

Commonwealth Indemnity

(see Condition 11 of the Modified Development Consent for
Community Facility Site)

Commonwealth of Australia (**the Commonwealth**)
Randwick City Council (**the Council**)

MinterEllison

L A W Y E R S

Details

Date

Parties

Name **Commonwealth of Australia**
Short form name **the Commonwealth**
Notice details The office of the Property Disposal Task Force, Department of Defence, Level 8, 270 Pitt St, Sydney (reference Liz Clark, Director)
Facsimile 9377 2036

) Name **Randwick City Council**
Short form name **the Council**
Notice details The General Manager
30 Frances Street, Randwick
Facsimile 02 9319 1510

Background

- A On 23 September 2002 the Commonwealth was the registered proprietor of the land in Lots 11-18 in DP 1042814 the address of which includes 33-149 Bundock Street Kingsford and 373A Avoca Street Kingsford.
- B At an extraordinary meeting on 23 September 2002, the Council resolved to grant a deferred commencement consent to Development Application Number 02/00426/GJ for the erection of a community facility building, construction of a park and provision of utility services at 33-149 Bundock Street and 373A Avoca street, Kingsford, subject to conditions ('the Development Consent').
- C The Development Consent was modified on 4 December 2003 pursuant to an application under s96(1A) of the *Environmental Planning and Assessment Act 1979* (NSW) ('the Modified Development Consent').
- D This Deed is intended to satisfy the obligation in condition 11 of the Modified Development Consent.

Agreed terms

1. Defined terms & interpretation

1.1 Defined terms

In this document:

the Commonwealth means the Commonwealth of Australia

the Council means Randwick City Council

the Development Consent means the development consent referred to in paragraph B of the Background to this Deed.

the Modified Development Consent means the Development Consent as modified on 4 December 2003 pursuant to an application under s96(1A) of the *Environmental Planning and Assessment Act 1979* (NSW).

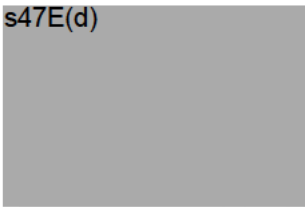
the Community Facility Site means the land defined to be the 'Site' on page 6 of Volume 1 of the Statement of Environmental Effects which was comprised in the development application referred to in paragraph B of the Background to this deed.

2. Commonwealth Indemnity

The Commonwealth irrevocably and unconditionally indemnifies the Council against all legal liability of any nature which the Council may incur for a period of 40 years from 17 September 2002, for or in respect of any death, personal injury, or damage to property, arising from or incurred in connection with any soil or groundwater contamination in, of, or on the Community Facility Site or any remediation of any soil or groundwater contamination in, of, or on the Community Facility Site, whether or not the Council knew or should have known about a fact or circumstance that gives rise to a liability under this indemnity.

Execution by the Commonwealth

s47E(d)



Director – Property Disposals Task Force

Ph: s47E(d)

Witnessed by:

s47E(d)

