

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 9 Sheets

Plan:

Plan of Subdivision of Lot 2
D.P. 260476 covered by Council's
Subdivision Certificate No.

<u>Full Name and address of Proprietor of land:</u>	CYAN STONE CLYDESDALE PTY LTD ACN
---	---

Part 1(Creation)

	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 16.5 Wide (A)	1 2 3 5	2, 3, 4, 5 1, 3, 4, 5 1, 2, 4, 5 1, 2, 3, 4
2.	Easement for Excavation Variable width (B)	4	1, 2, 3, 5
3.	Easement for Earthworks Variable width (C)	1 2 3 4 5	2, 3, 4, 5 1, 3, 4, 5 1, 2, 4, 5 1, 2, 3, 5 1, 2, 3, 4
4.	Easement for Access (D) Whole of Lot	1 2 3 4 5	2, 3, 4, 5 1, 3, 4, 5 1, 2, 4, 5 1, 2, 3, 5 1, 2, 3, 4

APPROVED BY BLACKTOWN CITY COUNCIL

General Manager / Authorised Officer
c&r ref 1782 - procedural v5

Lengths are in Metres

Sheet 2 of 9 Sheets

Plan:

Plan of Subdivision of Lot 2
D.P. 260476 covered by Council's
Subdivision Certificate No.

	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.	Easement for drainage of Water (E) Whole of Lot	1 2 3 4 5	2, 3 1 1, 4 1, 2, 3, 5 1, 2, 3, 4
6.	Restriction on the Use of Land (G) Whole of Lot	1 to 5 inclusive	Blacktown City Council
7.	Positive Covenant	1 to 5 inclusive	1 to 5 inclusive
8.	Restriction on the Use of Land	1 to 5 inclusive	Blacktown City Council

APPROVED BY BLACKTOWN CITY COUNCIL

General Manager / Authorised Officer
c&r ref 1782 - procedural v5

Plan:

Plan of Subdivision of Lot 2
D.P. 260476 covered by Council's
Subdivision Certificate No.

Part 2

Terms of easement, profit à prendre, restriction or positive covenant numbered 1 in the plan.

The proprietor of the benefited lot and every person authorised by him may go, pass and repass at all times and for all purposes with or without animals or vehicles or both to or from the site of the easement provided that this right of carriageway is a temporary right. Council will raise no objection to the extinguishing of this Right of Carriageway upon construction and dedication of a public road providing vehicular access to the benefited lots.

Name of Authority having the power to release, vary or modify easement numbered 1 in the plan is Blacktown City Council.

Terms of easement, profit à prendre, restriction or positive covenant numbered 2 in the plan.

- a) Full and free right for the body in whose favour this easement is created to undertake excavation on the land for the purposes of providing compensatory flood plain storage in accordance with development application & construction certificate plans as approved by Blacktown City Council.

Excavation works shall include but not be limited to;

- Site investigations, reporting & testing on the land
- Environmental & storm water management controls
- Site Sheds
- Stripping of top soil
- Excavation of soil, rock & earth
- Replacement of topsoil
- Revegetation of all disturbed areas

- b) The owners of the lot benefited indemnify the owners and occupiers of the lot burdened against any liability or loss arising from and any costs incurred in connection with, the existence and use of the land the subject of this easement by the owners of the lot benefited or their agents, employees or invitees and any liability arising therefrom.

Name of Authority having the power to release, vary or modify easement numbered 2 in the plan is Blacktown City Council.

APPROVED BY BLACKTOWN CITY COUNCIL

General Manager / Authorised Officer
c&r ref 1782 - procedural v5

Plan:

Plan of Subdivision of Lot 2
D.P. 260476 covered by Council's
Subdivision Certificate No.

Terms of easement, profit à prendre, restriction or positive covenant numbered 3 in the plan.

- a) Full and free right for the body in whose favour this easement is created to undertake earthworks on the land for the purposes of placing fill to establish land suitable for residential development in accordance with development application & construction certificate plans as approved by Blacktown City Council.

Fill works shall include but not be limited to;

- Site investigations, reporting & testing on the land
- Environmental & Storm Water Management Controls
- Site Sheds
- Stripping of top soil
- Placement & compaction of soil, rock & earth from on site sources
- Placement & compaction of soil, rock & earth from off site sources
- Replacement of topsoil
- Revegetation of all disturbed areas

- b) The owners of the lot benefited indemnify the owners and occupiers of the lot burdened against any liability or loss arising from and any costs incurred in connection with, the existence and use of the land the subject of this easement by the owners of the lot benefited or their agents, employees or invitees and any liability arising therefrom.

Name of Authority having the power to release, vary or modify easement numbered 3 in the plan is Blacktown City Council.

APPROVED BY BLACKTOWN CITY COUNCIL

General Manager / Authorised Officer
c&r ref 1782 - procedural v5

Plan:

Plan of Subdivision of Lot 2
D.P. 260476 covered by Council's
Subdivision Certificate No.

Terms of easement, profit à prendre, restriction or positive covenant numbered 4 in the plan.

- a) Full and free right for the body in whose favour this easement is created to access the land for the purposes of undertaking engineering civil works in accordance with development application & construction certificate plans as approved by Blacktown City Council.

Access shall include but not be limited to;

- Persons on foot for the purposes of investigations, construction & maintenance.
- Motor vehicles used for investigations, construction & maintenance.
- Heavy Plant, machinery & Equipment for investigations, construction & maintenance.

- b) The owners of the lot benefited indemnify the owners and occupiers of the lot burdened against any liability or loss arising from and any costs incurred in connection with, the existence and use of the land the subject of this easement by the owners of the lot benefited or their agents, employees or invitees and any liability arising therefrom.

Name of Authority having the power to release vary or modify Easement numbered 4 in the plan is Blacktown City Council.

APPROVED BY BLACKTOWN CITY COUNCIL

General Manager / Authorised Officer
c&r ref 1782 - procedural v5

Plan:

Plan of Subdivision of Lot 2
D.P. 260476 covered by Council's
Subdivision Certificate No.

Terms of easement, profit à prendre, restriction or positive covenant numbered 5 in the plan.

- a) Easement for Drainage of Water as set out in Part 8 Schedule 8 of the Conveyancing Act 1919 & provided further, Full and free right for the body in whose favour this easement is created to drain across the land for the purposes of undertaking engineering civil works in accordance with development application & construction certificate plans as approved by Blacktown City Council.

Drainage works shall include but not be limited to;

- Pits , pipes, head walls & culverts
- Above ground drainage basins & structures
- Table & Catch drains
- Diversion Drains
- Underground drainage basins
- Water Quality Control devices & structures

- b) The owners of the lot benefited indemnify the owners and occupiers of the lot burdened against any liability or loss arising from and any costs incurred in connection with, the existence and use of the land the subject of this easement by the owners of the lot benefited or their agents, employees or invitees and any liability arising therefrom.

Name of Authority having the power to release vary or modify Easement numbered 5 in the plan is Blacktown City Council.

APPROVED BY BLACKTOWN CITY COUNCIL

General Manager / Authorised Officer
c&r ref 1782 - procedural v5

Plan:

Plan of Subdivision of Lot 2
D.P. 260476 covered by Council's
Subdivision Certificate No.

Terms of easement, profit à prendre, restriction or positive covenant numbered 6 in the plan.

No development shall take place on the land burdened unless such development is undertaken in accordance with the Voluntary Planning Agreement (VPA) approved in relation to State Heritage Register Item 00674 Clydesdale House and adjoining buildings (Clydesdale VPA) and as approved by Blacktown City Council.

Name of Authority having the power to release vary or modify Restriction numbered 6 in the plan is Blacktown City Council.

Terms of easement, profit à prendre, restriction or positive covenant numbered 7 in the plan.

The proprietor of the lot hereby burdened will in respect of the right of carriageway within the benefited lot seventhly referred to in the abovementioned plan:

- a) maintain the driveway surface and any associated drainage system in reasonable working condition and repair and/or restore any or all of the driveway surface
- b) and associated drainage system as nearly as practicable, to its former condition and
- c) share the costs of the abovementioned works equally (or proportionally to usage) with all other proprietors of other lots similarly burdened by this covenant.

Name of Authority having the power to release vary or modify Restriction numbered 7 in the plan is Blacktown City Council.

Terms of easement, profit à prendre, restriction or positive covenant numbered 8 in the plan.

No further development of the lots burdened is to take place unless it is approved by Development Consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill, the payment of section 7.11 Contributions and site validation works conducted to NEPM 2013 guidelines.

Name of Authority having the power to release vary or modify Restriction numbered 8 in the plan is Blacktown City Council.

APPROVED BY BLACKTOWN CITY COUNCIL

General Manager / Authorised Officer
c&r ref 1782 - procedural v5

Lengths are in Metres

Sheet 8 of 9 Sheets

Plan:

Plan of Subdivision of Lot 2
D.P. 260476 covered by Council's
Subdivision Certificate No.

Part 2 (cont)

EXECUTED by Cyan Stone **Clydesdale**)
Pty Ltd (ACN)
in accordance with section 127 of the)
Corporations Act:)

.....
Signature of Director

.....
Signature of Director/Secretary

.....
Name of Director

.....
Name of Director/Secretary

APPROVED BY BLACKTOWN CITY COUNCIL

General Manager / Authorised Officer
c&r ref 1782 - procedural v5

Lengths are in Metres

Sheet 9 of 9 Sheets

Plan:

Plan of Subdivision of Lot 2
D.P. 260476 covered by Council's
Subdivision Certificate No.

Part 2 (cont)

Blacktown City Council by its authorised delegate pursuant to s.377 of Local Government Act 1993

No 30 _____

(name of delegate)

.....
Signature of Delegate

.....
Name of Delegate (print)

I certify that I am an eligible witness and that the delegate signed in my presence

.....
Signature of Witness

.....
Name of Witness (print)

.....

.....
Address of Witness

APPROVED BY BLACKTOWN CITY COUNCIL

General Manager / Authorised Officer
c&r ref 1782 - procedural v5