6	O GI Nail gone	157605	295°46'	4.994
7	O Screw gone	157605	327°52'50"	2.461
10	O D Hole in kerb gone	157605	213°40'	3.024
11	O Nail gone	157605	123°36'	5.56
11	O Bolt in Bit	157605	123°40'	3.525
11	O GI Nail gone	157605	123°20'	8.055
12	OIP gone	12/15161185	158°53'	10.954
12	OIP (Distd, Remvd)	3/RP72740	123°07'	0.25
14	Nail in conc	14/15161185	213°40'	0.604
15	O Nail in path	3/15194541	186°53'	2.149
15	O Nail in Bit	3/15194541	258°40'	1.139
16	Nail in conc	2/15194541	278°47'30"	6.895
18	Screw in Conc	7/RP107955	253°19'	15.743
24	O Bolt gone	13/15194541	120°17'	2.461
24	O Screw in top of letterbox gone	13/15194541	33°40'	4.835
24	O GI Nail gone	13/15194541	225°45'	18.052
25	O Nail gone	13/15194541	324°39'45"	1.006
26	Screw in Conc	25/15161185	325°59'40"	3.5
27	Screw on top of Conc wall	25/15161185	280°10'10"	7.98
28			92°54'	22.74
			27°16'	8.144
			32°59'30"	6.796
				4.818
				6.411

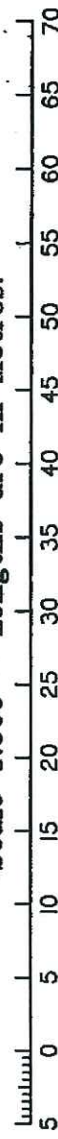
Corrected made 4-18-09 in accordance with
Section 19 Land Title Act 1994 /
Section 201 Land Act 1994
See Dealing No.
712627790
Register of Titles



P.M.L. 4/8/09

[88°52'10" 7.014']

Scale 1:500 - Lengths are in Metres.



State copyright reserved.

Insert
Plan
Number

SP163172

Attachment 8

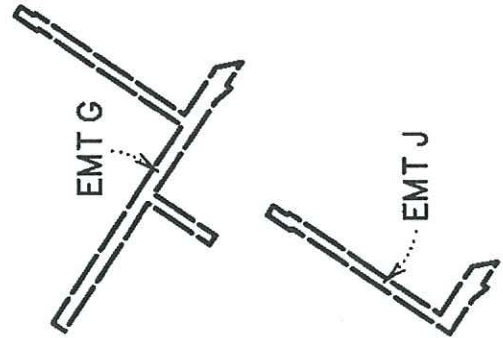
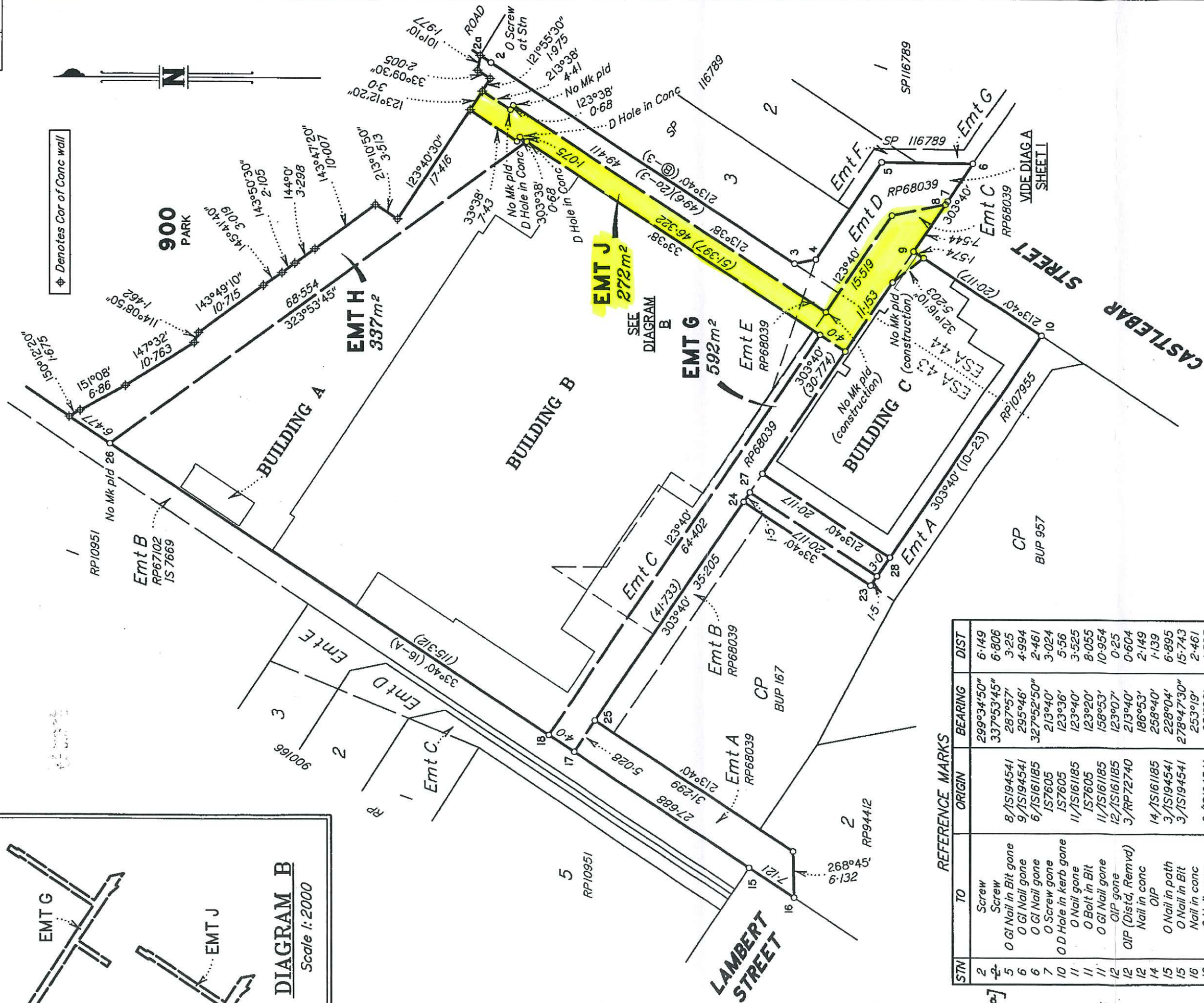


DIAGRAM B

Scale 1:2000



STN	TO	ORIGIN	BEARING	DIST
2	Screw	8/15/194541	299°34'50"	6.149
2	Screw	9/15/194541	337°53'45"	6.806
5	O GI Nail in Bit gone	287°57'	3-25	3-25
6	O GI Nail gone	295°46'	4-994	4-994
6	O GI Nail gone	327°52'50"	2-461	2-461
7	O Screw gone	213°40'	3-024	3-024
10	O D Hole in kerb gone	123°36'	5-56	5-56
11	O Nail gone	123°40'	3-525	3-525
11	O Nail in Bit	123°20'	8-055	8-055
11	O GI Nail gone	158°53'	10-954	10-954
12	OIP gone	123°07'	0-25	0-25
12	OIP (Distd, Remvd)	213°40'	0-604	0-604
12	Nail in conc	186°53'	2-149	2-149
14	OIP	258°40'	1-139	1-139
15	O Nail in path	228°04'	6-895	6-895
15	O Nail in Bit	278°47'30"	15-743	15-743
16	O Nail in conc	253°19'	2-461	2-461
16	O Nail gone	251°30'	4-835	4-835
18	Screw in Conc	120°17'	18-052	18-052
24	O Bolt gone	33°40'	1-006	1-006
24	O Screw in top of letterbox gone	225°45'	3-5	3-5
24	O GI Nail gone	324°39'45"	7-98	7-98
24	O Screw gone	325°59'40"	22-74	22-74
25	O Nail gone	280°10'10"	8-144	8-144
26	Screw	27°16'	6-766	6-766
27	Screw in Conc	32°59'30"	4-818	4-818
28	Screw on top of Conc wall		6-411	6-411

Corrections made 4/18/09 in accordance with
Section 18 Land Title Act 1994 /
Section 294 Land Act 1994
See Dealing No.
712627790
Registrar of Titles

m y hoke

P.M.L. 4/8/09

Scale 1:500 - Lengths are in Metres.



State copyright reserved.

Insert
Plan
Number

SP163172