Box:e-DeX /Doc:DP 1228475 B /Rev:24-Apr-2017 /Sts:SC.OK /Prt:25-Apr-2017 00:48 /Pgs:ALL /Seq:1 of 8
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

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 Section 88B of the Conveyancing Act 1919

Lengths are in metres: (Sheet 1 of 8 sheets)

Plan: DP1228475

Plan of Subdivision of
Lot 9 DP 1191223 and Easements over
Lot 10 DP1191223 SC 50-2016
Dated: 16 March 2017

Full name and address of the owner of the Land

NSW Land and Housing Corporation
223-239 Liverpool Road
Ashfield NSW 2131

Payce Communities No. 4 Pty Ltd
Level 37, Chifley Tower
2 Chifley Square
Sydney NSW 2000

The Council of the City of
Canterbury-Bankstown
137 Beamish Street
Campsie NSW 2194

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 of Carriageway Variable Width (Limited in Stratum) (A)	2 ~~and 1~~ 1	1 ~~and 2~~ 2
2	Right of Footway Variable Width (Limited in Stratum) (B)	2	1
3	Right of Footway Variable Width (Limited in Stratum) (C)	2	3
4	Right of Carriageway Variable Width (D)	10 DP1191223	1, 2 and 3

~~General Manager~~/ Authorised Person
COUNCIL OF THE CITY OF CANTERBURY-BANKSTOWN

Ref: 33401-41393Kentucky88B 21-10-16.doc

Box:e-DeX /Doc:DP 1228475 B /Rev:24-Apr-2017 /Sts:SC.OK /Prt:25-Apr-2017 00:48 /Pgs:ALL /Seq:2 of 8
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

Lengths are in metres:

(Sheet 2 of 8 sheets)

Plan: DP1228475

Plan of Subdivision of
Lot 9 DP 1191223 and Easements
over Lot 10 DP1191223 SC 50-2016
Dated: 16 March 2017

Part 1 (Creation)(Cont'd)

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:
5	Restriction as to User (E) (Whole of Lot)	1, 2 and 3	The Council of the City of Canterbury-Bankstown
6	Positive Covenant (F) (Whole of Lot)	1, 2 and 3	The Council of the City of Canterbury-Bankstown
7	Easement for Car Parking Variable Width (Limited in Stratum) (G)	2	1
8	Easement for Services 1and 2.4 wide (H)	Lot 10 in DP1191223	1, 2 and 3
9	Easement for Support and Shelter (Whole of Lot)	1 2 3	2 and 3 1 and 3 1 and 2
10	Easement for Services (Whole of Lot)	1 2 3	2 and 3 1 and 3 1 and 2

Part 2 (Terms)

1. Terms of Restriction as to User (E) numbered 5 in the plan.

No future development shall be undertaken on the lot hereby burdened unless the proprietor has first constructed or has made provision for construction of an on-site stormwater detention system (which expression shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily drain stormwater) (hereinafter called **"the system"**). The design, construction and/or provision of the system shall be to the requirements and satisfaction of the Council of the City of Canterbury-Bankstown.

The Council of the City of Canterbury-Bankstown

.....

~~General Manager~~/Authorised Person
Council of the City of Canterbury-Bankstown

Ref: 33401-41393Kentucky88B 21-10-16.doc

Box:e-DeX /Doc:DP 1228475 B /Rev:24-Apr-2017 /Sts:SC.OK /Prt:25-Apr-2017 00:48 /Pgs:ALL /Seq:3 of 8
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

Lengths are in metres: (Sheet 3 of 8 sheets)

Plan: DP1228475

Plan of Subdivision of
Lot 9 DP 1191223 and Easements
over Lot 10 DP1191223 SC 50 - 2016
Dated: 16 March 2017

Part 2 (Terms)(cont'd)

2. Terms of Positive Covenant (F) numbered 6 in the plan.

(i) The proprietors of the lot burdened will in respect to the system described in the restriction on use referred to in this instrument:

(a) permit stormwater runoff to be temporarily detained by the system;
(b) keep the system clean and free from all silt, rubbish and debris;
(c) maintain and repair the system so that it functions in a safe and efficient manner;
(d) replace, maintain, repair, alter and renew the whole or parts of the system within the time and in the manner specified in a written notice issued by the Council;
(e) carry out the matters referred to in paragraphs (b), (c) and (d) above at the proprietor's expense;
(f) not make any alterations to the system or elements thereof without prior consent in writing of the Council;

(g) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for compliance with the requirements of the covenants setforth therein.

(ii) In the event of the registered proprietor failing to comply with the terms of any written notice served in respect of the matters in clause (i) above, the Council or its authorised agents may enter with all necessary equipment and carry out any work required by such notice to ensure the safe and efficient operation of the system and recover from the registered proprietor the cost of carrying out such work, and if necessary, recover the amount due by legal proceedings (including legal costs and fees) and enter a covenant charge on the lot burdened under section 88F of the Conveyancing Act, 19191. In carrying out any work under this clause, the Council shall take responsible precautions to ensure that the land is disturbed as little as possible.

(iii) Comply with the terms of any written notice issued by Council in respect to the requirements of the covenants set forth herein, within the time stated in the notice.

The Council of the City of Canterbury-Bankstown

.....

~~General Manager~~/Authorised Person
Council of the City of Canterbury-Bankstown

Ref: 33401-41393Kentucky88B 21-10-16.doc

Box:e-DeX /Doc:DP 1228475 B /Rev:24-Apr-2017 /Sts:SC.OK /Prt:25-Apr-2017 00:48 /Pgs:ALL /Seq:4 of 8
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

Lengths are in metres:

(Sheet 4 of 8 sheets)

Plan: DP1228475

Plan of Subdivision of
Lot 9 DP 1191223 and Easements
over Lot 10 DP1191223 SC 50-2016
Dated: 16 March 2017

Part 2 (Terms)(cont'd)

In these covenants "Council" means The Council of the City of Canterbury-Bankstown.

Name of Authority empowered to release, vary or modify the Restriction as to User ~~(G)~~ (E) numbered ~~7~~ 5 in the plan and the Positive Covenant ~~(H)~~ (F) numbered ~~8~~ 6 in the plan.

The Council of the City of Canterbury-Bankstown

3. Terms of Easement for Car Parking numbered 7 in the plan

(a) Full and free right for every person who is a visitor to an occupier of the lot benefited to park motor vehicles on a temporary basis only for the duration of their visit in the area within that part of the lot burdened reserved for car parking, together with the right to go, pass and repass across the lot burdened for the purposes of accessing and exiting the car parking spaces, and otherwise on the terms of this instrument.

(b) The easement may only be used during those times when the community facilities within the lot burdened (Community Facilities) are closed.

(c) The owner of the lot burdened must give notice to the owner of the lot benefited of the hours during which the Community Facilities are closed and if those hours change must promptly give notice to the owner of the lot benefitted of that change.

(d) The owner of the lot burdened may erect or install gates, traffic barriers or other devices to limit access to the car spaces on the lot burdened for the times that the Community Facility is open, provided the erection or installation of those things does not impede the use of the car spaces by any visitor to an occupier of the lot benefited during those times that the Community Facility is closed.

The Council of the City of Canterbury-Bankstown

.....

~~General Manager~~/Authorised Person
Council of the City of Canterbury-Bankstown

Box:e-DeX /Doc:DP 1228475 B /Rev:24-Apr-2017 /Sts:SC.OK /Prt:25-Apr-2017 00:48 /Pgs:ALL /Seq:5 of 8
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

Lengths are in metres:

(Sheet 5 of 8 sheets)

Plan: DP1228475

Plan of Subdivision of
Lot 9 DP 1191223 and Easements
over Lot 10 DP1191223 SC 50-2016
Dated: 16 March 2017

(e) The owner of the lot benefited may erect or install gates, traffic barriers or other devices to permit access to the car spaces on the lot burdened for the times that the Community Facility is closed, provided the erection or installation of those things does not impede the use of the car spaces by the lot burdened during those times that the Community Facility is open.

(f) The owner of the lot benefited must at its cost erect signs within the car parking area stating the times on which the car park may be used by visitors to occupiers of the lot benefited.

4. Terms of Easement for Support and Shelter numbered 9 in the plan

An easement for Support and Shelter as implied by Section 196K of the Conveyancing Act 1919 as if a building management statement had been registered for the building and the site comprised in Lot 9 Deposited Plan 1191223.

5. Terms of Easement for Services numbered 10 in the plan

An easement for Services incorporating the terms specified in Schedule 8B of the Conveyancing Act 1919.

The Council of the City of Canterbury-Bankstown

.....

~~General Manager~~/Authorised Person
Council of the City of Canterbury-Bankstown

Box:e-DeX /Doc:DP 1228475 B /Rev:24-Apr-2017 /Sts:SC.OK /Prt:25-Apr-2017 00:48 /Pgs:ALL /Seq:6 of 8
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

Lengths are in metres:

(Sheet 6 of 8 sheets)

Plan: DP1228475

Plan of Subdivision of
Lot 9 DP 1191223 and Easements
over Lot 10 DP1191223 SC50-2016
Dated: 16 March 2017

Signed by me PETER ANDERSON as delegate of the New South Wales Land and Housing Corporation and I hereby certify that I have no notice of revocation of such delegation:

.....

PETER ANDERSON
(Please print name)
~~Manager Site Clearance & Survey Manager~~
EXECUTIVE DIRECTOR, COMMUNITIES PLUS

ANTONINO CALCOPIETRO
Name of Witness
223-239 Liverpool Road (LEVEL 1)
Ashfield NSW 2131

.....
Signature of Witness

Box:e-DeX /Doc:DP 1228475 B /Rev:24-Apr-2017 /Sts:SC.OK /Prt:25-Apr-2017 00:48 /Pgs:ALL /Seq:7 of 8
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

Lengths are in metres:

(Sheet 7 of 8 sheets)

Plan: DP1228475

Plan of Subdivision of
Lot 9 DP 1191223 and Easements
over Lot 10 DP1191223 SC50-2016
Dated: 16 March 2017

the Council of the

The common seal of City of Canterbury-Bankstown was affixed
on in the presence of RICHARD COLLEY, ADMINISTRATOR
and MATTHEW STEWART, GENERAL MANAGER IN ACCORDANCE WITH A RESOLUTION
OF COUNCIL PASSED AT ITS MEETING OF 6 DECEMBER 2016

Seal of Council

.....
Signature

RICHARD COLLEY - ADMINISTRATOR
(Name of Signatory and Title)

.....
Signature

MATTHEW STEWART - GENERAL MANAGER
(Name of Signatory and Title)

CANTERBURY - BANKSTOWN COUNCIL
Common Seal
A.B.N.
45 985 891 846

Box:e-DeX /Doc:DP 1228475 B /Rev:24-Apr-2017 /Sts:SC.OK /Prt:25-Apr-2017 00:48 /Pgs:ALL /Seq:8 of 8
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

Lengths are in metres:

(Sheet 8 of 8 sheets)

Plan: DP1228475

Plan of Subdivision of
Lot 9 DP 1191223 and Easements
over Lot 10 DP1191223 SC50-2016
Dated: 16 March 2017

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of The corporation named below by the authorized Person(s) whose signature(s) appear(s) below Pursuant to the authority specified.

Corporation: Payce Communities No. 4 Pty Ltd

Authority: Section 127 of the Corporations Act

.....
Signature of Authorised Person

DOMINIC SULLIVAN
Name of Authorised Person

Director, ~~Secretary, Sole Director/Secretary~~
Office held

.....
Signature of Authorised Person

BRIAN BAILISON
Name of Authorised Person

~~Director~~, Secretary, ~~Sole Director/Secretary~~
Office held

REGISTERED	24.04.2017

Ref: 33401-41393Kentucky88B 21-10-16