

Instrument setting out terms of easements or profit 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

Lengths are in metres

Sheet 1 of 8 sheets

Plan: Plan of Subdivision of Various Lots (as specified in the table on sheets 6, 7 and 8) covered by Subdivision Certificate No.

Full name and address of the owner of the land: Penrith Lakes Development Corporation Ltd
89-151 Old Castlereagh Road
Castlereagh, NSW, 2749

The Minister administering the Environmental Planning and Assessment Act, 1979
35 Bridge Street, Sydney NSW 2000

FILE COPY

The State of New South Wales
C/ Office of Environment & Heritage
Level 14, 59-61 Goulburn Street
Sydney NSW 2000

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.	Right of foot way Whole of Lot (A)	Lots 1 and 7	Lots 2, 3, 4, 5 and 6
2.	Easement for batter Whole of Lot (B)	Lots 1 and 7	Lots 2, 3, 4, 5 and 6
3.	Easement for Services Whole of Lot (C)	Lots 1 and 7	Lots 2, 3, 4, 5 and 6
4.	Easement to drain water Whole of Lot (D)	Lots 1 and 7	Lots 2, 3, 4, 5 and 6
5.	Easement to drain sewage Whole of Lot (E)	Lots 1 and 7	Lots 2, 3, 4, 5 and 6
6.	Restriction on the use of land Whole of Lot (F)	Lots 1 and 7	Lots 2, 3, 4, 5 and 6
7.	Right of carriage way Whole of Lot (G)	Lots 1 and 7	Lots 2, 3, 4, 5 and 6

Lengths are in metres

Sheet 2 of 8 sheets

Plan: Plan of Subdivision of Various Lots (as specified in the table on sheets 6, 7 and 8) covered by Subdivision Certificate

Part 2 (Terms)

1. Terms of right of foot way marked (A) in the plan

- (a) A right of foot way within the meaning of Part 2 of Schedule 8 of the *Conveyancing Act 1919* as amended.
- (b) The right of foot way is extinguished automatically, in whole or in part as the case may be, upon the first to occur of the following:
 - (i) In respect of any part of the benefitted Lots, upon the registration of a specific easement which creates a right of foot way for the benefit of that part and which affects the burdened Lots; and
 - (ii) In respect of the whole (or such part where sub-paragraph (i) has not operated) of the benefitted Lots, the twentieth anniversary of the date of registration of this instrument.

2. Terms of easement for batter marked (B) in the plan

- (a) An easement for batter within the meaning of Part 6 of Schedule 8 of the *Conveyancing Act 1919* as amended.
- (b) The easement for batter is extinguished automatically, in whole or in part as the case may be, upon the first to occur of the following:
 - (i) In respect of any part of the benefitted Lots, upon the registration of a specific easement which creates an easement for batter for the benefit of that part and which affects the burdened Lots; and
 - (ii) In respect of the whole (or such part where sub-paragraph (i) has not operated) of the benefitted Lots, the twentieth anniversary of the date of registration of this instrument.

3. Terms of easement for services marked (C) in the plan

- (a) An easement for services within the meaning of Part 11 of Schedule 8 of the *Conveyancing Act 1919* as amended and on the basis that "domestic services" included "the transmission of data whether by electronic or other means".
- (b) The easement for services is extinguished automatically, in whole or in part as the case may be, upon the first to occur of the following:
 - (i) In respect of any part of the benefitted Lots, upon the registration of a specific easement which creates an easement

Plan: Plan of Subdivision of Various Lots (as specified in the table on sheets 6, 7 and 8) covered by Subdivision Certificate

Part 2 (cont)

for services for the benefit of that part and which affects the burdened Lots; and

- (ii) In respect of the whole (or such part where sub-paragraph (i) has not operated) of the benefitted Lots, the twentieth anniversary of the date of registration of this instrument.

4. Terms of easement to drain water marked (D) in the plan

- (a) An easement to drain water within the meaning of Part 3 of Schedule 8 of the *Conveyancing Act 1919* as amended.
- (b) The easement to drain water is extinguished automatically, in whole or in part as the case may be, upon the first to occur of the following:
 - (i) In respect of any part of the benefitted Lots, upon the registration of a specific easement which creates an easement to drain water for the benefit of that part and which affects the burdened Lots; and
 - (ii) In respect of the whole (or such part where sub-paragraph (i) has not operated) of the benefitted Lots, the twentieth anniversary of the date of registration of this instrument.

5. Terms of easement to drain sewage marked (E) in the plan

- (a) An easement to drain sewage within the meaning of Part 4 of Schedule 8 of the *Conveyancing Act 1919* as amended.
- (b) The easement to drain sewage is extinguished automatically, in whole or in part as the case may be, upon the first to occur of the following:
 - (i) In respect of any part of the benefitted Lots, upon the registration of a specific easement which creates an easement to drain sewage for the benefit of that part and which affects the burdened Lots; and
 - (ii) In respect of the whole (or such part where sub-paragraph (i) has not operated) of the benefitted Lots, the twentieth anniversary of the date of registration of this instrument.

6. Terms of restriction on use marked (F) in the plan

- (a) No fence may be erected on a burdened Lot to divide it from any adjoining land owned by Penrith Lakes Development Corporation Limited (PLDC) without the written consent of PLDC. PLDC may not withhold consent for a fence which is erected without expense to PLDC. This restriction remains in

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Plan: Plan of Subdivision of Various Lots (as specified in the table on sheets 6, 7 and 8) covered by Subdivision Certificate

Part 2 (cont)

force only while PLDC is the registered proprietor of the whole or any part of a Lot in the Plan.

(b) In this restriction on the use of the land:

- (i) PLDC means PLDC, its successors, nominees, or assigns, other than purchasers on sale.
- (ii) "the Plan" means the plan of subdivision to which this instrument relates, and upon the registration of which this restriction on use is created.
- (iii) The person having the right to release, vary or modify this restriction is PLDC for such period as it is the registered proprietor of a Lot or any part of a Lot in the Plan.

7. Terms of right of carriage way marked (G) in the plan

(a) A right of carriage way within the meaning of Part 1 of Schedule 8 of the *Conveyancing Act 1919* as amended.

(b) The right of carriage way is extinguished automatically, in whole or in part as the case may be, upon the first to occur of the following:

- (i) In respect of any part of the benefitted Lots, upon the registration of a specific easement which creates a right of carriage way for the benefit of that part and which affects the burdened Lots; and
- (ii) In respect of the whole (or such part where sub-paragraph (i) has not operated) of the benefitted Lots, the twentieth anniversary of the date of registration of this instrument.

Lengths are in metres

Sheet 5 of 8 sheets

Plan:

Plan of Subdivision of Various Lots (as specified in the table on sheets 6, 7 and 8) covered by Subdivision Certificate

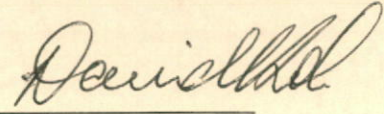
Signing Page

Signed by Penrith
Lakes Development
Corporation Limited
by its Attorney
under Power of
Attorney

Registered Book 4696 No211



sign (Attorney)



sign (Witness)

the witness states that he or she is
not a party and was present when
authorised person signed

CHIEF EXECUTIVE OFFICER

Title (Attorney)

DAVID MOHR

full name (witness)

14 DAVID ST

MICHAEL VINCENT O'BRIEN

Full name (Attorney)

KOSMAN 2088

address (witness)

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Plan: Plan of Subdivision of Various Lots (as specified in the table on sheets 6, 7 and 8) covered by Subdivision Certificate

Table of Lots in Subdivision

SUBJECT LOT	AFFECTED	CURRENT LOT AND D.P.
1	PART	1/60859
1	PART	1/63308
1	WHOLE	1/73955
1	WHOLE	1/120872
1	WHOLE	1/120891
1	WHOLE	470/558416
1	PART	43/752021
1	PART	300/752021
1	PART	421/1130185
1	WHOLE	44/1130206
1	PART	460/1130241
1	PART	461/1130241
1	PART	5/1181666
1	WHOLE	6/1181666
1	PART	7/1181666
1	PART	11/1188657
1	PART	12/1188657
1	PART	1/1212402
2	PART	43/752021
2	PART	7/1181666
2	WHOLE	8/1181666
2	PART	1/1212402
3	PART	1/63308
3	PART	421/1130185
3	PART	11/1188657
3	PART	12/1188657
4	PART	1/219895
4	PART	481/849952
5	WHOLE	1/2223
5	WHOLE	4/2223
5	WHOLE	1/45727
5	WHOLE	1/47720
5	PART	1/60859
5	WHOLE	56/78686
5	PART	1/87060
5	PART	2/87060
5	WHOLE	1/129802
5	WHOLE	1/200839
5	WHOLE	2/200839
5	PART	1/219895

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SUBJECT LOT	AFFECTED	CURRENT LOT AND D.P.
5	WHOLE	3/219895
5	WHOLE	1/229462
5	WHOLE	1/236125
5	WHOLE	2/236125
5	WHOLE	2/348979
5	WHOLE	A/374807
5	WHOLE	B/374807
5	WHOLE	B/394967
5	WHOLE	X/421674
5	WHOLE	Y/421674
5	WHOLE	1/436198
5	WHOLE	21/5 4 ³⁰ 256
5	WHOLE	23/530256
5	WHOLE	44/545813
5	WHOLE	45/545813
5	WHOLE	42/546220
5	WHOLE	57/668807
5	PART	300/752021
5	WHOLE	302/752021
5	WHOLE	303/752021
5	WHOLE	304/752021
5	WHOLE	305/752021
5	WHOLE	306/752021
5	WHOLE	307/752021
5	WHOLE	308/752021
5	WHOLE	309/752021
5	WHOLE	310/752021
5	WHOLE	321/752021
5	WHOLE	325/752021
5	WHOLE	337/752021
5	WHOLE	338/752021
5	PART	481/849952
5	WHOLE	16/1013504
5	WHOLE	17/1013504
5	WHOLE	18/1013504
5	WHOLE	101/1043500
5	WHOLE	64/1111742
5	PART	460/1130241
5	PART	461/1130241
5	WHOLE	540/1131982
5	WHOLE	541/1131982
5	WHOLE	108/1143931

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Plan:

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SUBJECT LOT	AFFECTED	CURRENT LOT AND D.P.
5	WHOLE	111/1143931
5	WHOLE	1/1148035
5	WHOLE	2/1148035
5	WHOLE	3/1148035
5	WHOLE	4/1148035
5	WHOLE	5/1148035
5	WHOLE	6/1148035
5	WHOLE	7/1148035
5	WHOLE	2/1180473
5	WHOLE	3/1180473
5	WHOLE	4/1181666
5	PART	5/1181666
5	WHOLE	2/1191173
5	WHOLE	3/1191173
5	WHOLE	4/1191173
5	WHOLE	5/1191173
5	WHOLE	6/1191173
5	PART	1/1212402
5	PART	2/1212402
5	WHOLE	4/1212402
5	WHOLE	5/1212402
5	WHOLE	6/1212402
5	WHOLE	9/1212402
6	PART	1/1212402
6	PART	2/1212402
6	WHOLE	3/1212402
7	PART	1/87060
7	PART	2/87060
8	PART	4/1191173

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