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Date 24 August 2018
From Bill McCredie
To **Kelly McNicol**, Team Leader,
Industry Assessments,
NSW Department of Planning & Environment,
Sydney
Email Kelly.McNicol@planning.nsw.gov.au

Dear Mr McNicol

**Horsley Park – Project Approval MP 10_0130
Modification Application (MP 10_0130 MOD 1)
Jacfin Response to Submissions**

Attach

Our Ref QNMS:MWZB:120562169

Your Ref MP 10-0130 MOD1

mwzb A0143761282v5 120562169 24.8.2018

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24 August 2018

Kelly McNicol
Team Leader, Industry Assessments
NSW Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

By Email

Dear Mr McNicol

**Horsley Park – Project Approval MP 10_0130
Modification Application (MP 10_0130 MOD 1)
Jacfin Response to Submissions**

We refer to the four submissions received in relation to Jacfin's updated modification application for the existing Horsley Park Stage 1 Project Approval MP 10_0130 from:

- Fairfield City Council (**Fairfield**), dated 22 August 2018;
- Roads and Maritime Services (**RMS**), dated 19 August 2018;
- Penrith City Council (**Penrith**), dated 15 August 2018; and
- Dentons, on behalf of CSR (**CSR**), dated 15 August 2018. CSR is an adjoining landowner.

Jacfin's response to the above submissions follows.

We refer throughout to Jacfin's premises at Lot A in DP392643 as the Property. Capitalised terms are used consistently with the Project Approval conditions, modification application documents and the terms of the above Submissions as indicated.

1 Response to Fairfield submission

Fairfield's submission includes comments about the Access Road and Local Road 2.

(a) Access Road

As detailed in the modification application, Jacfin consulted extensively with Fairfield about the access arrangements to the Property prior to submitting the application to ensure it addressed any concerns of Fairfield in relation to road access and impacts.

During consultation, Fairfield advised it was satisfied with the design of the Access Road proposed in the modification application. This is confirmed in Fairfield's submission which states "Council does not have an issue with the delivery of machinery for earth works via the access way".

Further, during consultation, it was acknowledged that Fairfield had recently granted a permit under section 138 of the *Roads Act 1993* (**Road Permit**) to CSR to construct a road in the Burley Road reserve and that access arrangements along the Access Road would need to

Our Ref QNMS:MWZB:120562169
mwzb A0143761282v5 120562169 24.8.2018

Your Ref MP 10-0130 MOD 1

be coordinated with CSR in the interests of minimising disruption. Again, this is confirmed in Fairfield's submission which states "Jacfin should liaise with the CSR Development team to coordinate movement of machinery".

In the updated modification application, Jacfin proposed Condition 13 of Schedule 3 be amended to provide for:

- (i) Fairfield to be consulted about a Traffic Control Plan relating to the use of the Access Road prior to commencement of site establishment works (**TCP**); and
- (ii) that TCP (with our **emphasis** added):
 - (A) "detail the measures that would be implemented to ensure road safety during construction, including (but not limited to) ... integration of traffic controls **with existing traffic management for development works by others on adjoining properties** where the same sections of the Access Road are utilised by more than one party"; and
 - (B) "detail the access and parking arrangements for the Site during site establishment, bulk earthworks and services installation".

The Fairfield submission also states that:

If access from the unformed Burley Road location becomes an issue, due to circumstances beyond the control of CSR and the Fairfield City Council, an alternative access point to the Jacfin site can be achieved via the corner of Greenway Place and Horsley Road, Horsley Park...

Jacfin can make alternate arrangements for its earthmoving plant to be delivered to the Property if the use of the Access Road cannot be reasonably coordinated. If alternative arrangements are used by Jacfin, there will be no cause for the timing of the approval of a TCP to restrict the commencement of bulk earthworks. Accordingly Jacfin proposes a modified form of paragraph (a) in Condition 13 of Schedule 3, to accommodate the alternative access scenario. The proposed replacement paragraph follows, which is to the effect that the TCP (**bold emphasis on new words**):

- (a) *be approved by the Secretary prior to the commencement of any site establishment, bulk earthworks or services installation at the Site, **if the Access Road will be used by traffic to access the Site for those works**;*

Jacfin further proposes the insertion of a new clarifying note below Condition 13 as follows:

Note: The TCP is intended to coordinate integrated management of traffic accessing the Site via the Access Road for the site establishment, bulk earthworks or services installation, with traffic on the Access Road from adjacent development. If works-related traffic to the Site uses alternative means of access (ie other than the Access Road), no TCP is required.

The proposed amended condition is directly responsive to, and will adequately address, Fairfield's submission about the need to liaise with CSR about initial access arrangements where they relate to the use of the Access Road, but will permit the use of alternative access not to be delayed by steps in the consultation and approval of a TCP or the time required to establish coordination arrangements for traffic with CSR.

(b) Local Road 2

Fairfield's submission proposes an additional condition to be imposed on Jacfin to require the preparation and submission of a dilapidation report and a geotechnical engineering report.

Jacfin is prepared to accept additional requirements to prepare a dilapidation report and geotechnical report related to the construction of Local Road 2 on the basis:

- (i) The reports are required to be prepared and submitted to Fairfield and, if deemed necessary, the Secretary, prior to the commencement of any construction of that part of Local Road 2 in the Fairfield Local Government Area (as opposed to the commencement of 'any works on site'); and
- (ii) The reports be limited to the assessment of that part of Local Road 2 in the Fairfield Local Government Area (as opposed to requiring assessment beyond the LGA boundary).

Fairfield's submission correctly notes that "CSR will be completing [its local] road [connecting Old Wallgrove Road to its property within the Burley Road reserve] prior to Jacfin constructing the extension to their site [i.e. Local Road 2]".

It follows that any prerequisites to the commencement of construction for Local Road 2 are not relevant to, and should not prevent, the use of the Access Road and the commencement of bulk earthworks and site establishment works at the Property via use of the Access Road or any alternative access.

The drafting of the additional condition proposed in Fairfield's submission would require Jacfin to submit a dilapidation report "prior to the commencement of *any* works on site". The timing implications of the proposed drafting appears inadvertently broad, as submission prior to any works would be inconsistent with Fairfield's support for the immediate use of the Access Road subject to appropriate coordination with CSR. It is also inconsistent with the timeframe in the suggested additional condition proposed in Fairfield's submission which requires a geotechnical engineering report "with any Construction Certificate" for the Local Road. Further, given CSR's road works will be completed prior to (and likely well before) the commencement of construction of Local Road 2 as noted above, any requirement to complete a dilapidation report prior to the use of the Access Road would be unnecessary and unreasonable.

Jacfin anticipates that the intention of Fairfield's submission was to suggest the imposition of an additional requirement on Jacfin to prepare relevant dilapidation and geotechnical reports, and to submit those reports to Fairfield, prior to the commencement of construction of that part of Local Road 2 and the issue of an associated construction certificate. Such a requirement is consistent with the timeframes in a number of the Stage 1 Project Approval conditions related to the Local Roads as proposed to be amended by the modification application (see, for example, Condition 19, Schedule 3).

Jacfin is content to accept the obligation to undertake such reports, however, for the reasons outlined above, does not agree with the timing proposed by the suggested condition in Fairfield's submission.

In response to Fairfield's submission, Jacfin proposes to make the additional Commitment outlined in **Attachment A** as part of the Statement of Commitments required to be complied with under the Stage 1 Project Approval (Appendix 1). The drafting in the Fairfield submission has been adopted in the drafting of the additional commitment to the extent appropriate and consistent with the comments above.

2 Response to RMS submission

We note RMS raises no objections subject to the DPE being satisfied that the modifications comply with the planning controls for the site and in accordance with the approved Master Plan.

Jacfin submits that the DPE should be so satisfied, and accordingly no issues arise from the RMS submission.

3 Response to Penrith submission

We note Penrith "raises no objections" to the modification application.

Penrith has provided two comments for the DPE to consider as part of the assessment of the application regarding Fairfield consultation and transfer of part of the Crown road reserve for Burley Road.

(a) Consultation with Fairfield

Penrith's first comment is that "the application be referred to [Fairfield] to comment on the implications of the road access arrangements and any potential impacts on the local road network within the Fairfield Local Government Area".

This has already occurred, with Jacfin's response to Fairfield's submission provided above.

As noted above and detailed in the modification application, Jacfin consulted extensively with Fairfield about the access arrangements to the Property prior to submitting the application to ensure it addressed any concerns of Fairfield in relation to road access and impacts.

In response to that consultation, Jacfin proposed amended conditions as part of the modification application so that:

- (i) Fairfield will be consulted about the TCP relating to the use of the Access Road prior to commencement of site establishment works (Condition 13, Schedule 3);
- (ii) Fairfield will be consulted about the design of the Local Roads (Condition 7, Schedule 3); and
- (iii) Details of measures for road safety and network efficiency will be included in a Transport Management and Traffic Control Plan for the future Local Roads that Jacfin will be required to implement (Condition 19, Schedule 3).

(b) Transfer of part of the Crown road reserve for Burley Road

Penrith's second comment confirms that its consideration of whether to become the roads authority for part of the Crown road reserve extending from Burley Road into the Penrith Local Government Area is subject to the resolution of certain matters outlined in the submission.

As detailed in the modification application, Jacfin consulted with Penrith prior to submitting the application to ensure it addressed any concerns. As a result, Jacfin was already aware of the matters outlined in the submission and has addressed them in the modification application as follows (following the order of items a-f in the Penrith submission):

- (i) Jacfin has made an additional commitment to undertake a Phase 2 contamination investigation on the relevant part of the Burley Road Crown road reserve (Statement of Commitment 9).

Jacfin has accepted an obligation to undertake the assessment, and, if necessary, to implement a Contamination Management Plan to the satisfaction of the Secretary.

- (ii) Jacfin accepts the requested consolidation of the 2 proposed drainage lines to one discharge point.

Revised plans adopting Penrith's requested change will be prepared as a post-modification requirement for further consultation with Penrith under modified Condition 5 of Schedule 3.

That Condition further provides that the Stormwater and Drainage Management Plan will be prepared by a suitably qualified and experienced expert, and approved by the Secretary.

- (iii) In relation to Penrith's request for a "stub easement" over the downstream property which is the riparian corridor in the Fairfield LGA, we have verified that the riparian corridor is privately owned (title search **attached** for Lot 3 in DP1237058) and is already subject to an easement-in-gross for the drainage of water for the benefit of Fairfield as the LGA authority (section 88B instrument **attached**).

Penrith submits that "if the riparian corridor is owned by Fairfield Council however, an easement will not be required".

Jacfin submits in reply that the existing easement interest for the benefit of Fairfield for the drainage of water is sufficient and fit-for-purpose for stormwater drainage to pass over the land in the riparian corridor.

In addition to the easement, Fairfield has the benefit of a restriction on use which burdens the owner of the riparian corridor land not to make changes to ground surface levels without Fairfield consent, nor to erect fencing that would obstruct the flow of water across the land (section 88B instrument **attached**).

Penrith's submission also states "The Department is requested to ensure that suitable legal rights of drainage are in place to service the development".

Jacfin submits that the drainage easement and restriction on use are satisfactory legal arrangements for drainage of water from the road reserve into the riparian corridor on its northern boundary.

Furthermore, these arrangements have been considered sufficient for drainage purposes under approvals issued for the development containing the riparian corridor and by Fairfield for drainage of water from the 'Burley Rd Works' being undertaken by CSR when Fairfield issued a Road Permit to CSR.

- (iv) In relation to the provision of water quality devices or maintenance arrangements, Jacfin accepts that these matters will be resolved by consultation with Penrith as a post-modification requirement. As noted above, Condition 5 of Schedule 3 will provide for the preparation, approval and implementation of a Stormwater and Drainage Management Plan.
- (v) Similarly, any provision of pipes and box culverts as a design alternative will be resolved as a post-modification requirement under Condition 5 of Schedule 3.
- (vi) In relation to the request for a stormwater management plan, this will also be delivered post-modification under Condition 5 of Schedule 3 that provides for the preparation, approval and implementation of a Stormwater and Drainage Management Plan.

4 Response to CSR submission

Dentons, on behalf of CSR, has raised concerns with the Access Road and future Local Road access to the Property, which are addressed in turn below.

As a preliminary point, the CSR submission is based on a misunderstanding that the existing Stage 1 Project Approval "intended that Jacfin would access its site via the future Southern Link Road". That is incorrect. The existing Stage 1 Project Approval in fact contemplates "a temporary access road for construction purposes" along the Burley Road reserve for access to the Property prior to the construction of the future Southern Link Road.

Furthermore, Jacfin's existing Stage 1 Project Approval pre-dates the Road Permit granted to CSR for the 'Burley Rd Works' by Fairfield.

(a) Access Road

First, it is important for the CSR submission to be understood in the context of the existing access and use of the area of the Access Road by our client, in addition to its clear legal rights to access the Property over publicly-owned land reserved as road (see, for example, sections 5 and 6 of the *Roads Act 1993*).

We are instructed that Jacfin has utilised for a period of 60 years, and continues to utilise, the road reserve along the Burley Road alignment for access to the Property to operate its cattle grazing business. This business involves the ongoing access to the Property at all times of day or night by light and heavy vehicles, including cattle transport trucks.

Jacfin has been continuing to use the Access Road for these purposes since CSR recently commenced its traffic control management arrangements. Jacfin, and its contractors and agents, accessing the Property have been complying with any directions given by CSR's engaged traffic management contractors as they traverse that part of the Burley Road alignment where CSR is undertaking works.

Against this background, Jacfin's proposed modification as it relates to the use of the Access Road by light and heavy vehicles does not propose any fundamental change to the status quo. Jacfin's anticipated traffic requirements for the bulk earthworks and site establishment are approximately 5 light vehicles daily for workers on-site. A single entry and exit for the delivery of the bulldozer, and at the conclusion of works for its collection, suggests a handful only of heavy vehicle movements for this phase of work.

Second, the design of the Access Road was undertaken by CSR and its use must be compatible with CSR's 'Burley Rd Works'.

Fairfield, being the roads authority that approved CSR's Road Permit for the 'Burley Rd Works', advised Jacfin it was satisfied with the use of the Access Road during pre-lodgement consultation with Jacfin and has confirmed this position in its submission.

Third, and as discussed in the response to Fairfield's submission, under Condition 13 of Schedule 3 as proposed to be amended by the modification application:

- (i) Fairfield will be consulted about a TCP relating to the use of the Access Road prior to commencement of site establishment works; and
- (ii) that TCP is required to, amongst other matters, "detail the measures that would be implemented to ensure road safety during construction, including (but not limited to) ... integration of traffic controls **with existing traffic management for development works by others on adjoining properties** where the same sections of the Access Road are utilised by more than one party".

These management measures are appropriate and reasonable in the context of CSR's 'Burley Rd Works', established access arrangements to the Property and Jacfin's legal rights to access the Property via the Burley Road reserve. The proposed amendment to Condition 13 of Schedule 3 clearly demonstrates Jacfin's acceptance of the need to coordinate access with CSR's traffic control contractors.

While the submission states that "CSR does not wish to obstruct Jacfin from commencing its development and is willing to facilitate reasonable access", CSR then submits:

Jacfin should not be able to use the Access Road for heavy vehicles and construction equipment prior to handover to Fairfield City Council [unless]:

- a) Jacfin and its contractors must agree to comply with CSR's principal contractors' workplace health and safety requirements, including signing in and out of the site, providing relevant Safe Work Methods Statements, certificates and associated insurances;
- b) Jacfin and its contractors must coordinate access with CSR's principal contractor and project manager and give at least 7 days prior notice before requiring entry for large vehicles, heavy machinery and equipment;
- c) A Road Safety Audit undertaken by Jacfin to confirm heavy vehicles can safely traverse the Temporary Access Path;
- d) Large vehicles, heavy machinery and other equipment will be able gain access to the Jacfin Property, but they will not be permitted to move back and forth along the site of the Burley Rd Works such time as CSR has completed the Burley Rd Works and handed the works over to Fairfield City Council; and
- e) If the Temporary Access Path proves unsuitable for any particular vehicle or machinery, Jacfin must either find an alternative access route to transport the vehicle or machinery to the Jacfin Property, or it must wait until CSR has completed the Burley Rd Works and handed the works over to Fairfield City Council, at which time it can carry out its own further works to the Temporary Access Path;
- f) A dilapidation report of Burley Road will be required to be submitted prior to any heavy vehicle access and, in the event of any damage being caused to the Burley Rd Works, Jacfin will be responsible for the full cost of any rectification works required. This obligation to rectify any damage will extend to any damage that may be caused to the Temporary Access Path after the Burley Rd Works have been completed and handed over the (sic) Fairfield City Council.

If the above conditions cannot be accommodated, CSR objects to the temporary access arrangements proposed in the modification application. Jacfin will either need to wait until CSR has completed and handed over the Burley Rd Works to Fairfield City Council, or find an alternate construction access route.

Jacfin opposes the imposition of any such conditions on the modified approval.

Our client considers CSR's position to be unreasonable and inappropriate in the context of:

- Fairfield's satisfaction with the use of the Access Road as roads authority for Burley Road;
- Fairfield's position that it "does not have an issue with the delivery of machinery for earth works via the [Access Road]";
- the conditions to manage traffic impacts proposed by Jacfin in the modification application (in particular, the TCP requirement in Condition 13 of Schedule 3);
- a continuation of longstanding, existing access arrangements to the Property; and
- Jacfin's legal right to traverse the publicly-owned land reserved for road purposes to access the Property.

Further, Jacfin observes that the Access Road, designed and constructed by CSR, is under frequent use by CSR and its contractors, including the use of heavy vehicles engaged in the development of the CSR site. This is consistent with Fairfield's acceptance in its submission that the Access Road is acceptable for the delivery of machinery for earthworks to Jacfin's Property.

In any event, in response to Fairfield's submission, Jacfin has proposed above a modified form of Condition 13 of Schedule 3 to accommodate an alternative access scenario which avoids delays to the commencement of works at the Site while steps in the consultation and

approval of a TCP occur and arrangements are made for the coordination with CSR of traffic using the Access Road.

(b) Local Road 2

CSR submits the works for Local Road 2 should not "commence until such time as CSR has completed and handed over the Burley Rd Works to Fairfield City Council. It would be unsafe if overlapping road construction sites were to occur cannot commence".

CSR's submission indicates that handover to Fairfield is expected at the end of 2018.

Construction of Local Road 2 by Jacfin will not commence before that time, noting there are a number of requirements under the Stage 1 Project Approval conditions that Jacfin will need to comply with prior to commencement of construction for Local Road 2.

As noted above, one of those conditions proposed as part of the modification application requires the preparation of a Traffic Management and Traffic Control Plan in consultation with authorities that "detail the measures that would be implemented to ensure road safety and network efficiency during construction and operation [of the Local Road] including (but not limited to)...integration of traffic controls with existing traffic management for development works by others on adjoining properties where the same sections of road are utilised by more than one party" (Condition 19 of Schedule 3).

In the circumstances where the preparation of the TMCP is required as a post-modification step including consultation with Fairfield as the local roads authority and approval by the Secretary, Jacfin submits that it is not appropriate for this timing, sequencing and works interface issues to be prescribed by an additional condition on the project approval itself.

Please contact us with any queries regarding the above response to submissions, or if you require any further information regarding the proposed modification.

Yours sincerely



Bill McCredie

Partner

Allens

Bill.McCredie@allens.com.au

T +61 7 3334 3049

Attach

Attachment A

Addition to Jacfin's Statement of Commitments as follows:

No.	Commitments	Timing
10.	<p>Jacfin will undertake a dilapidation report of the constructed portion of Burley Road to the intersection of Burley Road and Old Wallgrove Road prior to the issue of a construction certificate for Local Road 2.</p> <p>The required dilapidation report must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified structural engineer; (b) be submitted to Fairfield City Council prior to the commencement of construction of Local Road 2; (c) be submitted to the Secretary, if requested, prior to the commencement of construction of Local Road 2; (d) cover structural and geotechnical factors likely to arise from the development; and (e) be accompanied by a geotechnical report prepared by a suitably experienced and qualified geo-practitioner. <p>The geotechnical report must assess the impact and safety of the proposed Local Road 2 works in the Fairfield LGA, include the results of subsurface investigations (involving test pits to rock or the drilling of cored boreholes (to 1 metre below the proposed final excavation level) or another relevant method) and describe inter alia:</p> <ul style="list-style-type: none"> (a) an indication of the nature and depth of any uncontrolled fill along the relevant site; (b) an indication of the nature and condition of the material to be excavated; (c) indications of groundwater or seepages; (d) required temporary measures for support of any excavations deeper than 1 metre adjacent to property boundaries; (e) statement of required excavation methods in rock and measures required to restrict ground vibrations; and (f) other geo-technical information or issues considered relevant to design and construction monitoring. 	<p>Prior to the issue of a Construction Certificate for Local Road 2.</p>



FOLIO: 3/1237058

SEARCH DATE	TIME	EDITION NO	DATE
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15/8/2018	4:12 PM	4	1/8/2018

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.
CONTROL OF THE RIGHT TO DEAL IS HELD BY WESTPAC BANKING CORPORATION.

LAND

LOT 3 IN DEPOSITED PLAN 1237058
AT HORSLEY PARK
LOCAL GOVERNMENT AREA FAIRFIELD
PARISH OF MELVILLE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1237058

FIRST SCHEDULE

BGAI 6 PTY LIMITED

SECOND SCHEDULE (23 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 AG137801 MORTGAGE TO WESTPAC BANKING CORPORATION (SEE AI74383)
- 3 AG201204 PLANNING AGREEMENT PURSUANT TO SECTION 7.6
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
- 4 AG677603 LEASE TO DHL SUPPLY CHAIN (AUSTRALIA) PTY LIMITED OF
3 MILLNER AVENUE, HORSLEY PARK. EXPIRES: 17/8/2021.
OPTION OF RENEWAL: 2 PERIODS OF 5 YEARS EACH.
- 5 AG847700 LEASE TO DHL SUPPLY CHAIN (AUSTRALIA) PTY LIMITED OF
DHL WAREHOUSE, STAGE 1, OAKDALE CENTRAL, OLD WALGROVE
RD, HORSLEY PARK. EXPIRES: 14/11/2021. OPTION OF
RENEWAL: 5 YEARS TOGETHER WITH 1 FURTHER PERIOD OF 5
YEARS.
- 6 DP1173181 POSITIVE COVENANT
- 7 DP1176795 EASEMENT FOR UNDERGROUND CABLES 1.5 METRE(S) WIDE
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM
- 8 DP1176795 EASEMENT FOR PADMOUNT SUBSTATION 3 METRE(S) WIDE
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM
- 9 DP1176795 RIGHT OF ACCESS 4 METRE(S) WIDE AND VARIABLE WIDTH
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM
- 10 DP1176795 RESTRICTION(S) ON THE USE OF LAND
- 11 AK792905 LEASE TO DHL SUPPLY CHAIN (AUSTRALIA) PTY LIMITED OF
2B, 5 MILNER AVENUE, OAKDALE INDUSTRIAL ESTATE,

END OF PAGE 1 - CONTINUED OVER

FOLIO: 3/1237058

PAGE 2

SECOND SCHEDULE (23 NOTIFICATIONS) (CONTINUED)

- HORSLEY PARK. EXPIRES: 16/5/2026. OPTION OF RENEWAL: 5 YEARS AND 2 FURTHER OPTIONS OF 5 YEARS.
- AM213029 VARIATION OF LEASE AK792905 OPTION OF RENEWAL: PRESERVED.
- AM924021 VARIATION OF LEASE AK792905 OPTION OF RENEWAL: PRESERVED.
- 12 DP1237058 EASEMENT FOR SERVICES VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 13 DP1237058 EASEMENT FOR DRAINAGE 10 METRE(S) WIDE AND VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 14 DP1237058 RIGHT OF ACCESS 10 METRE(S) WIDE AND VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 15 DP1237058 EASEMENT FOR PADMOUNT SUBSTATION 2.75 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 16 DP1237058 RESTRICTION(S) ON THE USE OF LAND VREFERRED TO AND NUMBERED (13) IN THE S.88B INSTRUMENT
- 17 DP1237058 POSITIVE COVENANT REFERRED TO AND NUMBERED (16) IN THE S.88B INSTRUMENT
- 18 DP1237058 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND NUMBERED (17) IN THE S.88B INSTRUMENT
- 19 DP1243804 EASEMENT FOR PADMOUNT SUBSTATION 5.03 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN DP1243804
- 20 DP1243804 RESTRICTION(S) ON THE USE OF LAND AFFECTING THE PART(S) SHOWN SO BURDENED IN DP1243804
- 21 AN547669 LEASE TO CONSOLIDATED PANELS & VENEERS PTY LIMITED OF WAREHOUSE 1, 7 MILLNER AVENUE, HORSLEY PARK. EXPIRES: 31/12/2022. OPTION OF RENEWAL: 5 YEARS AND ONE FURTHER OPTION OF 5 YEARS.
- 22 AN547670 LEASE TO ZG LIGHTING AUSTRALIA PTY LTD OF WAREHOUSE 2, 7 MILLNER AVENUE, HORSLEY PARK. EXPIRES: 8/12/2022. OPTION OF RENEWAL: 3 YEARS AND TWO FURTHER OPTIONS OF 3 YEARS.
- 23 AN547671 LEASE TO DEXION (AUSTRALIA) PTY LTD OF WAREHOUSE 3, OAKDALE INDUSTRIAL ESTATE, 7 MILLNER AVENUE, HORSLEY PARK. EXPIRES: 8/12/2022. OPTION OF RENEWAL: 5 YEARS AND ONE FURTHER OPTION OF 5 YEARS.

NOTATIONS

DP1202686 NOTE: PLAN OF PROPOSED GAS EASEMENT

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

206152274

PRINTED ON 15/8/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RIGHTS
 OF ACCESS, RESTRICTIONS & POSITIVE COVENANTS INTENDED TO
 BE CREATED AND EASEMENTS INTENDED TO BE RELEASED
 PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 1 of 9 sheets)

PLAN **DP1237058**

Plan of Subdivision of Lot 21 in Deposited
 Plan Number 1173181 covered by
 Subdivision Certificate Number ~~91226~~

Full name and address of
 the proprietor of the land:

BGAI 6 PTY LIMITED ACN 128 775 799
 Level 10, 60 Castlereagh Street,
 Sydney NSW 2000

PART 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of Easements, Right of Access, Restrictions & Positive Covenants 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	EASEMENT FOR DRAINAGE 15 WIDE & VARIABLE WIDTH (A)	1	Fairfield City Council
2	EASEMENT FOR SERVICES VARIABLE WIDTH (B)	3	Fairfield City Council
3	RIGHT OF ACCESS 15 WIDE & VARIABLE WIDTH (C)	1	Fairfield City Council
4	EASEMENT FOR DRAINAGE 10 WIDE & VARIABLE WIDTH (D)	3	Fairfield City Council
5	RIGHT OF ACCESS 10 WIDE & VARIABLE WIDTH (E)	3	Fairfield City Council
6	EASEMENT FOR DRAINAGE VARIABLE WIDTH (F)	1	Fairfield City Council
7	RIGHT OF ACCESS 7.275 WIDE & VARIABLE WIDTH (G)	1	Fairfield City Council
8	RIGHT OF ACCESS VARIABLE WIDTH (H)	1	Fairfield City Council
9	EASEMENT FOR PADMOUNT SUBSTATION 7.19 WIDE (J)	1	Endeavour Energy
10	RESTRICTION ON THE USE OF LAND VARIABLE WIDTH (K)	1	Endeavour Energy
11	RESTRICTION ON THE USE OF LAND VARIABLE WIDTH (L)	1	Endeavour Energy
12	EASEMENT FOR PADMOUNT SUBSTATION 2.75 WIDE (M)	3	Endeavour Energy
13	RESTRICTION ON THE USE OF LAND VARIABLE WIDTH (N)	3	Endeavour Energy
14	POSITIVE COVENANT 15 WIDE & VARIABLE WIDTH (P)	1	Fairfield City Council
15	RESTRICTION ON THE USE OF LAND 15 WIDE & VARIABLE WIDTH (Q)	1	Fairfield City Council
16	POSITIVE COVENANT 10 WIDE & VARIABLE WIDTH (R)	3	Fairfield City Council

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RIGHTS
 OF ACCESS, RESTRICTIONS & POSITIVE COVENANTS INTENDED TO
 BE CREATED AND EASEMENTS INTENDED TO BE RELEASED
 PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 2 of 9 sheets)

PLAN **DP1237058**

Plan of Subdivision of Lot 21 in Deposited
 Plan Number 1173181 covered by
 Subdivision Certificate Number **9226**

17	RESTRICTION ON THE USE OF LAND 10 WIDE & VARIABLE WIDTH (S)	3	Fairfield City Council
18	EASEMENT FOR DRAINAGE VARIABLE WIDTH (T)	2	Fairfield City Council
19	RIGHT OF ACCESS VARIABLE WIDTH (U)	2	Fairfield City Council
20	POSITIVE COVENANT VARIABLE WIDTH (V)	1	Fairfield City Council
21	RESTRICTION ON THE USE OF LAND VARIABLE WIDTH (W)	1	Fairfield City Council

PART 1A (Release)

Number of item shown in the intention panel on the plan	Identity of Easements 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	EASEMENT FOR ACCESS AND DRAINAGE PURPOSES 23 WIDE & VARIABLE WIDTH CREATED BY DP1173181	21/1173181	Sydney Water Corporation
2	EASEMENT FOR WATER SUPPLY PURPOSES 1.5 WIDE CREATED BY DP1173181	21/1173181	Sydney Water Corporation

PART 2 (Terms)

1. Terms of Easements numbered nine & twelve in the plan

The terms set out in Memorandum No. 9262886 registered at Land & Property Information NSW are incorporated in this document, subject to changing Integral Energy Australia to Endeavour Energy in Clause 5.1.

2. Terms of Restriction numbered ten & thirteen in the plan

1.0 No building shall be erected or permitted to remain within the restriction site unless:

1.1 the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating and

1.2 the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating

and the owner provides the authority benefited with an engineer's certificate to this effect.



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RIGHTS
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PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 3 of 9 sheets)

PLAN **DP1237058**

Plan of Subdivision of Lot 21 in Deposited
Plan Number 1173181 covered by
Subdivision Certificate Number **9226**.....


- 2.0 The fire ratings mentioned in clause 1 must be achieved without the use of fire fighting systems such as automatic sprinklers.
- 3.0 Definitions:
- 3.1 **"120/120/120 fire rating"** and **"60/60/60 fire rating"** means the fire resistance level of a building expressed as a grading period in minutes for structural adequacy / integrity failure / insulation failure calculated in accordance with Australian Standard 1530.
- 3.2 **"building"** means a substantial structure with a roof and walls and includes any projections from the external walls.
- 3.3 **"erect"** includes construct, install, build and maintain.
- 3.4 **"restriction site"** means that part of the lot burdened affected by the restriction on the use of land as shown on the plan.

3. Terms of Restriction numbered eleven in the plan

- 1.0 Except as provided in clause 2, no metal structure shall be erected or permitted to remain within the restriction site.
- 2.0 Metallic fencing may be erected within the restriction site if the fence panels are insulated from the fence posts and from the ground.
- 3.0 Definitions:
- 3.1 **"erect"** includes construct, install, build and maintain.
- 3.2 **"restriction site"** means that part of the lot burdened affected by the restriction on the use of land as shown on the plan.

4. Terms of Positive Covenants numbered fourteen, sixteen and twenty in the plan

1. The proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the stormwater bio-retention basins within the land so burdened to the satisfaction of Fairfield City Council and in this regard must comply with any written request of the Council within such reasonable time period as nominated in the said written request.
2. Where the proprietor of the burdened lot fails to comply with any written request of Fairfield City Council referred to in (1) above, the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
3. The proprietor of the burdened lot grants to Fairfield City Council and every person authorised by it full and free right to enter upon the burdened lot, after giving reasonable prior notice to the proprietor of the burdened lot and at such reasonable



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RIGHTS
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PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 4 of 9 sheets)

PLAN **DP1237058**

Plan of Subdivision of Lot 21 in Deposited
Plan Number 1173181 covered by
Subdivision Certificate Number .9226.....

times as may be agreed between the parties, in order to inspect, maintain, cleanse, replace, repair any pipeline, grate, pit or other structure or alter surface levels to ensure the maintenance of the overland bio-retention basins within the land so burdened. In exercising the rights noted above, Fairfield City Council must use its best endeavours to minimise any disturbance to the proprietor and any occupiers of the burdened lot.

5. Terms of Restriction numbered fifteen, seventeen and twenty-one in the plan

1. The proprietor of the burdened lot shall not:

- i. Erect, construct or place any building or other structure,
- ii. Make alterations to the ground surface levels, kerbs, driveways or any other structure.

within the land so burdened without the prior written consent of Fairfield City Council.

2. No fencing, including boundary fencing shall be erected within the land hereby burdened unless such fencing is of an open style which will not obstruct the flow of water across the land.

Name of Person or Authority empowered to release, vary or modify the Easements and Rights of Access numbered one to eight and fourteen to twenty-one in the plan is Fairfield City Council.

Name of Person or Authority empowered to release, vary or modify the Easements and Restrictions numbered nine to thirteen in the plan is Endeavour Energy.



INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RIGHTS
OF ACCESS, RESTRICTIONS & POSITIVE COVENANTS INTENDED TO
BE CREATED AND EASEMENTS INTENDED TO BE RELEASED
PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919

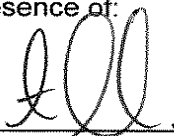
Lengths are in metres

(Sheet 5 of 9 sheets)

PLAN **DP1237058**

Plan of Subdivision of Lot 21 in Deposited
Plan Number 1173181 covered by
Subdivision Certificate Number **9226**...

Signed for BGAI 6 PTY LIMITED
by its attorney under power of Attorney
registered book 4569 No 705
dated 18 November 2013 in the
presence of:



Witness Signature



Attorney Signature

Andriana Makypodis

Print Name

Messarie, 50 Carington St
Sydney NSW 2000

Address of Witness

MEGAN M KUBLINS

Print Name



Witness Signature

Michelle Ban

Print Name

Level 17
60 Castlereagh Street
Sydney NSW 2000

Address of witness



Attorney signature

Samantha Evans

Print Name



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RIGHTS
OF ACCESS, RESTRICTIONS & POSITIVE COVENANTS INTENDED TO
BE CREATED AND EASEMENTS INTENDED TO BE RELEASED
PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 6 of 9 sheets)

PLAN **DP1237058**

Plan of Subdivision of Lot 21 in Deposited
Plan Number 1173181 covered by
Subdivision Certificate Number **9226**.....

WESTPAC BANKING CORPORATION


**Signed on behalf of Westpac Banking
Corporation** ABN 33 007 457 141 by its
attorney under power of attorney dated
17 January 2001 registered Book 4299
No 332 in the presence of:

By executing this document the attorney
states that they have received no notice
of revocation of the power of attorney.

Witness (signature)


Ruby Gacosta

Attorney (signature)


TIER THREE ATTORNEY

Name of Witness (print name)

Name (print)

Address of witness

Date

**LEVEL 3, 275 KENT STREET
SYDNEY NSW 2000**

4 March 2016



INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RIGHTS
OF ACCESS, RESTRICTIONS & POSITIVE COVENANTS INTENDED TO
BE CREATED AND EASEMENTS INTENDED TO BE RELEASED
PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919

Lengths are in metres

(Sheet 7 of 9 sheets)

PLAN **DP1237058**

Plan of Subdivision of Lot 21 in Deposited
Plan Number 1173181 covered by
Subdivision Certificate Number 9226

Sydney Water Corporation:

Executed by Sydney Water Corporation
ABN 49 776 225 038 pursuant to section
50(3)(a) of the *Interpretation Act 1987* by
an authorised delegate:

K. Yates
Signature of witness

Kendall Yates
Name of witness

1 Smith St Parramatta
Address of witness

[Signature]
Signature of authorised delegate

GRANT MAY
Name of authorised delegate

MANAGER GROUP PROPERTY
Title of authorised delegate

12 NOV 15
Date

INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RIGHTS
OF ACCESS, RESTRICTIONS & POSITIVE COVENANTS INTENDED TO
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PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919

Lengths are in metres

(Sheet 8 of 9 sheets)

PLAN **DP1237058**

Plan of Subdivision of Lot 21 in Deposited
Plan Number 1173181 covered by
Subdivision Certificate Number 9226.....

Fairfield City Council

P. Lial

Signature of witness

Nicola Diacopoulos

Signature of authorised officer of Fairfield City
Council

PATRICIA ARIAS

Name of witness

NICOLA DIACOPULOS

Name of authorised officer of Fairfield City Council

86 AVOCA ROAD WAKELEY

Address of witness

COORDINATOR ENGINEERING ASSESSMENT

Title of authorised officer of Fairfield City Council

16 SEPTEMBER 2015

Date

SIGNED BY FAIRFIELD CITY COUNCIL BY ITS AUTHOLISED
DELEGATE PURSUANT TO S377 OF THE LOCAL GOVERNMENT
ACT 1993.

INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RIGHTS
OF ACCESS, RESTRICTIONS & POSITIVE COVENANTS INTENDED TO
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PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919

Lengths are in metres

(Sheet 9 of 9 sheets)

PLAN **DP1237058**

Plan of Subdivision of Lot 21 in Deposited
Plan Number 1173181 covered by
Subdivision Certificate Number 9.22.6

H
Signed on behalf of Endeavour Energy
ABN 59 253 130 878 by its Attorney 4693
pursuant to Power of Attorney Book 4677
No ~~686~~ in the presence of:
329

TDears
Signature of witness

Deborah Pears
Name of witness
c/- Endeavour Energy
51 Huntingwood Drive
Huntingwood NSW 2148

Helen Smith
Signature of attorney

Name: Helen Smith
Position: Manager Property & Fleet
Date of execution: 22 September 2015
Reference: UCS 0439
UIL 4235
PLT 0723

REGISTERED



19.12.2017

PLAN FORM 2 (A2)

SCHEDULE OF REFERENCE MARKS

Number	Bearing	Distance	Description
A	89°00'00"	12.86	DHA W PLACED
B	187°53'50"	20.215	DHA W PLACED
C	169°41'35"	3.865	DHA W PLACED
D	106°40'07"	19.36	DHA W PLACED
E	107°11'40"	4.335	DHA W PLACED
F	132°44'20"	19.53	DHA W PLACED
G	107°11'40"	4.25	DHA W PLACED
H	187°17'45"	3.74	DHA W PLACED
I	174°08'45"	19.33	DHA W PLACED
J	171°25'20"	3.635	DHA W PLACED
K	189°05'15"	19.495	DHA W PLACED
L	178°22'	3.62	DHA W PLACED
M	189°29'45"	19.32	DHA W PLACED
N	188°53'	3.615	DHA W PLACED
O	185°40'20"	19.36	DHA W PLACED
P	182°45'	3.615	DHA W PLACED
Q	182°45'	3.64	BY SURVEY

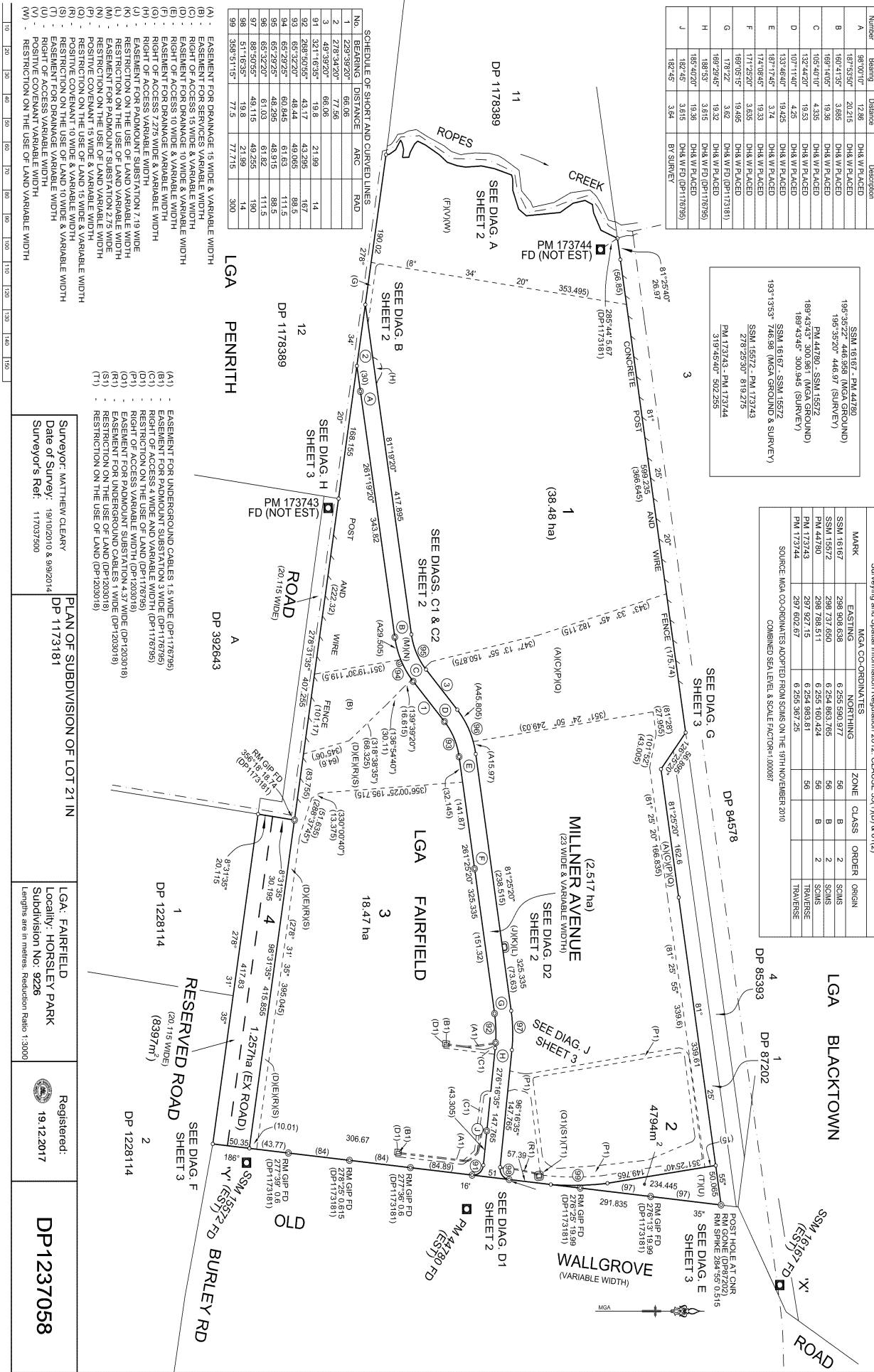
SSM 16167 - PM 147780	195°36'22" 446.99 (MGA GROUND)
SSM 16167 (SURVEY)	195°36'22" 446.99 (SURVEY)
SSM 15572	189°43'43" 300.961 (MGA GROUND)
SSM 15572 (SURVEY)	189°43'43" 300.961 (SURVEY)
SSM 15572 - PM 173743	193°15'53" 746.88 (MGA GROUND & SURVEY)
SSM 15572 (SURVEY)	193°15'53" 746.88 (SURVEY)
SSM 15572 - PM 173743	193°15'53" 746.88 (SURVEY)
SSM 15572 (SURVEY)	193°15'53" 746.88 (SURVEY)

Surveying and Spatial Information Regulation 2012: CLAUSE 36(1)(B) & 6(12)				
MARK	EASTING	NORTHING	ZONE	CLASS
SSM 16167	298 908 638	6 255 590 977	56	2
SSM 15572	298 737 650	6 254 863 765	56	2
SSM 14780	298 738 511	6 255 160 424	56	2
PM 173743	297 927 15	6 254 983 81	56	2
PM 173744	297 602 67	6 255 367 25	56	2

SOURCE: MGA CO-ORDINATES ADOPTED FROM SCANS ON THE 19TH NOVEMBER 2010
COMBINED SCALE/LEVEL & SCALE FACTOR: 1:100000

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 3 sheets



SCHEDULE OF SHORT AND CURVED LINES

No.	Bearing	Distance	ARC	RAD
1	278°39'20"	66.06		
2	278°34'20"	77.56		
3	49°39'20"	66.06		
4	32°16'35"	19.8		
5	268°30'25"	43.14		
6	65°29'25"	48.295		
7	65°32'20"	61.03		
8	88°50'55"	49.115		
9	51°16'35"	19.8		
10	358°51'15"	77.5		

PLAN OF SUBDIVISION OF LOT 21 IN

Surveyor:	Matthew Cleary
Date of Survey:	19/10/2010 & 09/2014
Surveyor's Ref:	117037500

PLAN OF SUBDIVISION OF LOT 21 IN

Surveyor:	Matthew Cleary
Date of Survey:	19/10/2010 & 09/2014
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Surveyor:	Matthew Cleary
Date of Survey:	19/10/2010 & 09/2014
Surveyor's Ref:	117037500

PLAN OF SUBDIVISION OF LOT 21 IN

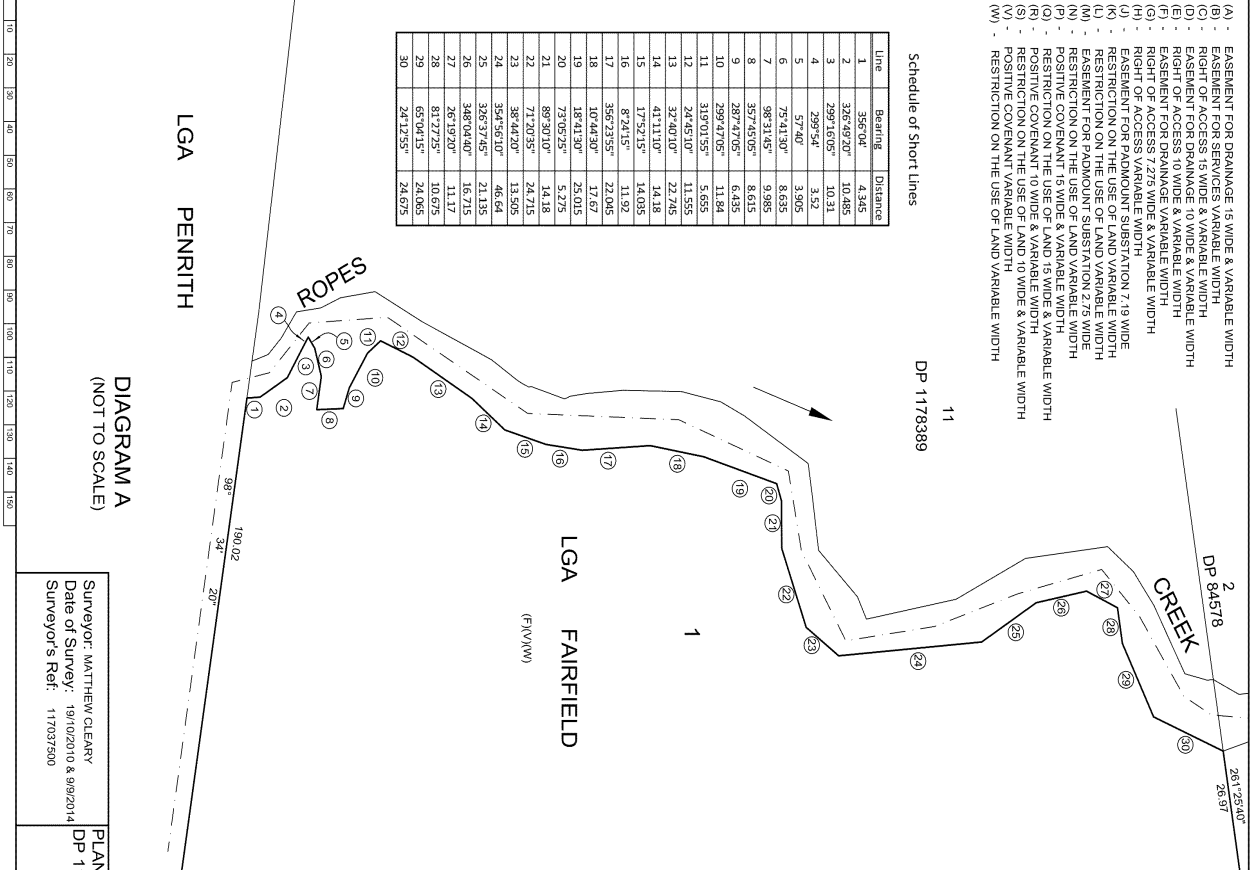
Surveyor:	Matthew Cleary
Date of Survey:	19/10/2010 & 09/2014
Surveyor's Ref:	117037500

PLAN FORM 2 (A2)

- (A) - EASEMENT FOR DRAINAGE 15 WIDE & VARIABLE WIDTH
(B) - EASEMENT FOR SERVICES VARIABLE WIDTH
(C) - RIGHT OF ACCESS 15 WIDE & VARIABLE WIDTH
(D) - RIGHT OF ACCESS 15 WIDE & VARIABLE WIDTH
(E) - RIGHT OF ACCESS 15 WIDE & VARIABLE WIDTH
(F) - EASEMENT FOR DRAINAGE VARIABLE WIDTH
(G) - RIGHT OF ACCESS 2.75 WIDE & VARIABLE WIDTH
(H) - EASEMENT FOR PADMOUNT SUBSTATION 7.19 WIDE
(I) - EASEMENT FOR PADMOUNT SUBSTATION 7.19 WIDE
(J) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(K) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(L) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(M) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(N) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(O) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(P) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(Q) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(R) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(S) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(T) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(U) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(V) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH
(W) - RESTRICTION ON THE USE OF LAND VARIABLE WIDTH

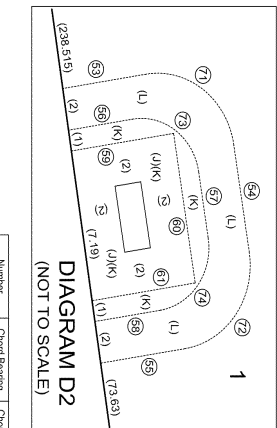
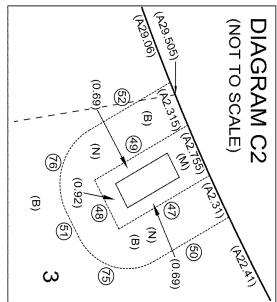
Schedule of Short Lines

Line	Bearing	Distance
1	356°04'	4.345
2	326°49'20"	10.485
3	299°16'05"	10.31
4	299°54'	3.52
5	57°40'	3.905
6	75°41'30"	8.635
7	98°31'45"	9.985
8	357°45'05"	8.615
9	287°47'05"	6.435
10	299°47'05"	11.84
11	319°01'55"	5.655
12	24°45'10"	11.555
13	32°40'10"	22.745
14	41°11'10"	14.18
15	17°52'15"	14.035
16	8°24'15"	11.92
17	356°23'55"	22.045
18	10°44'30"	17.67
19	18°41'30"	25.015
20	73°05'25"	5.275
21	89°30'10"	14.18
22	71°20'35"	24.715
23	38°44'20"	13.505
24	354°56'10"	46.64
25	326°37'45"	21.135
26	348°04'40"	16.715
27	26°19'20"	11.17
28	81°27'25"	10.675
29	65°04'15"	24.065
30	24°12'55"	24.675

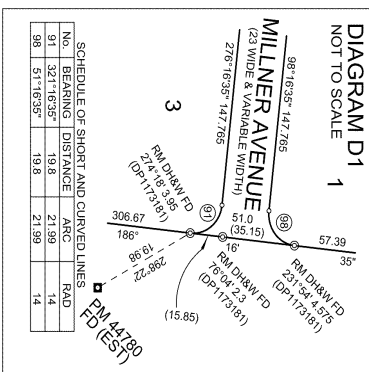
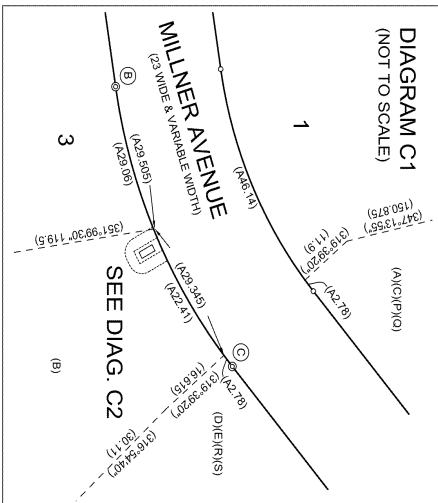


WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

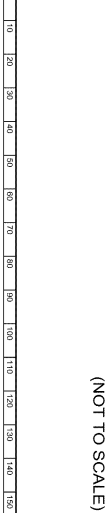
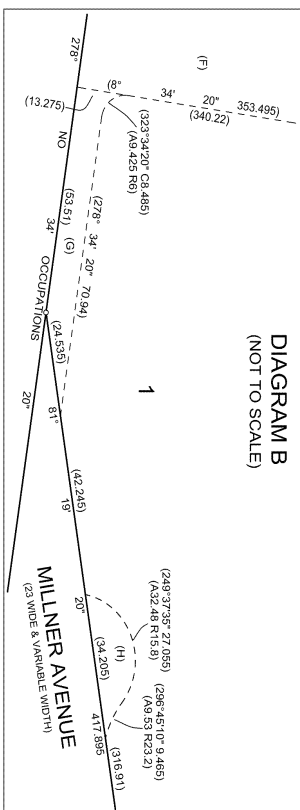
Sheet 2 of 3 sheets



Number	Chord Bearing	Chord Distance	Arc Length	Radius
71	218°02'10"	5.655	6.265	4
72	308°02'10"	5.655	6.265	4
73	218°02'10"	4.245	4.71	3
74	308°02'10"	4.245	4.71	3
75	16°36'	4.245	4.71	3
76	106°36'	4.245	4.71	3



No.	Bearing	Distance	ARC	RAD
98	51°16'35"	19.8	21.99	14
99	51°16'35"	19.8	21.99	14



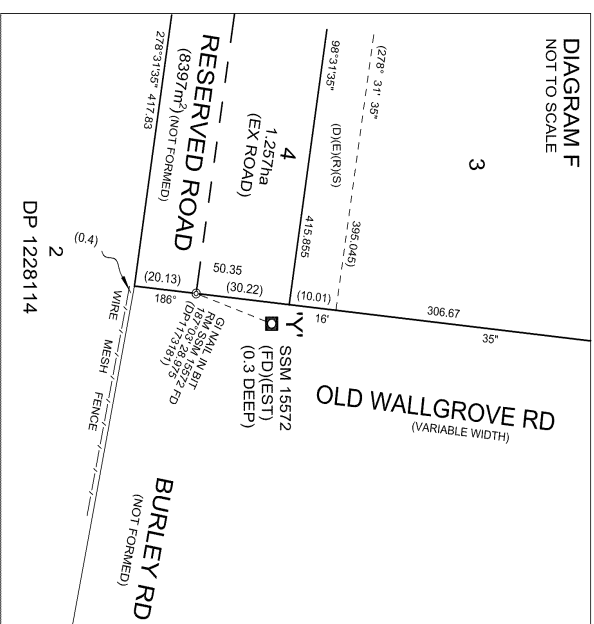
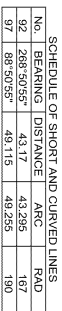
Surveyor: MATTHEW CLEARY
Date of Survey: 19/10/2010 & 09/2014
Surveyor's Ref: 117037500

PLAN OF SUBDIVISION OF LOT 1173181
DP 1173181

LGA: FAIRFIELD
Locality: HORSLEY PARK
Subdivision No: 9226
Lengths are in metres. Reduction Ratio VARIES

Registered:
19.12.2017

DP1237058




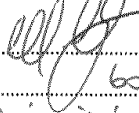

10	20	30	40	50	60	70	80	90	100	110	120	130	140	150
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DP1237058

PLAN FORM 6 (2012)

WARNING: Creasing or folding will lead to rejection


ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 5 sheet(s)
<p>Registered:  19.12.2017</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p>	<p>Office Use Only</p> <p>Office Use Only</p> <p>DP1237058</p>	
<p>PLAN OF SUBDIVISION OF LOT 21 IN DP 1173181</p>	<p>LGA: FAIRFIELD</p> <p>Locality: EASTERN CREEK HORSLEY PARK</p> <p>Parish: PROSPECT MELVILLE</p> <p>County: CUMBERLAND</p>	
<p>Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	<p>Survey Certificate</p> <p>I, MATTHEW WILLIAM CLEARY of CARDNO HARD & FORESTER PTY LTD a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on 19/10/2010 & 9/9/2014</p> <p>*(b) The part of the land shown in the plan ("being" excluding A) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on the part not surveyed was compiled in accordance with that Regulation.</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>.</p> <p>Signature:  Dated: 12/11/2014</p> <p>Surveyor ID: 60</p> <p>Datum Line: 'X' - 'Y'</p> <p>Type: *Urban/*Rural—</p> <p>The terrain is *Level-Undulating / *Steep Mountainous—</p> <p>*Strike through if inapplicable.</p> <p>^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	
<p>Subdivision Certificate</p> <p>I, <u>NICOLETTA DIACOROULOS</u> *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: </p> <p>Accreditation number:</p> <p>Consent Authority: <u>FAIRFIELD CITY COUNCIL</u></p> <p>Date of endorsement: <u>16 SEPTEMBER 2015</u></p> <p>Subdivision Certificate number: <u>9226</u></p> <p>File number: <u>08 0066</u></p> <p>*Strike through if inapplicable.</p>	<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p> <p>IT IS INTENDED TO DEDICATE MILLNER ROAD TO THE PUBLIC AS PUBLIC ROAD</p>	
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>		<p>Plans used in the preparation of survey/compilation.</p> <p>DP1173181</p> <p>If space is insufficient continue on PLAN FORM 6A</p> <p>Surveyor's Reference: 117037500</p>

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

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DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 5 sheet(s)
Registered:  19.12.2017	Office Use Only	Office Use Only
PLAN OF SUBDIVISION OF LOT 21 IN DP 1173181	DP1237058	
Subdivision Certificate number: 9226	This sheet is for the provision of the following information as required:	
Date of Endorsement: 16 SEPTEMBER 2015	<ul style="list-style-type: none">• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2012</i>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.	
<p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, AS AMENDED, IT IS INTENDED TO CREATE;</p> <ol style="list-style-type: none">1. EASEMENT FOR DRAINAGE 15 WIDE & VARIABLE WIDTH (A)2. EASEMENT FOR SERVICES VARIABLE WIDTH (B)3. RIGHT OF ACCESS 15 WIDE & VARIABLE WIDTH (C)4. EASEMENT FOR DRAINAGE 10 WIDE & VARIABLE WIDTH (D)5. RIGHT OF ACCESS 10 WIDE & VARIABLE WIDTH (E)6. EASEMENT FOR DRAINAGE VARIABLE WIDTH (F)7. RIGHT OF ACCESS 7.275 WIDE & VARIABLE WIDTH (G)8. RIGHT OF ACCESS VARIABLE WIDTH (H)9. EASEMENT FOR PADMOUNT SUBSTATION 7.19 WIDE (J)10. RESTRICTION ON THE USE OF LAND VARIABLE WIDTH (K)11. RESTRICTION ON THE USE OF LAND VARIABLE WIDTH (L)12. EASEMENT FOR PADMOUNT SUBSTATION 2.75 WIDE (M)13. RESTRICTION ON THE USE OF LAND VARIABLE WIDTH (N)14. POSITIVE COVENANT 15 WIDE & VARIABLE WIDTH (P)15. RESTRICTION ON THE USE OF LAND 15 WIDE & VARIABLE WIDTH (Q)16. POSITIVE COVENANT 10 WIDE & VARIABLE WIDTH (R)17. RESTRICTION ON THE USE OF LAND 10 WIDE & VARIABLE WIDTH (S)18. EASEMENT FOR DRAINAGE VARIABLE WIDTH (T)19. RIGHT OF ACCESS VARIABLE WIDTH (U)20. POSITIVE COVENANT VARIABLE WIDTH (V)21. RESTRICTION ON THE USE OF LAND VARIABLE WIDTH (W) <p>RELEASE;</p> <ol style="list-style-type: none">1. EASEMENT FOR ACCESS AND DRAINAGE PURPOSES 23 WIDE & VARIABLE WIDTH CREATED BY DP11731812. EASEMENT FOR WATER SUPPLY PURPOSES 1.5 WIDE CREATED BY DP1173181 <p>If space is insufficient use additional annexure sheet</p>		
Surveyor's Reference: 117037500		

PLAN FORM 6A (2012)

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DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 3 of 5 sheet(s)

Registered:  19.12.2017

Office Use Only

DP1237058

Office Use Only

PLAN OF SUBDIVISION OF LOT 21 IN
DP 1173181

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) *SSI Regulation 2012*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: 9226
Date of Endorsement: 16 SEPTEMBER 2015

Executed by **Sydney Water Corporation**
ABN 49 776 225 038 pursuant to section
50(3)(a) of the *Interpretation Act 1987* by
an authorised delegate:

Signature of witness

Jessica Brodencke
Name of witness

Signature of authorised delegate

Grant May
Name of authorised delegate

A/Mgr Group Property
Title of authorised delegate

29 SEP '15
Date


If space is insufficient use additional annexure sheet

Surveyor's Reference: 117037500

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PLAN FORM 6A (2012)

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DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 4 of 5 sheet(s)
<div style="display: flex; justify-content: space-between;"> <div> Registered:  19.12.2017 PLAN OF SUBDIVISION OF LOT 21 IN DP 1173181 Subdivision Certificate number: <u>9226</u> Date of Endorsement: <u>16 SEPTEMBER 2015</u> </div> <div style="text-align: right;">Office Use Only</div> </div>	<div style="text-align: center; font-size: 2em; font-weight: bold;">DP1237058</div> <div style="text-align: right;">Office Use Only</div> <div style="font-size: 0.8em;"> This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2012</i> Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> Signatures and seals- see 195D <i>Conveyancing Act 1919</i> Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. </div>	
<p>EXECUTION BY WESTPAC BANKING CORPORATION</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Signed on behalf of Westpac Banking Corporation ABN 33 007 457 141 by its attorney under power of attorney dated 17 January 2001 registered Book 4299 No 332 in the presence of:</p> <div style="margin-top: 20px;"> <p>_____ Witness (signature) Ruby Gacosta</p> <p>_____ Name of Witness (print name)</p> <p>_____ Address of witness</p> <p>LEVEL 3, 275 KENT STREET SYDNEY NSW 2000</p> </div> </div> <div style="width: 45%;"> <p>By executing this document the attorney states that they have received no notice of revocation of the power of attorney.</p> <div style="margin-top: 20px;"> <p>_____ Attorney (signature) THAN LUO</p> <p>_____ Name (print) THAN LUO ATTORNEY</p> <p>_____ Date 4 March 2016</p> </div> </div> </div> <div style="text-align: center; margin-top: 20px; font-size: 0.8em;"> If space is insufficient use additional annexure sheet </div>		
Surveyor's Reference: 117037500		

PLAN FORM 6A (2012)


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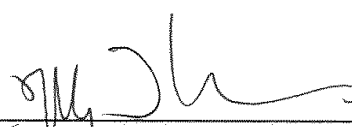
DEPOSITED PLAN ADMINISTRATION SHEET Sheet 5 of 5 sheet(s)

Office Use Only		Office Use Only	
Registered:  19.12.2017		DP1237058	
PLAN OF SUBDIVISION OF LOT 21 IN DP 1173181			
Subdivision Certificate number: <u>9226</u> Date of Endorsement: <u>16 SEPTEMBER 2015</u>			
		This sheet is for the provision of the following information as required: <ul style="list-style-type: none">• A schedule of lots and addresses - See 60(c) SSI Regulation 2012• Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919• Signatures and seals- see 195D Conveyancing Act 1919• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.	

Signed for BGAI6 PTY LIMITED
by its attorney under power of Attorney
registered book 4659 No 705
dated 18/11/13 in the presence
of:



Witness Signature



Attorney Signature


Andriana Makypodis

Print Name


MEGAN M KUBLINS

Print Name

Level 17 60 Castlereagh Street
Sydney NSW 2000



Witness Signature
Michelle Ban



Attorney signature
Samantha Evans

Level 17 60 Castlereagh Street
Sydney NSW 2000
Print Name

Print Name

SCHEDULE OF ADDRESSES	
LOT	ADDRESS
1	STREET ADDRESS NOT AVAILABLE
2	STREET ADDRESS NOT AVAILABLE
3	STREET ADDRESS NOT AVAILABLE
4	STREET ADDRESS NOT AVAILABLE

If space is insufficient use additional annexure sheet

Surveyor's Reference: 117037500