

**INQUIRY INTO GOVERNMENT'S MANAGEMENT OF
POWERHOUSE MUSEUM AND OTHER MUSEUMS AND
CULTURAL PROJECTS IN NEW SOUTH WALES**

Organisation: North Parramatta Residents' Action Group

Date Received: 29 September 2020

29th September 2020

Please accept this supplementary paper from North Parramatta Residents Action Group to supply to committee all the relevant documents pertaining to the placement and subsequent removal of a restriction on Willow Grove, 34 Phillip St, Parramatta.

There were 3 owners during the time that the restriction was placed on Willow Grove and all 3 accepted the requirement to protect the heritage building and garden forecourt.

However, the State Government purchased in the full knowledge that this restriction was on the title and still proceeded with the purchase of the property and proposal to build a museum on the site.

If the State Government had intended on saving Willow Grove from demolition, they would never have required the removal of the restriction from the title prior to sale.

Document 1

Letter from Parramatta City Council Town Clerk, R G Muddle to Whiteholme Pty Ltd
This letter refers to the application for the proposed refurbishment of Willow Grove and the erection of a multi-storey office building at the adjacent site premises, 32 Phillip Street.

I refer you to page 6 (xxv – xxvii) and in particular: -

"The lodgement of a restriction as to user under Section 88B of the Conveyancing Act prior to the release of the building plans for the proposed office tower to the effect that: -

A. No building or structure of any kind shall be erected or permitted to remain on or over the garden forecourt area of the "Willow Grove" property.

B. The restriction as to user may not be released or varied or modified without the prior approval of Council. This instrument is to be to the satisfaction of the Chief Town Planner and to Council's Solicitors prior to lodgement with the Registrar General.

This restriction was placed on Title 569139 and remained on this Title until the sale of 34 Phillip Street by City of Parramatta Council to the State Government.

Protection from any development was guaranteed while these restrictions remained in place.

Document 2

Question on Notice, City of Parramatta, 14 September 2020

Confirmation that the restriction on the title of the property known as Willow Grove was removed from the title as a pre-condition of the Contract for Sale of land to the NSW State Government which settled on or around April 2019.

Without removal of this restriction the State Government would not have been able to build on the garden forecourt area or demolish Willow Grove.

Document 3

Release Or Extinguishment Of Restriction On This Use Of Land

Note the reference on this document is MAAS

Note (E) 3

Document 5

Deposited Plan Administration Sheet

Note that **Title 569139** (34 Phillip St) was amalgamated with the other Titles to become **DP1247122**

Document 8

Letter from Allens to NSW Land Registry Services confirming that the Minister for the Arts consents to the registration of a transfer of land from City of Parramatta Council to Planning Ministerial Corporation in respect of the whole of the land comprised in the following certificates of **title 1/247122** and **2/1247122**

Document 10

Title Search and diagram of Deposited Plan 569139

Please make these documents public.

Kind Regards

Suzette Meade Spokesperson - North Parramatta Residents Action Group



The Parramatta City Council

Council Chambers, Civic Place, Parramatta, N.S.W.
All communications to be addressed to:
The Town Clerk, P.O. Box 32, Parramatta, N.S.W. 2150
Telephone: 689 9333
Telex: TOPCTY AA72089
Fax No.: 891 1320
DX 8279 Parramatta

Your Reference:

In reply please quote: 4797/Y/163/1076/35
BG:NA

Mr. R.J. Burgess,
Project Director,
Whiteholme Pty. Ltd.,
P.O. Box 384,
ST. LEONARDS. N.S.W. 2065

January 7, 1988.

Dear Sir,

Reference is made to Council's letter of December 8, 1987, advising that the Council, at its meeting on December 7, 1987, gave consideration to the application submitted by you for the proposed refurbishment of the property "Willow Grove", 34 Phillip Street, Parramatta, and the erection of a multi-storey office building at the adjacent site premises, 32 Phillip Street, Parramatta.

You are advised that Council has now received a favourable reply from the Heritage Council of New South Wales and your application is now approved subject to the following conditions:-

- (i) Plans and specifications (four (4) copies) shall be submitted for approval prior to the commencement of any building alterations. Such application and plans are to comply with the requirements of the Local Government Act, 1919, as amended, Ordinance 70, for a building within a Primary Fire Zone, Class V, VI and VII with a minimum construction standard for Type 1 building.
- (ii) Submission of building plans (four (4) copies) and specifications in accordance with the requirements of Ordinance 70 and Council approval.
- (iii) Compliance with all the requirements of the City Health and Building Surveyor, viz:-

- (A) An approved method of garbage disposal and storage is to be provided in accordance with Council's Code "Requirements for Garbage Rooms" and shall incorporate the following:-

- (I) The minimum size of a garbage room shall be 10 square metres or an area calculated in accordance with the following table, whichever is the greater:-

<u>Type of Building</u>	<u>Min. Garbage Room Size</u>
Offices	1 sq.m/300sq.m. of floor area
Shops	1 sq.m/100sq.m. of floor area
Restaurants	1 sq.m/50sq.m. of seating area.

- (II) The walls and floor of the garbage room shall be constructed of approved solid impervious material and shall be finished internally to a smooth even surface, covered at all intersections.
- (III) The floor of the garbage rooms shall be graded and drained to an approved drainage fitting located in the room.
- (IV) The ceiling of the garbage room shall be finished with a rigid, smooth-faced non-absorbant material capable of being easily cleaned.



- (V) An adequate supply of hot and cold water shall be provided to the garbage room.
- (B) Access for the disabled to be provided in accordance with the provisions of Clause 53.10 of Ordinance 70.
- (C) Closets for disabled people shall be provided in accordance with Table 46.9(4) of Ordinance 70.
- (D) Openings in external walls shall be provided in accordance with the requirements of Clause 22.4 of Ordinance 70.
- (iv) The erection of any advertising signs to be subject to separate consideration by Council.
- (v) No signs to be displayed on Council's footpath.
- (vi) the submission with the building application of detailed plans showing the method proposed to be used for the disposal of stormwater from the development site and the effect (if any) of the erection of the proposed development on the drainage of adjoining sites. The proposed disposal of stormwater shall comply as closely as practically possible with the provisions of Council's Code for the Disposal of Roof and Surface Waters from building development.
- (vii) The existing lots are to be consolidated into one (1) lot prior to release of the building plans. To expedite the processing of the building application and to comply with this condition, Council is prepared to accept the lodgement of the consolidation plan by the Council's Solicitors with the Registrar General, provided the applicant agrees in writing to the payment of the necessary legal fees.
- (viii) Car parking is to be assessed at the rate of twenty-seven (27) spaces per 1,000 square metres for commercial development and thirty-two (32) spaces per 1,000 square metres for retail development, minus fourteen (14) spaces granted as a concession for an historic building restoration (i.e. a total of one hundred and eighty seven (187) spaces are to be provided). The site is within an area where on site parking limitations apply at the rate of twenty (20) spaces per 1,000 square metres of gross floor area and accordingly, a maximum of one hundred and forty nine (149) can be provided on site. The plans, as submitted, provided for one hundred and four (104) spaces and hence, there is a deficiency of eighty three (83) spaces. A monetary offer in lieu of the deficient spaces is acceptable to Council at the following rate:-
 45 spaces @ \$9,000 per space and
 38 spaces @ \$6,000 per space;
 which gives a total contribution of \$633,000 and this amount is paid to Council upon lodgement of building plans. However, as the contribution is in excess of two hundred and fifty thousand dollars (\$250,000) but less than one million dollars (\$1,000,000), the applicant may request Council to accept payment in the following way:-
 (A) One half of the total contribution to be paid upon lodgement of the building plans.
 (B) As to the remaining one half of the outstanding contribution, to be paid within twelve (12) months after the nominated date together with interest calculated at one per centum (1%) above the ruling Bank Overdraft rate at the nominated date.

- (C) The outstanding contribution being half of the required sum is to be secured by a Bank Guarantee from an approved Bank and such Bank Guarantee is to call for the payment of the total amount of the outstanding contribution together with interest at one per centum (1%) above the ruling Bank Overdraft rate on the nominated date, such Bank Guarantee is to be to the satisfaction of Council's Solicitors and be approved by Council's Solicitors prior to the release of the building plans.
- (D) The nominated date is the date the Bank Guarantee is received from the approved Bank. If the building is completed within twelve (12) months from the nominated date, the outstanding contribution, together with interest, shall become immediately due and payable and is to be paid in full prior to the issue of a Section 317A Certificate or use or occupation of the building whichever comes first.
- (E) In the event of the applicant wishing to proceed by the deferred payment method, the applicant acknowledge that the Council has a caveatable interest and shall allow Council to lodge a caveat on the title to the property to remain in force until the balance of the car parking contribution is paid, such caveat to be prepared and lodged by Council's Solicitors at the applicant's expense and be lodged for registration prior to the release of the building plans.
- (F) In the event that the applicant is not prepared to have such caveat lodged, the whole of the contribution is to be paid upon lodgement of the building plans.
- (ix) All car parking provided on-site to be used only by the occupants or visitors to the subject land and the car parking shall not be used or leased as a commercial car park.
- (x) Building plans are to include plans of beautification (four (4) copies) to be approved by Council prior to release of building plans showing:-
 - (A) Details of treatment of all unbuilt upon areas of the site.
 - (B) Full details of roof top treatment which is to be aesthetically pleasing.
 - (C) Full specific details of existing trees and proposed planting, surfacing and external lighting.
- (xi) Separate development application to be made in respect of each shop or office prior to occupation or use thereof.
- (xii) The building is not to be occupied until it has been completed to the terms of Council's approval.
- (xiii) All elevations to the development are to be consistent in building materials and design to Council's satisfaction. If reflective glazing is to be used full specifications are to be submitted upon lodgement of the building application and in any event shall not exceed a reflectivity level of 20%.
- (xiv) The development be limited to a maximum floor space ratio of 2.4:1 over the whole of Lots 1 and 2.

- (xv) The building is to observe the building envelope height control(s) for this section of the City Centre.
- (xvi) Provision of adequate loading and unloading facilities to Council's satisfaction.
- (xvii) Consultation with the City Health and Building Surveyor for the provision of a garbage room, prior to the preparation of the building application plans; and in accordance with Requirements of Council Garbage Rooms in the City of Parramatta.
- (xviii) Dedication to Council, free of cost, the area of land required for the standard splay corner rounding, Council to bear all legal and survey costs and proceedings are to have reached contract stage prior to release of building plans.
- (xix) Compliance with all the requirements of the City Engineer, viz:-
 - (A) A median of minimum 0.8 metre width is to be constructed between the Right-of-Way and the access to Council's car park. The existing kerb on the eastern side of Council's car park access is to be retained to form the western boundary of the median, and engineering plans for the proposed median are to be submitted for the approval of the City Engineer.
 - (B) The applicant shall construct the Right-of-Way and proposed median in interlocking paving bricks, unless specific Council authority is given for an alternative material, to the design and construction standards of the City Engineer, and the colour to be to the satisfaction of the Chief Town Planner and the City Engineer.
 - (C) The applicant shall investigate the location of all public utility services within the Right-of-Way and proposed median, and comply with all conditions set by any affected utility authorities regarding the relation or future access to, these utilities.
 - (D) Provision of splay corner rounding on the south western corner of the property, in accordance with Council's standard drawing No. 10374.
 - (E) Provision of full width foot paving across the whole frontage of the site, construction in interlocking brick blocks, unless specific Council authority is given for an alternative material, to the design and construction standards of the City Engineer, and the colour to be to the satisfaction of the Chief Town Planner and the City Engineer.
 - (F) Provision of commercial vehicle crossings as required, this work is to include the removal of disused crossings and reconstruction of disused laybacks into kerb.
 - (G) Location of all Public Utility services in Phillip Street, and the applicant being responsible for any damage caused to these by the proposed works.
 - (H) Relocation of all Public Utility services by the applicant, as required.
 - (I) Adjustment to Public Utility pit lids and covers, to match the proposed paving levels.

- (xxiii) Full details of the proposed colour scheme and details of external finishes of the "Willow Grove" building and the adjacent office tower are to be submitted with the building application for the office tower and to be to the satisfaction of the Chief Town Planner and of the Heritage Council prior to the release of the building application.
- (xxiv) Full details of the proposed landscaping and maintenance work proposed for the garden forecourt are of the "Willow Grove" site and open space treatments surrounding the adjacent office tower are to be submitted at the building application stage and are to be generally in accordance with that outlined by Knox Tanner in the Conservation Strategy for "Willow Grove" prepared by Order Architects Pty. Ltd.
- (xxv) Stage 1 of the proposed restoration of the "Willow Grove" site as detailed in the abovementioned Conservation Strategy is to be completed in accordance with any time schedule specified by the Heritage Council or in any event prior to the completion of the office tower adjacent.
- (xxvi) A development application for Stages 2 and 3 of the proposed restoration and additions to the "Willow Grove" building as outlined in the abovementioned Conservation Strategy is to be lodged with Council within three (3) months of the date of this approval.
- (xxvii) The lodgement of a restriction as to user under Section 88B of the Conveyancing Act prior to the release of the building plans for the proposed office tower to the effect that:-
 - (A) No building or structure of any kind shall be erected or permitted to remain on or over the garden forecourt area of the "Willow Grove" property.
 - (B) The restriction as to user may not be released, varied or modified without the prior approval of Council. This instrument is to be to the satisfaction of the Chief Town Planner and to Council's Solicitors prior to lodgement with the Registrar General.
- (xxviii) It should be clearly understood that this consent in no way relieves the owner or applicant from the obligation to obtain any other approval which may be required under the Local Government Act, 1919, as amended, or any other Act, ordinance, regulation or by-law. In particular, this consent is not an approval to carry out any works whatsoever, such requiring the prior submission to the Council of a formal building application and compliance with all the requirements of Council's City Health and Building Surveyor.
- (xvii) Consultation with the City Health and Building Surveyor for the provision of a garbage room, prior to the preparation of the building application plans; and in accordance with Requirements of Council Garbage Rooms in the City of Parramatta.

- (J) A cash bond of \$5,000 is to be lodged with the letter of acceptance following Development Approval, prior to any site work, to cover any possible damage to Council's assets, as a result of demolition of existing buildings, excavation of the site below ground level and the disposal of material from the site. The balance of the bond will be refunded on the satisfactory completion of excavation works, and the completion of construction works to no less than footpath level.
- (K) During construction, adequate provision is to be made for the positioning of cranes, if to be used, wholly within the site. Cranes are not to be positioned on Council's roadway or footpath area, unless specific approval for the same has been granted, in writing by Council.
- (L) Suitable shoring shall be provided to prevent any subsidence of Council's footpath. All shoring is to be fully contained within the site, no rock anchors or similar equipment will be permitted outside the site boundaries.
- (M) The submission with the Building Application of detailed plans, showing the method proposed to be used for the disposal of stormwater from the development site, and the effect, if any, of the erection of the proposed development on the drainage of adjoining sites. The proposed disposal of stormwater shall comply, as closely as practically possible with the provisions of Council's Code for the Disposal of Roof and Surface Waters from Building Developments, and all drainage from the site shall be taken to Phillip Street.
- (N) The stormwater drainage plans to be approved by the City Engineer, prior to the release of the building plans.
- (O) Provision of safe pedestrian access along the footpaths adjacent to the proposed development site at all stages during the works associated with the development, the developer accepting full public risk and liability at all times during the project.
- (P) All work to be to the requirements and satisfaction of the City Engineer.
- (Q) All work to be completed prior to the occupation of the buildings.
- (R) All works required in association with this development consent to be completed at no cost to Council.
- (xx) Compliance with all the requirements of:-
 - (A) Prospect Electricity
 - (B) Australia Post
 - (C) Telecom Australia; and
 - (D) The Metropolitan Water Sewerage & Drainage Board.
- (xxi) Compliance with all the requirements of the Heritage Council.
- (xxii) During construction work, no building materials are to be stored on the Council's footpath or within the garden, forecourt area of the "Willow Grove" site.

- (xxiii) Full details of the proposed colour scheme and details of external finishes of the "Willow Grove" building and the adjacent office tower are to be submitted with the building application for the office tower and to be to the satisfaction of the Chief Town Planner and of the Heritage Council prior to the release of the building application.
- (xxiv) Full details of the proposed landscaping and maintenance work proposed for the garden forecourt are of the "Willow Grove" site and open space treatments surrounding the adjacent office tower are to be submitted at the building application stage and are to be generally in accordance with that outlined by Knox Tanner in the Conservation Strategy for "Willow Grove" prepared by Order Architects Pty. Ltd.
- (xxv) Stage 1 of the proposed restoration of the "Willow Grove" site as detailed in the abovementioned Conservation Strategy is to be completed in accordance with any time schedule specified by the Heritage Council or in any event prior to the completion of the office tower adjacent.
- (xxvi) A development application for Stages 2 and 3 of the proposed restoration and additions to the "Willow Grove" building as outlined in the abovementioned Conservation Strategy is to be lodged with Council within three (3) months of the date of this approval.
- (xxvii) The lodgement of a restriction as to user under Section 88B of the Conveyancing Act prior to the release of the building plans for the proposed office tower to the effect that:-
 - (A) No building or structure of any kind shall be erected or permitted to remain on or over the garden forecourt area of the "Willow Grove" property.
 - (B) The restriction as to user may not be released, varied or modified without the prior approval of Council. This instrument is to be to the satisfaction of the Chief Town Planner and to Council's Solicitors prior to lodgement with the Registrar General.
- (xxviii) It should be clearly understood that this consent in no way relieves the owner or applicant from the obligation to obtain any other approval which may be required under the Local Government Act, 1919, as amended, or any other Act, ordinance, regulation or by-law. In particular, this consent is not an approval to carry out any works whatsoever, such requiring the prior submission to the Council of a formal building application and compliance with all the requirements of Council's City Health and Building Surveyor.
- (xxix) The consent shall lapse if the development to which it refers is not substantially commenced:-
 - (A) Except as provided in Paragraph (B) below, within the period of two (2) years after it was given.

- (B) In the event of an environmental planning instrument being prescribed which prohibits such development, one (1) year from the date of prescription of such environmental planning instrument.
- (xxx) Planter boxes be provided for the carparking access ramps to the satisfaction of the Chief Town Planner.
- (xxxi) Written acceptance of the above conditions by both the applicant and the owner.

You are advised of your right of appeal to the Land and Environment Court against all or any of the above conditions of approval.

Yours faithfully,

U R.G. MUDDLE)
Town Clerk,

2

QUESTIONS ON NOTICE

ITEM NUMBER 19.1
SUBJECT QUESTION WITH NOTICE: Willow Grove
REFERENCE F2019/04433 - D07616334
FROM Councillor Davis

QUESTION

What was the date the restriction that no building or structure of any kind whatsoever shall be erected, or permitted to remain on over or under; the reason for lodging or placing on the title of the Willow Grove property this restriction as to use; the date any restriction on use on the said property was lifted or removed and the reason why this occurred?

DIRECTOR, PROPERTY & PLACE RESPONSE

1. The restriction on the title of the property known as Willow Grove was removed from title as a pre-condition of the Contract for Sale of land to the NSW State Government which settled on or around April 2019.

Donna Davis
Councillor

ATTACHMENTS:

3

Substitute Dealing

Time 2:00 pm

Date 23/4/19

CSB2

RELEASE OR EXTINGUISHMENT OF RESTRICTION ON THE USE OF LAND



AP9024K

New South Wales
Sections 88, 88D(12), 88E(7) or 89(8)
Conveyancing Act 1919

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.

(A) TORRENS TITLE	1/569139		
(B) LODGED BY	Document Collection Box <u>W</u>	Name, Address or DX, Telephone, and Customer Account Number if any CITY OF PARRAMATTA COUNCIL 126 CHURCH STREET PARRAMATTA 2150 9806 5484 Reference: <u>MAAS</u>	CODE ER
(C) RESTRICTION	Registration number only DP776173 & ASSOCIATED s88B		
(D) APPLICANT	CITY OF PARRAMATTA COUNCIL		

(E) 1. RELEASE: SECTION 88 CONVEYANCING ACT 1919 **NOT APPLICABLE**

The applicant applies to have a recording made in the Register of the _____ the above restriction
on the use of land dated _____ and annexed hereto marked _____.

2. RELEASE: SECTION 88D(12) CONVEYANCING ACT 1919 **NOT APPLICABLE**

The applicant, being the prescribed authority entitled to enforce the above restriction on the use of land, applies to have a recording made in the Register of the order dated _____ and annexed hereto marked _____ releasing that restriction.

3. RELEASE: SECTION 88E(7) CONVEYANCING ACT 1919

The applicant, being the prescribed authority entitled to enforce the above restriction on the use of land, releases that restriction and applies to have a recording made in the Register giving effect to the release.

4. EXTINGUISHMENT: SECTION 89(8) CONVEYANCING ACT 1919 **NOT APPLICABLE**

The applicant, being the registered proprietor of the above land, applies to have all necessary recordings made in the Register to give effect to the order of the Supreme Court of New South Wales dated _____ an office copy of which is annexed hereto marked _____ which extinguishes the above restriction on the use of land.

DATE 12/01/2019

I certify that I am an eligible witness and that an authorised delegate signed this dealing in my presence:

Certified correct for the purposes of the Real Property Act 1900 by the authorised delegate named below:

Signature of witness:

Signature of authorised delegate:

Name of witness: Doyna Ellen Cayle

Authorised delegate's name:

Address of witness: 126 Church Street,
Parramatta 2150

Authority of delegate:
Signing on behalf of:

PP Roland Ian Kim HART
Acting Chief Executive Officer
City of Parramatta Council, by its
authorised delegate, pursuant to
s.377 of the Local Government
Act 1993

* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.

4



Form: 13PRE
Release: 3.1

**RELEASE OR
EXTINGUISHMENT OF
POSITIVE COVENANT**

AP9025H

New South Wales
Sections 88D(12), 88E(7) or 89(8)
Conveyancing Act 1919

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.

(A) TORRENS TITLE	1/569139		
(B) LODGED BY	Document Collection Box <i>IN</i>	Name, Address or DX, Telephone, and Customer Account Number if any CITY OF PARRAMATTA COUNCIL 126 CHURCH STREET PARRAMATTA 2150 9806 5969 Reference: MAAS	CODE EP
(C) POSITIVE COVENANT No.	0898268		
(D) APPLICANT	The prescribed authority in the case of a release, the registered proprietor in the case of an extinguishment CITY OF PARRAMATTA COUNCIL		

I am authorised to make the amendment
F. Hughes
ANDREW PAW
LORRAINE
MINTERELISON
11 APRIL 2019

1. ~~RELEASE: SECTION 88D(12) CONVEYANCING ACT 1919~~ [NOT APPLICABLE]
The applicant, being the prescribed authority entitled to enforce the above positive covenant, applies to have a recording made in the Register of the order dated N.A. and annexed hereto marked N.A. releasing that positive covenant.
2. ~~RELEASE: SECTION 88E(7) CONVEYANCING ACT 1919~~ [NOT APPLICABLE] *PN*
The applicant, being the prescribed authority entitled to enforce the above positive covenant, releases that positive covenant and applies to have a recording made in the Register giving effect to the release.

3. **EXTINGUISHMENT: SECTION 89(8) CONVEYANCING ACT 1919** [NOT APPLICABLE]
The applicant, being the registered proprietor of the above land, applies to have all necessary recordings made in the Register to give effect to the order of the Supreme Court of New South Wales dated 17 January 2019 an office copy of which is annexed hereto marked N.A. which extinguishes the above positive covenant.

I certify that I am an eligible witness and that an authorised delegate signed this dealing in my presence:

Signature of witness:

Name of witness:

Address of witness:

Marn Gordon

126 Church Street,
Parramatta 2150

Certified correct for the purposes of the Real Property Act 1900 by the authorised delegate named below:


Signature of authorised delegate:

Authorised delegate's name:

Authority of delegate:
Signing on behalf of:

Sue Coleman

Acting Chief Executive Officer
City of Parramatta Council, by its
authorised delegate, pursuant to
s.377 of the Local Government
Act 1993

PLAN FORM 6 (2017)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 3 sheet(s)																								
Registered:  13.5.2019 Title System: TORRENS	Office Use Only <div style="font-size: 2em; font-weight: bold;">DP1247122</div>																									
PLAN OF SUBDIVISION OF LOT 1 DP85028, LOT A DP350651, LOTS A, B & C DP384927, LOT B DP393866, LOT 1 DP500494, LOTS 1 & 2 DP569139, LOT 1 DP611335, LOT 2 DP633550, LOT 1 DP730119, LOT 1 DP742271, LOT 1 DP770901, LOT 11 DP790350, LOT 1 DP799649, LOT 1 DP1106033, LOT 201 & 202 DP1203630	LGA: PARRAMATTA Locality: PARRAMATTA Parish: ST JOHN County: CUMBERLAND																									
<p style="text-align: center;">Survey Certificate</p> <p>I, DAMIAN JOSEPH MAGUIRE of LTS LOCKLEY, LOCKED BAG 5, GORDON NSW 2072, 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 2017</i>, is accurate and the survey was completed on 09/07/18, or</p> <p>*(b) The part of the land shown in the plan ("being" excluding was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line: 'X' - 'Y' Type: *Urban/*Rural The terrain is Level Undulating / *Steep Mountainous.</p> <p>Signature: _____ Dated: 17.9.18</p> <p>Surveyor Identification No: 1584 Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p><small>*Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</small></p>	<p style="text-align: center;">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: Date: File Number: Office:</p> <hr/> <p style="text-align: center;">Subdivision Certificate</p> <p>I, SUE COLEMAN *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: Accreditation number: Consent Authority: CITY OF PARRAMATTA COUNCIL Date of endorsement: 13 September 2018 Subdivision Certificate number: D05154658 File number: F2017/01830</p> <p><small>*Strike through if inapplicable.</small></p>																									
<p>Plans used in the preparation of survey/compilation.</p> <table style="width:100%; border: none;"> <tr> <td>DP1106033</td> <td>DP350651</td> <td>DP1203630</td> </tr> <tr> <td>DP393866</td> <td>DP500494</td> <td>DP730119</td> </tr> <tr> <td>DP633550</td> <td>DP790350</td> <td>DP384927</td> </tr> <tr> <td>DP569139</td> <td>DP611335</td> <td>DP799649</td> </tr> <tr> <td>DP85028</td> <td>DP742271</td> <td>DP770901</td> </tr> <tr> <td>DP705870</td> <td>DP1201615</td> <td>DP1225807</td> </tr> <tr> <td>DP1237698</td> <td>DP788637</td> <td>DP1184712</td> </tr> <tr> <td>DP1031459</td> <td>DP1235084</td> <td></td> </tr> </table>	DP1106033	DP350651	DP1203630	DP393866	DP500494	DP730119	DP633550	DP790350	DP384927	DP569139	DP611335	DP799649	DP85028	DP742271	DP770901	DP705870	DP1201615	DP1225807	DP1237698	DP788637	DP1184712	DP1031459	DP1235084		<p>Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.</p> <p>IT IS INTENDED TO DEDICATE LOT 3 AND 4 TO THE PUBLIC AS PUBLIC ROAD</p>	
DP1106033	DP350651	DP1203630																								
DP393866	DP500494	DP730119																								
DP633550	DP790350	DP384927																								
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DP1237698	DP788637	DP1184712																								
DP1031459	DP1235084																									
Surveyor's Reference: 41692 009DP	Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A																									

PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET Sheet 2 of 3 sheet(s)

Registered:



13.5.2019

Office Use Only

Office Use Only

DP1247122

PLAN OF SUBDIVISION OF LOT 1 DP85028, LOT A DP350651, LOTS A, B & C DP384927, LOT B DP393866, LOT 1 DP500494, LOTS 1 & 2 DP569139, LOT 1 DP611335, LOT 2 DP633550, LOT 1 DP730119, LOT 1 DP742271, LOT 1 DP770901, LOT 11 DP790350, LOT 1 DP799649, LOT 1 DP1106033, LOT 201 & 202 DP1203630

Subdivision Certificate number: D05154658

Date of Endorsement: 13 September 2018

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

- A schedule of lots and addresses - See 60(c) *SSI Regulation 2017*
- 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.

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

1A. RELEASE

1. RIGHT OF CARRIAGEWAY VARIABLE WIDTH (D374128)
2. RIGHT OF WAY VARIABLE WIDTH (C17357)
3. RIGHT OF CARRIAGEWAY VARIABLE WIDTH (D430620)
4. EASEMENT FOR SERVICES (DP1203630)
5. RIGHT OF WAY VARIABLE WIDTH (B597947)

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1	30B	PHILLIP	STREET	PARRAMATTA
2	34	PHILLIP	STREET	PARRAMATTA

If space is insufficient use additional annexure sheet

Surveyor's Reference: 41692 009DP

PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET Sheet 3 of 3 sheet(s)

Office Use Only
Registered:  13.5.2019

Office Use Only
DP1247122

PLAN OF SUBDIVISION OF LOT 1 DP85028, LOT A DP350651, LOTS A, B & C DP384927, LOT B DP393866, LOT 1 DP500494, LOTS 1 & 2 DP569139, LOT 1 DP611335, LOT 2 DP633550, LOT 1 DP730119, LOT 1 DP742271, LOT 1 DP770901, LOT 11 DP790350, LOT 1 DP799649, LOT 1 DP1106033, LOT 201 & 202 DP1203630

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

- A schedule of lots and addresses - See 60(c) SSI Regulation 2017
- 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: D05154658

Date of Endorsement:

EXECUTED by CITY OF PARRAMATTA)
COUNCIL by its)
Authorised delegate pursuant to)
Section 378 of the Local Government)
Act 1993 and a resolution of Council)
passed at its meeting held on the)
27th day of July 2017. Minute)
No. 721 in the presence of)

Witness Signature

Delegate Signature

Dayna Coyle
Witness Name (PRINT)

Sue Coleman
Delegate Name (PRINT)

126 Church St

Acting Chief Executive Officer
Office Held

Parramatta
Witness Address

If space is insufficient use additional annexure sheet

Surveyor's Reference: 41692 009DP

CAVEATProhibiting Recording of a Dealing
or Granting of a Possessory Appli
New South Wales**AM972889T**

6

Section 74F 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.

STAMP DUTY

Revenue NSW use only

(A) TORRENS TITLE

SEE ANNEXURE A

(B) REGISTERED DEALING

Number

Torrens Title

(C) LODGED BYDocument
Collection
Box
273LName, Address or DX, Telephone, and Customer Account Number if any
INFOTRACK PTY LTD LLPN: 124725J
LEVEL 8, 135 KING STREET, SYDNEY NSW 2000
(02) 8203 7600

CODE

Reference:

~~42363039~~ 42363039

X

(D) REGISTERED PROPRIETOR

SEE ANNEXURE A

Postcode: 2150

(E) CAVEATOR

Insert the full name and address (residential if individual/registered office if body corporate)

MINISTER FOR THE ARTS ACTING FOR AND ON BEHALF OF THE CROWN IN THE RIGHT
OF THE STATE OF NEW SOUTH WALES
c/- Department of Planning and Environment, L5, 320 Pitt Street, Sydney

Postcode: 2000

(F) NAME AND ADDRESS IN AUSTRALIA SERVICE OF NOTICES ON THE CAVEATOR

IMPORTANT NOTE: The address *must* be a street address. If desired, a Document Exchange box in NSW may be provided *in addition*. If the caveator's name or address for service of notices changes, notification *must* be lodged on form 08CX.

Name: c/- Norton Rose Fulbright

Street Address: 44 Martin Place
SYDNEY NSW

Attention: Andrew Steele / James Hill

Postcode: 2000

Document Exchange Box in NSW (additional):

(G) ACTION PROHIBITED

1, 2, 4 and 7

- (H) The caveator claims to be entitled to the estate or interest in the above land specified in Schedule 1 by virtue of the instrument set out in that schedule and prohibits the Registrar General from taking, with respect to the above land, the action specified above unless the caveator has consented in writing or this caveat has lapsed or been withdrawn.

aps

WARNING: care should be exercised in completing a caveat form. An unsupported caveat may be challenged in the Supreme Court; compensation may be awarded for lodging a caveat without justification (section 74P Real Property Act 1900). Failure to observe the requirements of regulations 7 and 8 of the current Real Property Regulation may make the caveat invalid.

(I) **SCHEDULE 1 Estate or interest claimed**

Particulars of the estate or interest in the abovementioned land		
Equitable interest as grantee of an option to purchase the land in marginal note (A), as set out in Annexure A to this caveat		
By virtue of the instrument referred to below		
Nature of Instrument	Date	Parties
Call Option Deed	12/12/2017	The registered proprietor (as vendor and grantor of the option) and the caveator (as purchaser and grantee of the option)
By virtue of the facts stated below		

(J) **SCHEDULE 2 Action prohibited by this caveat**

1. The recording in the Register of any dealing other than a plan affecting the estate or interest claimed by the caveator and set out in Schedule 1.
2. The registration or recording of any plan other than a delimitation plan affecting the estate or interest claimed by the caveator and set out in Schedule 1.
3. The registration of delimitation plan¹ No.
4. The granting of any possessory application² with respect to the land in the Torrens Title referred to above.
5. The recording in the register of any dealing affecting the estate or interest of which the caveator is registered proprietor.
6. The granting of an application to extinguish the NOT APPLICABLE created by NOT APPLICABLE No.
7. The recording in the Register of a writ affecting the estate or interest claimed by the caveator and set out in Schedule 1.

(K) **STATUTORY DECLARATION³**

I, **ANDREW STEELE**

solemnly and sincerely declare that—

1. To the best of my knowledge, information and belief
 - (a) the caveator has a good and valid claim to the estate or interest set out in Schedule 1.
 - (b) the address specified at (D) as the address of the registered proprietor is the correct address.
2. This caveat does not require the leave of the Supreme Court or the endorsed consent of the registered proprietor ; I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1900 and I certify this caveat to be correct for the purposes of the Real Property Act 1900.

Made and subscribed at **SYDNEY** in the State of New South Wales on **12/12/2017**
in the presence of **Jonathan Charles Rees Bland** of **44 Martin Place, Sydney NSW**

☐ Justice of the Peace (J.P. Number:) ☒ Practising Solicitor

☐ Other qualified witness [specify]

**** who certifies the following matters concerning the making of this statutory declaration by the person who made it:**

1. I saw the face of the person ~~OR I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering; and~~
2. I have known the person for at least 12 months ~~OR I have confirmed the person's identity using an identification document and the document I relied on was a~~ [Omit ID No.]

Signature of witness:

Signature of declarant:

Capacity of declarant if other than the caveator **ANDREW GRAEME STEELE**
Solicitor

(L) **CONSENT (section 74O Real Property Act 1900)⁴**

I, the registered proprietor named at (D)/possessory applicant, for the purposes of section 74O only, consent to this caveat.

Signature of registered proprietor/possessory applicant

1. A plan defining the boundaries of land in a limited folio of the Register. See Part IVB Real Property Act 1900.
2. An application made by a person claiming title to land by virtue of adverse possession. See Part VIA Real Property Act 1900.
3. As the services of a qualified witness cannot be provided at lodgment, the declaration should be signed and witnessed prior to lodgment. **** If made outside NSW, cross out the witness certification. If made in NSW, cross out the text which does not apply.**
4. Only one capacity can be selected, either registered proprietor or possessory applicant, cross out whichever does not apply.

**THIS IS ANNEXURE "A" TO THE CAVEAT BY MINISTER FOR THE ARTS ACTING
 FOR AND ON BEHALF OF THE CROWN IN RIGHT OF THE STATE OF NEW SOUTH
 WALES**

(A)	TORRENS TITLE	(D) REGISTERED PROPRIETOR
	Auto Consol 5550-211 PART, being Lot 1 in DP 1106033	The Council of the City of Parramatta
	Auto Consol 5550-211 PART, being Lot A in DP 350651	The Council of the City of Parramatta
	201/1203630	City of Parramatta Council
	202/1203630	City of Parramatta Council
	B/393866	The Council of the City of Parramatta
	1/500494	The Council of the City of Parramatta
	1/730119	The Council of the City of Parramatta
	2/633550	The Council of the City of Parramatta
	11/790350	The Council of the City of Parramatta
	Auto Consol 6792-237 PART, being Lot A in DP 384927	The Council of the City of Parramatta
	Auto Consol 6792-237 PART, being Lot B in DP 384927	The Council of the City of Parramatta
	C/384927	The Council of the City of Parramatta
	1/569139	Parramatta City Council
	2/569139	The Council of the City of Parramatta
	1/611335	Parramatta City Council
	1/799649	Parramatta City Council
	1/85028	The Council of the City of Parramatta
	1/742271	Parramatta City Council
	1/770901	The Council of the City of Parramatta

ANDREW GRAEME STEELE
 Solicitor

7

Form: 01T
Licence: 03-09-096
Licensee: Minter Ellison

TRANSFER
New South Wales
Real Property Act 1900



AP267735F

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.

STAMP DUTY

Office of State Revenue use only

Office of State Revenue
NSW Treasury
Client No: 90963501
Date: EXEMPT Trans No: 9544874-01
Assessment: 5308

(A) **TORRENS TITLE** 1/1247122 and 2/1247122

(B) **LODGED BY**

Document Collection Box <u>27311</u>	Name, Address or DX, Telephone, and Customer Account Number if any 273 L INFOTRACK PTY LTD LLPN: 124725J Telephone Reference: <u>57507586 ALLEN S</u>	CODES T TW
---	--	------------------

(C) **TRANSFEROR**

CITY OF PARRAMATTA COUNCIL ABN 49 907 174 773

(D) **CONSIDERATION** The transferor acknowledges receipt of the consideration of \$140,000,000.00 and as regards

(E) **ESTATE** the abovementioned land transfers to the transferee an estate in fee simple

(F) **SHARE TRANSFERRED** 100%

(G) **Encumbrances (if applicable):**

(H) **TRANSFEE**

PLANNING MINISTERIAL CORPORATION ABN 36 691 806 169

(I) **TENANCY:**

DATE: 3 APRIL 2019

Annexure A to Transfer

Transferor: CITY OF PARRAMATTA COUNCIL ABN 49 907 174 773

Transferee: PLANNING MINISTERIAL CORPORATION ABN 36 691 806 169

- (J) I certify that I am an eligible witness and that an authorised officer of the transferor signed this dealing in my presence. [See note* below].

CITY OF PARRAMATTA COUNCIL ABN 49 907 174 773 by its authorised delegate pursuant to section 377 of the *Local Government Act 1993*.

Signature of witness

Signature of delegate

Name of witness

Name of delegate

Address of witness

Certified correct for the purposes of the Real Property Act 1900 on behalf of the transferee by the person whose signature appears below

Signature

Signatory's name

transferee's solicitor

Signatory's capacity

- (K) The transferee's solicitor certifies that the eNOS data relevant to this dealing has been submitted and stored under eNOS ID No. Full name: Signature:

*s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.

8

FILM WITH AP267735F

Allens
Deutsche Bank Place
Corner Hunter & Phillip Streets
Sydney NSW 2000 Australia
T +612 9230 4000
F +612 9230 5333
www.allens.com.au

GPO Box 50
Sydney NSW 2001 Australia

ABN 47 702 595 758

Allens > < Linklaters

15 May 2019

Registrar General
NSW Land Registry Services
1 Prince Albert Road
Queens Square
Sydney NSW 2000

Dear Sir / Madam

Caveator: Minister for the Arts
Registered Proprietor: City of Parramatta Council (also known as The Council of the City of Parramatta and Parramatta City Council)
Caveat No: AM972889

By this letter, the Minister for the Arts as the caveator under caveat dealing number AM972889 consents to the registration of a transfer of land from City of Parramatta Council to Planning Ministerial Corporation in respect of the whole of the land comprised in the following certificates of title 1/1247122 and 2/1247122.

Signed for and on behalf of **Minister for the Arts** by Rebecca Hiscock in her capacity as caveator's solicitor:

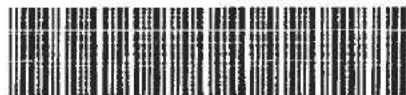
Rebecca Hiscock
Associate
Allens
Rebecca.Hiscock@allens.com.au
T +61 2 9230 4558

Our Ref VKHS:RBHS:120749785
RBHS 504781870v1 120749785 15.5.2019

Form: 08X
Release: 4.3

CAVEAT

Prohibiting Recording of a Dealing or
Granting of a Possessory Application
New South Wales



AJ519382M

9

Section 74F 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.

STAMP DUTY

Office of State Revenue use only

(A) TORRENS TITLE

1/569139

(B) REGISTERED DEALING

Number

Torrens Title

(C) LODGED BY

Document
Collection
Box

Name, Address or DX, Telephone, and Customer Account Number if any

CODE

392C

SYDNEY LEGAL AGENTS

LLP: 128005Y

Reference: Lionheart - 190000

X

(D) REGISTERED PROPRIETOR

AUSTRALIA INVESTMENTS LLC
34 Phillip Street, Parramatta NSW

Postcode: 2150

(E) CAVEATOR

Insert the full name and address (residential if individual/registered office if body corporate)

PARRAMATTA CITY COUNCIL ABN 49 907 174 773
30 Darcy Street, Parramatta NSW

Postcode: 2150

(F) NAME AND ADDRESS IN NEW SOUTH WALES FOR SERVICE OF NOTICES ON THE CAVEATOR

IMPORTANT NOTE: The address *must* be a street address. If desired, a Document Exchange box in NSW may be provided *in addition*. If the caveator's name or address for service of notices changes, notification *must* be lodged on form 08CX.

Name: Lionheart Lawyers

Street Address: Level 2, 64 Clarence Street, Sydney NSW

NSW postcode: 2000

Document Exchange Box in NSW (additional):

(G) ACTION PROHIBITED

1, 2, 4 and 7.

- (H) The caveator claims to be entitled to the estate or interest in the above land specified in Schedule 1 by virtue of the instrument set out in that schedule and prohibits the Registrar General from taking, with respect to the above land, the action specified above unless the caveator has consented in writing or this caveat has lapsed or been withdrawn.

ALL HANDWRITING MUST BE IN BLOCK CAPITALS.

WARNING: care should be exercised in completing a caveat form. An unsupported caveat may be challenged in the Supreme Court; compensation may be awarded for lodging a caveat without justification (section 74P Real Property Act 1900). Failure to observe the requirements of regulations 7 and 8 of the current Real Property Regulation may make the caveat invalid.

(I) **SCHEDULE 1 Estate or interest claimed**

Particulars of the estate or interest in the abovementioned land		
Pursuant to Contract for Sale of Land dated 22 May 2015		
By virtue of the instrument referred to below		
Nature of Instrument	Date	Parties
Contract for Sale of Land	22 May 2015	Australia Investments LLC (as Vendor) and Parramatta City Council (as Purchaser)
By virtue of the facts stated below		

(J) **SCHEDULE 2 Action prohibited by this caveat**

- The recording in the Register of any dealing other than a plan affecting the estate or interest claimed by the caveator and set out in Schedule 1.
- The registration or recording of any plan other than a delimitation plan affecting the estate or interest claimed by the caveator and set out in Schedule 1.
- ~~The registration of delimitation plan¹ No. _____~~
- The granting of any possessory application² with respect to the land in the Torrens Title referred to above.
- ~~The recording in the register of any dealing affecting the estate or interest of which the caveator is registered proprietor.~~
- ~~The granting of an application to extinguish the SELECT created by SELECT No. _____~~
- The recording in the Register of a writ affecting the estate or interest claimed by the caveator and set out in Schedule 1.

(K) **STATUTORY DECLARATION³**

I, Nazih Touma

solemnly and sincerely declare that—

- To the best of my knowledge, information and belief
 - the caveator has a good and valid claim to the estate or interest set out in Schedule 1.
 - the address specified at (D) as the address of the registered proprietor is the correct address.
- This caveat does not require the leave of the Supreme Court or the endorsed consent of the registered proprietor; I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1900 and I certify this caveat to be correct for the purposes of the Real Property Act 1900.

Made and subscribed at Sydney in the State of NSW on 26/5/2015
 in the presence of Raniah Arabi of Level 2, 64 Clarence St, Sydney.

☒ Justice of the Peace (J.P. Number: 127921) ☐ Practising Solicitor

☐ Other qualified witness [specify] _____

**** who certifies the following matters concerning the making of this statutory declaration by the person who made it:**

- I saw the face of the person ~~OR I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering; and~~
- I have known the person for at least 12 months ~~OR I have confirmed the person's identity using an identification document and the document I relied on was a _____ (Omit ID No.)~~

Signature of witness: _____

Signature of declarant: _____

Capacity of declarant if other than the caveator: Solicitor for Caveator

(L) **CONSENT (section 74O Real Property Act 1900)⁴**

I, the registered proprietor named at (D)/possessory applicant, for the purposes of section 74O only, consent to this caveat.

Signature of registered proprietor/possessory applicant _____

- A plan defining the boundaries of land in a limited folio of the Register. See Part IVB Real Property Act 1900.
- An application made by a person claiming title to land by virtue of adverse possession. See Part VIA Real Property Act 1900.
- As the services of a qualified witness cannot be provided at lodgment, the declaration should be signed and witnessed prior to lodgment. ****** If made outside NSW, cross out the witness certification. If made in NSW, cross out the text which does not apply.
- Only one capacity can be selected, either registered proprietor or possessory applicant, cross out whichever does not apply.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/569139

SEARCH DATE	TIME	EDITION NO	DATE
20/5/2015	8:04 AM	8	25/8/2009

LAND

LOT 1 IN DEPOSITED PLAN 569139
AT PARRAMATTA
LOCAL GOVERNMENT AREA PARRAMATTA
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP569139

FIRST SCHEDULE

AUSTRALIA INVESTMENTS LLC

(T AE832752)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 DP776173 RESTRICTION(S) ON THE USE OF LAND
- 3 0898268 POSITIVE COVENANT

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 20/5/2015

PLAN FORM 1

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

"X" OFFICE USE ONLY

Council Clerk's Certificate	Surveyor's Certificate	PLAN OF RESTRICTION AS TO USER OVER LOT 1 D.P. 569139	DP 776173
<p>I hereby certify that -</p> <p>(a) the requirements of the Local Government Act, 1970 (other than the requirements for the registration of plans), and</p> <p>(b) the requirements of section 248 of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended, (Water District Water, Sewerage, and Drainage Act, 1924, as amended)</p> <p>have been complied with by the applicant in relation to the proposed</p> <p>(insert "new road", "subdivision" or "consolidated lot") set out herein</p> <p>Subdivision No.</p> <p>Date</p> <p>(Signature) Council Clerk</p> <p>"This part of certificate to be deleted when the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the area of operation of the Metropolitan Water Sewerage and Drainage Board and the Hunter District Water Board.</p> <p>(Delete if inapplicable)</p>	<p>PHILLIP ALFRED ALLOIS REGISTRAR, SMITH & PARTNERS of 3, a surveyor registered under the Surveyors Act, 1923, as amended, hereby certify that the survey represented in this plan is complete from D.P. 569139</p> <p>It accords and has been made - 111 by me - 121 under my immediate supervision - 122 with the Survey Practice Regulations - 1933, and was completed on 15.11.87</p> <p>Signature Surveyor registered under Surveyors Act, 1923, as amended. Certificate of Accuracy</p> <p>Strike out either (1) or (2). Insert date of survey.</p>	<p>Man/Shire City : PARRAMATTA Locality: PARRAMATTA</p> <p>Parish: ST. JOHN County: CUMBERLAND</p> <p>Reduction Ratio 1: 500 Lengths are in metres</p>	<p>Registered: 23.8.1988</p> <p>C.A.:</p> <p>Title System: TORRENS</p> <p>Purpose: EASEMENT</p> <p>Ref. Map: U005-411</p> <p>Last Plans: DP 569139</p>
<p>Signatures, seals and statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.</p> <p>PURSUANT TO SEC. 88 B OF THE CONVEYANCING ACT 1919, IT IS INTENDED TO CREATE:</p> <p>1) RESTRICTION AS TO USER</p> <p>AGOTING 8809 OK</p> <p>PHILLIP STREET</p>		<p>2 D.P. 500494</p> <p>15° 52' 00" (37.445) 69.635</p> <p>27° 27' 24" 30.555</p> <p>(A) (1010 m²) D.P. 569139</p> <p>(32.145) 193° 35' 26.31 27.72 199° 20' 422 112° 39'</p> <p>1 D.P. 611335</p> <p>(A) RESTRICTION AS TO USER</p> <p>Plan Drawing only to appear in this space</p>	

10 20 30 40 50 60 70 Table of mm 110 120 130 140	<p>This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day. 25th August, 1988</p> <p>SEAL</p>
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INSTRUMENT SETTING OUT TERMS OF RESTRICTIONS AS TO USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919

Lengths are in metres

Sheet 1 of 1 Sheet

PLAN: DP776173

DP776173

FULL NAME AND ADDRESS OF
REGISTERED PROPRIETOR OF LAND

PART 1

Lot 1 in Deposited Plan 80173 at Parramatta in the City of Parramatta Parish of St John and County of Cumberland and being the whole of the land comprised in Certificate of Title Volume 12517 Folio 90.

AGOSTINO BROS. PTY LIMITED
333 Church Street Parramatta

PART A

Restriction as to User

1. IDENTITY OF RESTRICTION
FIRSTLY REFERRED TO IN
ABOVEMENTIONED PLAN

SCHEDULE OF LOTS, ETC AFFECTED

Lot Burdened

1 in DP569139
(Vol. 12517 Fol. 90)

Lots, Name of Road or Authority Benefitted

The Council of the City of Parramatta.

PART B

1. Terms of Restriction as to User Firstly Referred to in Abovementioned Plan

- (a) No building or structure of any kind whatsoever shall be erected or permitted to remain on over or under that part of the lot burdened, shown "A" on the plan annexed hereto and marked "X".
- (b) No fence shall be erected on the part of the lot burdened adjacent to the area shown "A" on the plan annexed hereto and marked "X", to divide it from the lot benefitted, without the consent of Whiteholme Pty Limited or its assigns.

Name of Person or Authority whose Consent is Required to Release Vary or Modify the Restrictions as to User Firstly Referred to in Abovementioned Plan:

THE COUNCIL OF THE CITY OF PARRAMATTA

THE COMMON SEAL of
AGOSTINO BROS. PTY LIMITED
was hereunto affixed pursuant
to a resolution of the Board
Directors in the presence of



.....
Director

.....
Secretary

.....
Approved

.....
(R. G. MUNDLER)
Town Clerk.
The Parramatta City Council

ABT:CG
LSE11-1605

REGISTERED



23.8.1988

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 25th August, 1988



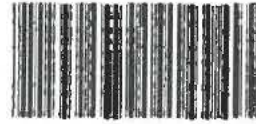
10 20 30 40 50 60 70 Table of mm 110 120 130 140

97-11R



REQUEST

Real Property Act 1900



0
898268 0

11

(A) **STAMP DUTY**
If applicable.

Office of State Revenue use only

(B) **TITLE**
Show no more than 20.

Folio Identifier 1/569139

(C) **REGISTERED DEALING**
If applicable.

(D) **LODGED OFFICE USE**

ON

PC

L.T.O. Box

10871X

Name, Address or DX and Telephone

P.T.S. / HORTON

Dealing Code

REFERENCE (max 15 characters): FOREVER

(E) **APPLICANT**

The Council of the City of Parramatta

(F) **REQUEST**

See Annexure "A"

CHECKED BY (office use only)

8
AZ

THIS IS THE ANNEXURE MARKED "A" REFERRED TO IN THE REQUEST

DATED

DAY OF

1995

BETWEEN : THE COUNCIL OF THE CITY OF PARRAMATTA

**AND : REX GENE MAUGHAN
("the Registered Proprietor")**

THE COUNCIL OF CITY OF PARRAMATTA, Council Chambers, Civic Place, Parramatta a prescribed authority within the meaning of section 88E(1) of the Conveyancing Act, 1919 imposes the following Positive Covenant on the land referred to above and applies to have such Covenant recorded in the Register.

TERMS OF POSITIVE COVENANT

The registered proprietors covenant with the applicants that they will maintain and repair the structure and works on the land in accordance with the following terms and conditions:

- I. The registered proprietor will;**
 - (a) Keep the structure and works clean and free from silt, rubbish and debris.**
 - (b) Maintain and repair at the sole expense of the registered proprietors the whole of the structure and works so that it functions in a safe and efficient manner.**
- II. For the purpose of ensuring observance of the covenant the applicant may by its servant or agents at any reasonable time of the day and upon giving to the person against whom the covenant is enforceable not less than two days notice (but at anytime without notice in the case of an emergency) enter the land and view the condition of the land and state of construction maintenance or repair of the structure and works on the land.**
- III By written notice the applicant may require the registered proprietor to attend to any matter and to carry out such work within such time as the applicant may require to ensure the proper and efficient performance of the structure and works and to that extent section 88F(2) (a) of the Act is hereby agreed to be amended accordingly.**
- IV. Pursuant to section 88F(3) of the Act the authority shall have the following additional powers pursuant to this covenant:**
 - i In the event that the registered proprietor fails to comply with the terms of any written notice issued by the applicant as set out above the applicant or its authorised agents may enter the land with all necessary equipment and carry out any work which the applicant in its discretion considers reasonable to comply with the said notice referred to in III hereof.**

- ii The applicant may recover from the registered proprietor in a Court of competent jurisdiction:
 - (a) any expense reasonably incurred by it in exercising its powers under sub-paragraph (i) hereof. Such expense shall include reasonable wages for the applicant's own employees engaged in effecting the said work together with cost, reasonably estimated by the applicant, for the use of machinery, tools and equipment in conjunction with the said work.
 - (b) legal costs on an indemnity basis for issue of the said notices and recovery of the said cost and expenses together with the cost and expenses of registration of a covenant charge pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act.

- V. The covenant shall bind all persons who claim under the registered proprietors as stipulated in section 88E(5) of the Act.

For the purposes of this covenant:

Structure and works shall mean the on-site stormwater detention system constructed on the land as detailed on the plans approved by Council No P546/95 including all gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater on the land.

- VI. In carrying out any work under this clause, the Council shall take reasonable precautions to ensure that the land is disturbed as little as possible.

The Act shall mean the Conveyancing Act 1919.

(G)

STANDARD EXECUTION

0

898268

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

DATE

Signed in my presence by the Applicant who is personally known to me.

Signature of Witness

Ross Lloyd

Name of Witness (BLOCK LETTERS)

1200 So. First, Tampa, Az
Address of Witness

Address of Witness

Signature of Applicant

The Common Seal of the Council of the City of Parramatta was hereunto affixed this 20th Day of September, 1995 pursuant to a resolution of Council Register No. 651

Lord Mayor

General Manager

EXECUTION INCLUDING STATUTORY DECLARATION

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1900, and I certify this Application correct for the purposes of the Real Property Act 1900. Made and subscribed at in the State of on 19..... in the presence of

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and Qualification of Witness

Signature of Applicant