

**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.**

**Plan:** Plan of subdivision of Lot 204 DP1221754,  
Lot 2051 DP1229411, Lots 2358 & 2360  
DP1228369 and Lots 2430 & 2431 DP1238878  
covered by Subdivision Certificate No.

**Full name and address of the owner of the land:** Woorong Park Pty. Ltd. Stockland Development Pty. Ltd.  
1 Stoney Creek Road, 133 Castlereagh Street,  
SHANES PARK. 2747. SYDNEY. 2000.

(Sheet 1 of 12 Sheets)

**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	each lot except 2626 & 2627	every other lot except 2626 & 2627
2.	Restriction on the use of land	each lot except 2626 & 2627	every other lot except 2626 & 2627
3.	Restriction on the use of land	2601-2625 incl	Blacktown City Council
4.	Restriction on the use of land	2601-2625 incl	Blacktown City Council
5.	Easement to drain water 1.5 wide (E1)	2601 2602 2603 2604 2605 2606 2607 2608 2609 2610	2602-2607 incl. 2603-2607 incl. 2604-2607 incl. 2605-2607 incl. 2606, 2607 2607 2608-2611 incl. 2609-2611incl. 2610, 2611 2611

.....  
(Signatory) Woorong Park Pty. Ltd.

.....  
Authorised Person  
Blacktown City Council

Ref: DP1251821 20260-2C3

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(Sheet 2 of 12 Sheets)

**Part 1 (Creation)**

Number of item shown in the intention panel on the plan	Identity of easement or profit à prendre to be released and referred to in the plan	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
6.	Easement for access and maintenance 0.9 wide (E5)	2602 2603 2604 2606 2607 2608 2609 2613 2615 2616 2617 2618 2620 2621	2601 2602 2603 2605 2606 2607 2610 2611 2616 2617 2618 2619 2621 2622
7.	Easement for access and maintenance 0.9 wide (E52)	2608	2609
8.	Restriction on the use of land	2601-2625 incl	Blacktown City Council
9.	Easement to drain water 1 wide (E11)	2625	Area 'KK' within 2626

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**Part 1A (Release)**

Number of item shown in the intention panel on the plan	Identity of easement or profit à prendre 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.	Right of access variable width (E12) (D.P.1228369)	2360/1228369	Blacktown City Council

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**Part 2 (Terms)**

- 1. Terms of Restriction on the Use of Land numbered one in the abovementioned plan**
- 1.1 In this restriction on use of land, the following expressions have the following meaning:
  - (a) Woorong Park means Woorong Park Pty Ltd ACN: 094 493 428 and each of its successors and assigns excluding purchasers on sale.
- 1.2 No dividing fence shall be erected on the lot burdened unless it is erected without expense of Woorong Park its successors and assigns other than purchasers on sale
- 1.3 No structure of a temporary character or nature which is intended for habitation, including, but without limiting the generally thereof, any basement, tent, shed, shack, garage, trailer, camper or caravan, shall be erected or permitted to remain on the lot burdened.
- 1.4 No fuel storage tanks (except any such tank or tanks used for oil heating purposes) shall be placed upon or permitted to remain on any lot burdened.
- 1.5 No noxious, noisome or offensive occupation, trade, business, manufacturing or home industry shall be conducted or carried out on any lot burdened.
- 16 No commercial or boarding kennels shall be constructed or permitted to remain on any lot burdened.
- 1.7 No advertisement hoarding sign or matter of any description shall be erected or displayed on any lot burdened without the prior written consent of Woorong Park having been given to the registered proprietor of the lot burdened. The required approval may be given or withheld at the absolute discretion of Woorong Park BUT nothing in this restriction shall prevent the proprietor of any lot burdened from displaying not more than one (1) sign on the lot burdened advertising the fact that the dwelling on the relevant lot burdened is for sale IF:-

.....  
(Signatory) Woorong Park Pty. Ltd.

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**Part 2 (Terms)**

- (a) Any such sign does not exceed nine hundred millimetres (900mm) in width and nine hundred millimetres (900mm) in height; and
  - (b) Any such sign is painted and/or decorated in its entirety by a professional Signwriter.
- 1.8 No motor truck, lorry or semi-trailer with a load carrying capacity exceeding two point five (2.5) tonnes shall be parked or permitted to remain on any lot burdened unless the same is used on connection with the erection of a dwelling on the relevant lot burdened.
- 1.9 No building shall be permitted to be constructed on the lot burdened not shall the construction of any building be permitted to continue on the lot burdened unless the lot burdened is maintained in clean and tidy condition as is practicable having regard to the nature of the construction on the lot burdened.
- 1.10 No clothes line shall be erected or permitted to remain on the lot burdened unless the same is not visible from any public road and/or place BUT nothing in this restriction shall prevent the erection and maintenance of a clothes line where all care has been taken to ensure that the same is as least obvious as possible having regard to the topography of the relevant lot burdened as related to any surrounding public roads and/or places.
- 1.11 No air conditioning plant and/or equipment shall be installed or permitted to remain on any building erected on the lot burdened unless the same is either:-
- (a) not visible from any public road and/or place; or is
  - (b) screened from any public road and/or place in a manner approved by Woorong Park.
- 1.12 No radio masts and/or antennas shall be erected or permitted to remain on any lot burdened unless the same are not visible from any public road and/or place.

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**Part 2 (Terms)**

- 1.13 No television masts and/or antennas shall be erected or permitted to remain on the lot burdened unless the same are erected at or near the rear of the main building erected on the lot burdened.
- 1.14 No Child Care Centre shall be erected or permitted to remain on the lot burdened.
- 1.15 No visually obtrusive & unsightly items such as hot water storage tanks, rain water tanks, utility metres, roof and window mounted A/C units, condensers, solar roof collectors, A/C service lines, clotheslines, aerials, gardens sheds etc are not to be directly visible from the street/public places and should have a minimal visual impact on an adjacent dwelling including their private open space.
- 1.16 No shutters, blinds, canopies, awnings, security devices or any external improvement other than fly screens is to be constructed, installed or maintained on or in a lot burdened.
- 1.17 No garbage containers and recyclable materials are to be stored on or in a lot burdened unless secured and stored so that they are hidden from view outside the lot burdened and do not omit odours.
- 1.18 No vehicle may be parked on a lot burdened unless it is parked:
- (a) in a garage or driveway on the lot burdened;
  - (b) in an area designated as being an area where a vehicle may be parked.

**Name of Party whose consent is required to release vary or modify terms of restriction numbered one in the plan is Woorong Park Pty Ltd ACN: 094 493 428 whilst ever it owns any lot or any part of any lot in the plan.**

.....  
(Signatory) Woorong Park Pty. Ltd.

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**Part 2 (Terms)**

**2. Terms of Restriction on the Use of Land numbered two in the abovementioned plan**

2.1 In this restriction on use of land, the following expressions have the following meaning:

- (a) Newpark Design Guidelines means design essentials for the carrying out of development on the land the subject of the plan published by Woorong Park from time to time.
- (b) Woorong Park Pty Ltd ACN: 094 493 428 and each of its successors and assigns excluding purchasers on sale.

2.2 No building shall be constructed on the lot burdened unless the dwelling to be constructed, external materials, colours and finishes including roof tiles and bricks of the dwelling, fencing and landscaping have been designed in accordance with the Newpark Design Guidelines.

2.3 No driveway shall be constructed on the lot burdened unless such driveway is constructed of materials and is of a colour which complies with the Newpark Design Guidelines.

2.4 No garage shall be erected forward of the main dwelling façade on the lot burdened unless the garage design complies with the Newpark Design Guidelines.

2.5 No building, apart from the main building erected on the lot burdened, shall be erected or permitted to remain on the lot burdened unless it complies with the requirements of the Newpark Design Guidelines.

**Name of Party whose consent is required to release vary or modify terms of restriction numbered two in the plan is Woorong Park ACN: 094 493 428 whilst ever it owns any lot or any part of any lot in the plan.**

.....  
(Signatory) Woorong Park Pty. Ltd.

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## **Part 2 (Terms)**

### **3. Terms of Restriction on the use of land numbered three in the abovementioned plan**

The wall of any dwelling erected on the Lot(s) hereby 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 four in the abovementioned plan**

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 Council of the City of Blacktown.

### **5. Terms of Easement for Access & Maintenance 0.9 wide (E5) & (E52) numbered six and seven in the abovementioned plan**

#### **5.1 The owner of the lot benefited may:**

- (a) use the easement site to assist in undertaking any works on the lot benefited including construction, repair, painting, landscaping and maintenance;
- (b) enter onto the lot burdened to inspect and survey any structure on the lot benefited; and
- (c) do anything reasonably necessary for those purposes, including:
  - entering the lot burdened;
  - taking anything on to the lot burdened; and
  - carrying out works within the site of this easement.

.....  
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## **Part 2 (Terms)**

5.2 In exercising those powers, the owner of the lot benefited must:

- (a) ensure all work is done properly;
- (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened;
- (b) cause as little damage as is practicable to the lot burdened and any improvements on it;
- (d) restore the lot burdened as nearly as practicable to its former condition; and
- (e) make good any collateral damage.

5.3 The owner of the lot burdened must not :-

- (a) allow any building or other structure to be erected or placed on the easement site except an eave or gutter of the main building on the lot burdened or any permanent underground services to the main building;
- (b) carry out any excavation or filling greater than 500mm. Any excavation or filling shall be located and retained so as not to impact on any adjoining building, structure or property.

The grant of this easement is made subject to the right of the owner of the lot burdened to carry out repairs and maintenance or improvements to any landscaping within the site of the easement including installing a security gate across the easement site from the building structure on the lot burdened.

5.4 The owner of the lot burdened and the owner of the lot benefited acknowledge that it is not the responsibility of Blacktown City Council to determine any dispute in relation to the easement for access and maintenance and any dispute in a civil matter to be resolved between the relevant parties.

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**Part 2 (Terms)**

**6. Terms of Restriction on the use of land numbered eight in the abovementioned plan**

No building shall be erected on the lot burdened unless such building is constructed in accordance with the requirements of the Newpark Precinct 2 Marsden Park Post Earthworks Salinity Assessment Report (Stages 1 & 2) Ref 8599/13-AA dated 29 March 2018 prepared by Geotech Testing Pty Ltd. A copy of this report is held on Council file ref. DA-16-04553.

**Name of Authority whose consent is required to release, vary or modify easement and restrictions numbered three, four, six, seven and eight in the abovementioned plan**

Blacktown City Council.

Executed by \_\_\_\_\_ as attorney for  
Stockland Development Pty Limited ACN 000 064 835  
under Power of Attorney registered Book \_\_\_\_\_ No. \_\_\_\_\_

in the presence of:-

.....  
Signature of Witness

.....  
Name of Witness

.....  
Address of Witness

.....  
Signature of Attorney  
by executing this document the Attorney  
states that he/she has not received  
notice of revocation of the  
Power of Attorney

.....  
Authorised Person  
Blacktown City Council

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Executed on behalf of the Corporation named below  
by the authorised persons whose signatures appear  
below pursuant to the authority specified.

Corporation: Woorong Park Pty Ltd ACN 094 493 428  
Authority: Section 127 Corporations Act 2001

.....  
Signature of authorised person:

.....  
Name of authorised person:  
Office held: Sole Director / Secretary

.....

.....  
Address of authorised person:

Executed by Stuart Peter Dixon- Smith as  
attorney for Global Demand Holdings 11  
Limited under power of attorney registered  
Book 4738 No.171 in the presence of:-

.....  
Signature of Attorney

.....  
Signature of witness

.....

.....  
Name and Address of witness

By executing this document the attorney  
states that he has not received a notice  
of revocation of the power of attorney

.....  
(Signatory) Woorong Park Pty. Ltd.

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Blacktown City Council by its authorised delegate  
pursuant to s.377 Local Govt. Act, 1993

.....  
Signature of delegate

.....  
Name of delegate

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

.....  
Signature of Witness

.....  
Name of Witness

.....  
Address of Witness

.....  
(Signatory) Woorong Park Pty. Ltd.

Ref: DP1251821 20260-2C3

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Authorised Person  
Blacktown City Council