

REQUEST
New South Wales
Real Property Act 1900

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

DATE / /
 dd mm yy

(H) I certify that the applicant, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this application in my presence.

Signature of witness: _____

Name of witness: ©10 _____

Address of witness: ©11 _____

Certified correct for the purposes of the Real Property Act 1900 by the applicant.

Signature of applicant: _____

TERMS OF POSITIVE COVENANT

1. The Registered Proprietor for the time being of the Lot Burdened must:

- (a) maintain remediation of the Subterranean Land on the Lot Burdened by complying with the requirements specified in the Site Management Plan;
- (b) carry out such monitoring as is required by the Site Management Plan;
- (c) comply in all respects with the Site Management Plan in so far as it relates to the Lot Burdened;
- (d) if it is a Community Association, comply with the Site Management Plan in so far as it relates to Community Property and all Restricted Common Property in the Community Scheme;
- (e) if it is an Owners Corporation, comply with the Site Management Plan in so far as it relates to the Common Property in the Strata Scheme;
- (f) ensure that the Registered Proprietor does not disturb the Subterranean Land (other than within designated utility or maintenance corridors, layers or areas identified in the Site Management Plan) without the prior written approval of the EPA and only in accordance with any conditions imposed on any such approval; and
- (g) ensure that any person acting for or on their behalf in relation to any of the matters in (a) to (f) above are advised of the terms of this public positive covenant, including the terms of the Site Management Plan, and that they comply with the terms of this public positive covenant, including the Site Management Plan.

2. This public positive covenant is imposed by the EPA.

3. This public positive covenant may not be released, varied or modified without the written consent of the EPA.

4. For the purposes of this public positive covenant:

'Common Property' means common property as defined in section 5 of the Strata Schemes (Freehold Development) Act 1973.

'Community Association' means a community association, neighbourhood association or precinct association as defined in section 3 of the Community Land Development Act 1989.

'Community Development Lot' means a community development lot, neighbourhood lot or precinct development lot as defined in section 3 of the Community Land Development Act 1989.

'Community Property' means community property, neighbourhood property, or precinct property as defined in section 3 of the Community Land Development Act 1989.

'Community Scheme' means a community scheme, neighbourhood scheme, or precinct scheme as defined in section 3 of the Community Land Development Act 1989.

'EPA' means the Environment Protection Authority constituted by the Protection of the Environment Administration Act 1991.

'Land' means Lots [] in Deposited Plan [] [lots comprising the relevant stage of the Site].

'Lot Burdened' means:

- (a) until registration of a Community Plan or Strata Plan or other Torrens Title lot over the Land or any portion of the Land - the Land;
- (b) after registration of a Community Scheme over the Land or any portion of the Land - the Community Property and Community Development Lots created on registration of the Community Scheme and any lot in a Community Plan that is a public reserve or drainage reserve;
- (c) after registration of a Strata Scheme over the Land or any portion of the Land including over any lot created on registration of a Community Scheme over the Land or any portion of the Land - the Common Property created on registration of the Strata Scheme;
- (d) any Torrens Title lot created on subdivision of the Land or any portion of the Land that is not part of a Community Scheme or Strata Scheme; and
- (e) in the event of a Strata Scheme or Community Scheme being terminated - the land in the former parcel immediately before registration of the Strata Scheme or Community Scheme.

'Restricted Common Property' means all Common Property in Strata Schemes subsidiary to the Community Scheme of which the use is restricted in favour of the Community Association created on registration of the Community Scheme.

'Site Management Plan' means the Site Management Plan prepared by [] and dated [], being Annexure A to this positive covenant.

'Strata Scheme' means a strata scheme as defined in section 5 of the Strata Schemes (Freehold Development) Act 1973.

'Subterranean Land' means the portion of the Land that is more than one (1) metre below the finished surface of the Land following remediation of the Land in accordance with the conditions of development consent granted to development application reference number DA-437-12-2002-i granted by the Minister for Infrastructure and Planning to Thiess Services Pty Ltd on 4 May 2004 (or that consent as subsequently modified).

Annexure A – Site Management Plan