

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

(Sheet 1 of 3 Sheets)

Plan: DP1228246

Subdivision of Lot 401 DP 1197237 &
Lot 1 DP1221878

**Full name and address
of the proprietors of the land:**

Hunter New England Local Health District
Area Admin Bldg
Locked Bag 1
New Lambton 2305

PART 1 (Creation)

Number of item shown in the intension 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	Easement for Drainage of Water 2 wide and variable width (CC)	2	1
2	Easement for Services 2 wide (DD), (EE), (FF), (GG)	2	1
3	Easement for Services 5 wide (HH)	2	1
4	Easement for Outer Protection Zone variable width (JJ)	2	1
5	Easement for Inner Protection Zone variable width (KK)	2	1
6	Right of Carriageway 3.5 wide limited in height to RL88 (AHD) (LL)	2	1
7	Easement for Services variable width (MM)	2	1
8	Right of Carriageway 3.5, 7 and variable width (NN)	1 2	1
9	Easement for Drainage of Water 2 wide (PP)	2	1
10	Right of Footway 1.2 wide (UU)	1	1
11	Right of Cycleway 2 wide (VV)	2	1
12	Right of Carriageway Variable Width Limited in Height to RL 83 (WW)	1	1
13	Right of Carriageway 4 wide and variable width (YY)	1 2	1

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 75W Modification Application


No. 1 granted on the 5 April 2017

in respect to MP 08 0250

Signed

Sheet No. 1 of 3

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

 **NEW SOUTH WALES GOVERNMENT**
Planning
Issued under the Environmental Planning and Assessment Act 1979
(Sheet 2 of 3 Sheets)
Approved Section 75W Modification Application
No. 1 Subdivision of Lot 401 DP 1197237 & 5 April 2017
Lot 1 DP1221878 granted on the
in respect to MP 08 0250
PART 2 (Terms)
Signed [Signature]
Sheet No. 2 of 3

Plan: **DP1228246**

1. **Terms of Easement for Outer Protection Zone variable width (JJ) fourthly referred to in the abovementioned plan.**

The area of any lot burdened shall be managed by the proprietor of the lot benefited as an Outer Protection Area (OPA) as outlined within Appendices 2 & 5 of "Planning for Bushfire Protection 2006" and the NSW Rural Fire Service's document "Standards for Asset Protection Zones".

2. **Terms of Easement for Inner Protection Zone variable width (KK) fifthly referred to in the abovementioned plan.**

The area of any lot burdened shall be managed by the proprietor of the lot benefited as an Inner Protection Area (IPA) as outlined within Appendices 2 & 5 of "Planning for Bushfire Protection 2006" and the NSW Rural Fire Service's document "Standards for Asset Protection Zones".

3. **Terms of Right of Carriageway 3.5 wide limited in height to RL88 AHD (LL) sixthly referred to in the abovementioned plan.**

The terms relating to the expression "right of carriageway" set out in Schedule 8 of the Conveyancing Act, 1919, provided that the upper limit of the easement is R.L.88 Australian Height Datum (AHD).

4. **Terms of Right of Cycleway 2 wide (VV) eleventhly referred to in the abovementioned plan.**

The terms relating to the expression "right of footway" set out in Schedule 8 of the Conveyancing Act, 1919, and extending the terms to include the use of bicycles.

5. **Terms of Right of Carriageway Variable Width limited in height to RL83 AHD (WW) twelfthly referred to in the abovementioned plan.**

The terms relating to the expression "right of carriageway" set out in Schedule 8 of the Conveyancing Act, 1919, provided that the upper limit of the easement is R.L.83 Australian Height Datum (AHD).

Name of the person empowered to release, vary or modify the easements firstly to thirteenthly referred to in abovementioned plan.

Newcastle City Council

Every person or body whether incorporated or otherwise who is at any time entitled to an interest in the land herein indicated as the lot benefited or any part thereof with which the rights hereby conferred are capable of enjoyment PROVIDED that the cost of any release variation or modification of the easement is borne in all respects by the person requesting such release variation or modification.

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(Sheet 3 of 3 Sheets)

Plan: **DP1228246**

Subdivision of Lot 401 DP 1197237 &
Lot 1 DP1221878

Executed by Hunter New England Local Health District


by:

Witness

Name of Witness

Address of Witness

Chief Executive
Print name:

	NSW GOVERNMENT Planning
<i>Issued under the Environmental Planning and Assessment Act 1979</i>	
Approved Section 75W Modification Application	
No. <u>1</u> granted on the <u>2 April 2017</u>	
in respect to MP <u>08 0250</u>	
Signed <u>[Signature]</u>	
Sheet No. <u>3</u> of <u>3</u>	

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 3 sheet(s)

Registered:

Office Use Only

Title System:

Purpose:

Office Use Only

DP11228246

PLAN OF SUBDIVISION OF
LOT 401 DP1197237 &
LOT 1 DP1221878

LGA: NEWCASTLE
Locality: NEW LAMBTON HEIGHTS
Parish: NEWCASTLE
County: NORTHUMBERLAND

Crown Lands NSW/Western Lands Office Approval

I, (Authorised Officer) in
approving this plan certify that all necessary approvals in regard to the
allocation of the land shown hereon have been given.

Signature:

Date:

File Number:

Office:

Survey Certificate

I, MURRAY JOHN DALTON
CADENCE CONSULTING SURVEYORS
of P.O. BOX 2367, DANGAR NSW 2309

a surveyor registered under the *Surveying and Spatial Information Act*
2002, certify that:

- *(a) ~~The land shown in the plan was surveyed in accordance with the~~
~~Surveying and Spatial Information Regulation 2012, is accurate~~
~~and the survey was completed on:~~
- *(b) The part of the land shown in the plan ("being"/"excluding".....
LOT 1 & EASEMENTS.....)
was surveyed in accordance with the *Surveying and Spatial*
Information Regulation 2012, is accurate and the survey was
completed on,.....18/1/2017... the part not surveyed was compiled
in accordance with that Regulation.
- *(c) ~~The land shown in this plan was compiled in accordance with the~~
~~Surveying and Spatial Information Regulation 2012.~~

Signature: *M Dalton* Dated: 7/2/2017

Surveyor ID: 895

Datum Line: 'X' - 'Y'

Type: *Urban/*Rural

The terrain is *Level-Undulating / *Steep-Mountainous

*Strike through if inapplicable.

*Specify the land actually surveyed or specify any land shown in the plan that
is not the subject of the survey.

Subdivision Certificate

I,
*Authorised Person/*General Manager/*Accredited Certifier, certify that
the provisions of s.109J of the *Environmental Planning and*
Assessment Act 1979 have been satisfied in relation to the proposed
subdivision, new road or reserve set out herein.

Signature:

Accreditation number:

Consent Authority:

Date of endorsement:

Subdivision Certificate number:

File number:

*Strike through if inapplicable

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919
IT IS INTENDED TO CREATE:

SEE SHEET 2

Issued under the *Environmental Planning and Assessment Act 1979*

Approved Section 75W Modification Application

No. 1 granted on the 5 April 2017

in respect to MP. 08 0250

Signed: *[Signature]*

Sheet No. 1 of 3

Plans used in the preparation of survey/compilation

DP 541910
DP 544997
DP 640630
DP 839929
DP 876245
DP 1053492
DP 1065634
DP 1080386
DP 1146580
DP 1176191
DP 1176551
DP 1197237
DP 1221878

If space is insufficient continue on PLAN FORM 6A

Signatures, Seals And Section 88B Statements Should Appear On
PLAN FORM 6ASurveyor's Reference: CGS-1349 DP_2C
FILE '2017M7100 (20) PARTIAL SURVEY'

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 3 sheet(s)

Office Use Only

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Registered:

PLAN OF SUBDIVISION OF
LOT 401 DP1197237 &
LOT 1 DP1221878

DP11228246

Subdivision Certificate No:.....

Date of Endorsement:.....

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.

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1	29	KOOKABURRA	CIRCUIT	NEW LAMBTON HEIGHTS NSW 2305
2	N/A	LOOKOUT	ROAD	NEW LAMBTON HEIGHTS NSW 2305

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919
IT IS INTENDED TO CREATE:

1. EASEMENT FOR DRAINAGE OF WATER 2 WIDE AND VARIABLE WIDTH (CC)
2. EASEMENT FOR SERVICES 2 WIDE (DD)(EE)(FF)(GG)
3. EASEMENT FOR SERVICES 5 WIDE (HH)
4. EASEMENT FOR OUTER PROTECTION ZONE VARIABLE WIDTH (JJ)
5. EASEMENT FOR INNER PROTECTION ZONE VARIABLE WIDTH (KK)
6. RIGHT OF CARRIAGEWAY 3.5 WIDE LIMITED IN HEIGHT TO RL 88 (A.H.D) (LL)
7. EASEMENT FOR SERVICES VARIABLE WIDTH (MM)
8. RIGHT OF CARRIAGEWAY 3.5, 7 WIDE AND VARIABLE WIDTH (NN)
9. EASEMENT FOR DRAINAGE OF WATER 2 WIDE (PP)
10. RIGHT OF FOOTWAY 1.2 WIDE (UU)
11. RIGHT OF CYCLEWAY 2 WIDE (VV)
12. RIGHT OF CARRIAGEWAY VARIABLE WIDTH LIMITED IN HEIGHT TO RL 83 (WW)
13. RIGHT OF CARRIAGEWAY 4 WIDE & VARIABLE WIDTH (YY)



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Sheet No. 2 of 3

If space is insufficient use additional annexure sheet

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 3 of 3 sheet(s)

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Registered:

PLAN OF SUBDIVISION OF
LOT 401 DP1197237 &
LOT 1 DP1221878

DP11228246

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Subdivision Certificate No:.....

Date of Endorsement:.....

Executed by Hunter New England Local Health District
by:

Witness

Name of Witness

Chief Executive:

Print Name:

Address of Witness



NSW GOVERNMENT
Planning

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in respect to MP 08-0250

Signed [Signature]

Sheet No. 3 of 3

If space is insufficient use additional annexure sheet