

Approved Form 10¹

cl. 29¹
s. 88B¹

Conveyancing Act 1919¹

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 1919.²

(Sheet 1 of 1 sheet)

Plan: (Please leave 26mm to allow for Plan of (heading of plan) covered by Subdivision plan number and heading of plan) Certificate No. (add reference as appropriate)

Full name and address of the owner of the land:

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. ³	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1 ⁴	Easement for services 1 wide ⁵	1 ⁶ 2	2 to 6 inclusive ⁷ 3 to 6 inclusive ⁷

Part 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement or profit à prendre to be released and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1 ⁸	Easement to drain water 2 wide created by DP 1004567	1/1004567	2/1004567

Part 2 (Terms)

Terms⁹ of easement, profit à prendre, restriction, or positive covenant numbered¹⁰ in the plan.⁴

Name of person empowered to release, vary or modify restriction or positive covenant numbered¹⁰ in the plan.¹¹

The Instrument should be signed in accordance with Item 8 Schedule 9 Conveyancing (General) Regulation 2008.

¹ Reference to the Approved Form no, clause no, section no and Conveyancing Act 1919 should not be reproduced, when preparing a Section 88B Instrument.

² The Instrument heading setting out the terms etc should only be shown on Sheet 1.

³ Where the easement is limited in stratum, reference should be included in the intention panel of the plan and the easement statement in Part 1 of the Section 88B Instrument.

⁴ Continue above pattern until all easements, profits à prendre, restrictions and positive covenants to be created and referred to in the plan have been dealt with.

⁵ Where more than one easement is identical, they should be identified using alpha characters.

⁶ If the easement affects the whole of the lot or parcel, this should be indicated in the intention panel of the plan and the easement statement in Part 1 of the Section 88B Instrument.

⁷ Where consecutive lots are benefited or burdened, they may be shown as '2 to 6 inclusive' see above or '2-6 inclusive.'

⁸ Continue above pattern until all easements or profits à Prendre to be released and referred to in the plan have been dealt with.

⁹ Where the terms of the easement are defined in the Conveyancing Act 1919, no terms are to be included in Part 2 of the Section 88B Instrument unless the statutory terms are to be modified.

¹⁰ Insert Item number from the intention panel on the plan.

¹¹ Not required where it is intended that the restriction may only be released, varied or modified by the owners for the time being of all the lots benefited.