

**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.**

(Sheet 1 of 4 Sheets)

Plan:

Plan of Subdivision of Lot 118 DP 1228203  
covered by Subdivision Certificate  
No. Dated:

Full name and address of the  
owners of the land:

GC NSW PTY LTD  
ACN 618 096 987  
BURWOOD NSW 2134

Full name and address of the  
mortgagee of the land:

NATIONAL AUSTRALIA BANK LIMITED  
ACN 004 044 937  
DOCKLANDS VIC 3008

**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	Restriction on the use of land	2 to 19 inclusive, 38	Blacktown City Council
2	Positive Covenant	1	Blacktown City Council
3	Restriction on the use of land	2 to 38 inclusive	Blacktown City Council
4	Restriction on the use of land	2 to 38 inclusive	Blacktown City Council
5	Restriction on the use of land	2 to 19 inclusive, 38	Blacktown City Council
6	Restriction on the use of land	2 to 6 inclusive, 13 to 24 inclusive, 31 to 38 inclusive,	Blacktown City Council
7	Easement to drain water 1.5 wide (A)	1	2 to 19 inclusive

**Part 2 (Terms)**

**1 TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED 1 IN THE PLAN.**

- 1.1 The burdened lot shall not be used nor shall any part thereof be used as a means of vehicular or pedestrian access or route to or from any part of Garfield Road East and no owner of such a lot shall pass or repass nor shall that owner permit or authorise any of his employees, visitors or authorised persons pass or repass across the boundary between Garfield Road East and the burdened lot without consent of the Blacktown City Council (which consent may at any time be revoked by the said Council at its absolute discretion).

**Plan:**

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covered by Subdivision Certificate  
No. Dated:

**2 TERMS OF POSITIVE COVENANT NUMBERED 2 IN THE PLAN.**

- 2.1 The proprietor of the lot hereby burdened will in respect of the right of carriageway within the benefited lot secondly referred to in the abovementioned plan:
- a) Maintain the driveway surface and any associated drainage system in reasonable working condition and
  - b) Repair and/or restore any or all of the driveway surface 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.

**3 TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED 3 IN THE PLAN.**

- 3.1 The walls of any dwelling erected on the lot burdened is not to be located within 900mm of the side boundary unless there is a registered maintenance easement on the adjoining property extending the length of the wall.

**4 TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED 4 IN THE PLAN.**

- 4.1 No building or structure shall be erected on the lot hereby burdened without further geotechnical inspections being carried out prior and during construction by a suitably qualified Geotechnical Engineer in accordance with the salinity report DD443-LC001 from the Dirt Doctors dated 24<sup>th</sup> January 2018.

**5 TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED 5 IN THE PLAN.**

- 5.1 No dwelling shall be constructed on the lot hereby burdened unless in accordance with the recommendations of the Acoustic Assessment prepared by Spectrum Acoustics Pty Ltd (Ref: 161286/6649 dated 15 August 2016).

**6 TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED 6 IN THE PLAN.**

- 6.1 No building shall be erected on the lot hereby burdened being a filled lot unless constructed on pier and beam footings to safe and uniform strata or alternatively on footings or slab designed and certified by a Chartered Professional Engineer to the requirements and satisfaction of the Blacktown City Council.

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Address of Witness

Execution by NATIONAL AUSTRALIA BANK LIMITED (ACN 004 044 937)