

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.

Sheet 1 of 12

Plan:

Subdivision of Lot 733 DP 1314774
covered by Port Macquarie-Hastings
Council General Manager's Certificate No
of

Full name and address of Proprietor
of the land:

Bird in the Hand 2 Pty Ltd
ACN 639 006 803
32 Lader Terrace
VARSITY LAKES QLD 4227

PART 1

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	501 to 538 inclusive	Every other lot of 501 to 538 inclusive
2	Restriction on The Use of Land	508 to 512 inclusive & 525 to 528 inclusive	Port Macquarie-Hastings Council
3	Restriction on The Use of Land	513 to 520 inclusive	Port Macquarie-Hastings Council
4	Restriction on The Use of Land	501 to 507 inclusive, 521 to 524 inclusive & 529 to 538 inclusive	Port Macquarie-Hastings Council
5	Restriction on The Use of Land	529	Port Macquarie-Hastings Council
6	Positive Covenant	Part 500	Port Macquarie-Hastings Council
7	Positive Covenant	Part 499 & Part 500	Port Macquarie-Hastings Council
8	Restriction on The Use of Land	511, 522, 528, 533, 536, 537	Every other lot of 501 to 538 inclusive

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Plan:

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9	Easement For Multi-Purpose Electrical Installation 7 wide	500	Essential Energy ABN 37 428 185 226
10	Positive Covenant	501 to 538 inclusive	Port Macquarie-Hastings Council
11	Right of Carriageway 20 wide designated (D)	500	Port Macquarie-Hastings Council
12	Right of Carriageway 20 wide designated (E)	500	Port Macquarie-Hastings Council
13	Right of Carriageway variable width designated (K)	500	Port Macquarie-Hastings Council
14	Right of Carriageway 20 wide designated (L)	500	Port Macquarie-Hastings Council
15	Easement to Drain Sewage 2.5 wide designated (A)	500, 503, 504, 505, 506, 529, 530, 531, 532 & 533	Port Macquarie-Hastings Council
16	Easement to Drain Sewage variable width designated (B)	501, 502, 507, 511 to 528 inclusive, 533, 534, 535, 536, 537 & 538	Port Macquarie-Hastings Council
17	Easement to Drain Water variable width designated (C)	501 502 507	502 & 503 503 500
18	Easement to Drain Water variable width designated (R)	500	Port Macquarie-Hastings Council
19	Easement to Drain Water 1.5 wide designated (O)	509 510 511	508 508 & 59 508, 509 & 510

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Plan:

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PART 1A (RELEASE)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, to be released and referred to in the plan.	Burdened lot(s) or parcel(s).	Benefitted lot(s), road(s), bodies or prescribed authorities.
1	Easement to Drain Water 1.5 wide created by DP1306921	212/1306921	733/1314774
2	Easement to Drain Water 1.5 wide created by DP1307775	319/1307775	733/1314774 as regards Lots 499, 500 & 504-538
3	Easement to Drain Water 1.5 wide created by DP1307775	320/1307775	733/1314774 as regards Lots 499, 501-506 & 508-538
4	Easement to Drain Water 3 wide created by DP1307775	733/1314774 being Persimmon Parkway & Pepperberry Parade	Port Macquarie-Hastings Council
5	Easement for Underground Powerlines 2 wide created by DP1307775	733/1314774 being Lemon Myrtle Loop	Essential Energy ABN 37 428 185 226
6	Right of Carriageway variable width created by DP1307775	733/1314774	Port Macquarie-Hastings Council

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PART 2

1 Terms of Restriction firstly referred to in the abovementioned plan:

- (a) No building or buildings shall be erected or placed on or be permitted to remain erected or placed on each Lot burdened without obtaining written approval from the The Sanctuary Development Assessment Panel (DAP), on behalf of Bird in the Hand 2 Pty Limited, in accordance with the Sanctuary Design Guidelines, prior to lodgement for approval by Port Macquarie/Hastings Council or Private Certifier.
- (b) No subdivision of a Lot burdened by a plan creating more than one lot may take place without the prior written approval of Bird in the Hand 2 Pty Limited.
- (c) No building or buildings shall be erected or placed on or be permitted to remain erected or placed on each Lot burdened unless wholly constructed of new or substantially new materials at the time of such erection or placement, without the prior consent in writing of Bird in the Hand 2 Pty Limited.
- (d) No building shall be erected or permitted to remain erected on the Lot having a roof of material other than low profile tile, terracotta, or non-reflective Colourbond.
- (e) No building shall be erected or permitted to remain erected on the Lot having eaves with a horizontal dimension of less than 450 millimetres from the adjoining wall excluding any attached gutters unless approved by the DAP.
- (f) No excavation or fill which alters the present topography of the land by greater than 600 millimetres shall be permitted without the prior consent in writing of Bird in the Hand 2 Pty Limited and unless it is secured by a retaining wall no higher than 900 millimetres and completed prior to habitation of any dwelling on the land.
- (g) No temporary dwelling, caravan, mobile home or similar vehicular residence shall be brought onto or be erected on any Lot and no person shall be permitted to reside in any building being erected on the Lot until completion of its construction.
- (h) No motor vehicle in excess of three (3) tonnes in weight (unladen) shall be permitted to be or to remain upon any Lot except during building operations for the loading or unloading of materials and/or equipment.

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- (i) No advertising hoarding sign or advertising matter of any description shall be erected or displayed upon each Lot burdened.
- (j) No fence shall be constructed on any lot to divide that lot from land owned by Bird in the Hand 2 Pty Ltd without the consent of Bird in the Hand 2 Pty Ltd provided that such consent shall not be withheld if such fence is constructed without expense to Bird in the Hand 2 Pty Ltd.
- (k) No fence shall be erected on the land so as to be situated closer to the street than the house building line and no fence or wall (whether to create a courtyard or otherwise) shall be erected on any Lot burdened or part thereof between the front building alignment of the main building to the street frontage without the prior written approval of Bird in the Hand 2 Pty Ltd.
- (l) No waste or garbage receptacle, water tank, meter box, hot water system or clothes line shall be permitted to remain upon the Lot burdened or part thereof such that it is visible from the adjacent public street except during any building operations or placement for the immediate collection by waste or garbage removal agencies.
- (m) No roof mounted television antennae, satellite dishes, air-conditioning units, swimming pool heating or solar hot water storage devices shall be permitted to remain upon the Lot burdened or part thereof such that it is visible from the adjacent public street or neighbouring parkland nor be located above the ridgeline of the associated dwelling.
- (n) No more than one (1) main building shall be erected or be permitted to remain erected on the land hereby burdened, without the consent of Bird in the Hand 2 Pty Limited and such building shall not be used or permitted to be used other than as a single private dwelling.
- (o) No main building shall be erected or permitted to remain erected on each Lot burdened with a floor area of less than one hundred and eighty square metres (180m²).

2 Terms of Restriction secondly referred to in the abovementioned plan:

No dwelling shall be constructed on the lot burdened unless internal noise levels comply with Category 1 construction measures in accordance with AS3671-1989 "Acoustics – Road traffic noise intrusion – Building Siting and Construction".

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3 Terms of Restriction thirdly referred to in the abovementioned plan:

No dwelling shall be constructed on the lot burdened unless internal noise levels comply with Category 1 construction measures for single storey dwellings & Category 2 construction measures for two storey dwellings in accordance with AS3671-1989 "Acoustics – Road traffic noise intrusion – Building Siting and Construction".

4 Terms of Restriction fourthly referred to in the abovementioned plan:

No dwelling shall be constructed on the lot burdened unless internal noise levels comply with Category 2 construction measures in accordance with AS3671-1989 "Acoustics – Road traffic noise intrusion – Building Siting and Construction".

5 Terms of Restriction fifthly referred to in the abovementioned plan:

No building shall be constructed on the burdened lot unless constructed within the area designated (F) on the plan.

6 Terms of Positive Covenant sixthly referred to in the abovementioned plan:

The registered proprietor of the lot burdened will ensure the ongoing management of the area designated (G) within the burdened lot, as a Bushfire Protection Zone, in accordance with Appendix 4 of 'Planning for Bushfire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones', PROVIDED ALWAYS THAT this obligation for ongoing management shall only apply to the registered proprietor of the burdened lot until residential allotments are registered upon the area designated (G) at which time the obligation upon the registered proprietor of the burdened lot shall cease and the obligation in respect of the burdened lot is thereafter automatically extinguished and released.

7 Terms of Positive Covenant seventhly referred to in the abovementioned plan:

The registered proprietor of the lot burdened will ensure the ongoing management of the area designated (H) within the burdened lot, as a Bushfire Protection Zone, in accordance with Appendix 4 of 'Planning for Bushfire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

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8 Terms of Restriction eighthly referred to in the abovementioned plan:

No features or associated landscaping constructed or installed by the Developer within the Lot burdened, shall be removed, interfered with or allowed to fall into a state of disrepair or damaged within a three (3) year timeframe from the date of registration of DP 1317842. Any removed or damaged items are to be replaced or repaired by the Registered Proprietor of the burdened Lot to an equivalent standard within a three (3) year timeframe from the date of registration of DP 1317842.

9 Terms of Easement ninthly referred to in the abovementioned plan:

Easement for Multi-Purpose Electrical Installation 7 wide with terms and conditions as set out in Part C of registered Memorandum AG189384.

10 Terms of Positive Covenant tenthly referred to in the abovementioned plan:

The registered proprietor of the lot hereby burdened shall maintain the entire lot as an inner protection area (IPA) as outlined within Appendix 4 of 'Planning for Bushfire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

11 Terms of Easement eleventhly referred to in the abovementioned plan:

Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass at all times and for all purposes with or without animals or vehicles or both over the land indicated herein as the servient tenement PROVIDED THAT such Right of Carriageway shall be released in whole by Port Macquarie-Hastings Council upon dedication of the area or part thereof comprising the Right of Carriageway as Public Road.

12 Terms of Easement twelfthly referred to in the abovementioned plan:

Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass at all times and for all purposes with or without animals or vehicles or both over the land indicated herein as the servient tenement PROVIDED THAT such Right of Carriageway shall be released in whole by

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Port Macquarie-Hastings Council upon dedication of the area or part thereof
comprising the Right of Carriageway as Public Road.

13 Terms of Easement thirteenthly referred to in the abovementioned plan:

Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass at all times and for all purposes with or without animals or vehicles or both over the land indicated herein as the servient tenement PROVIDED THAT such Right of Carriageway shall be released in whole by Port Macquarie-Hastings Council upon dedication of the area or part thereof comprising the Right of Carriageway as Public Road.

14 Terms of Easement fourteenthly referred to in the abovementioned plan:

Full and free right for the body in whose favour this easement is created, and every person authorised by it, to go, pass and repass at all times and for all purposes with or without animals or vehicles or both over the land indicated herein as the servient tenement PROVIDED THAT such Right of Carriageway shall be released in whole by Port Macquarie-Hastings Council upon dedication of the area or part thereof comprising the Right of Carriageway as Public Road.

Name of persons empowered to release vary or modify the restrictions firstly & eighthly referred to in the abovementioned plan :

Bird in the Hand 2 Pty Ltd ACN 639 006 803 or if that company has been wound up, otherwise dissolved, or deregistered in any case to the extent where it no longer legally exists, then by the person or persons in whom the legal estate in fee simple is for the time being vested in the land in the said plan of subdivision (other than streets or other public areas) having a common boundary with the land burdened.

Name of authority empowered to release vary or modify the Restrictions secondly, thirdly, fourthly & fifthly and the Positive Covenants sixthly, seventhly & tenthly referred to in the abovementioned plan:

Port Macquarie-Hastings Council

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Executed by)
BIRD IN THE HAND 2 PTY LTD)
ACN 639 006 803)
Pursuant to Section 127 of the)
Corporations Act, 2001)

.....
Damien Edward Gwynne
Sole Director & Secretary

MORTGAGEE'S CONSENT

Executed by)
CW MB PTY LTD)
ACN 639 663 531)
Pursuant to Section 127 of the)
Corporations Act, 2001)

.....
Damien Edward Gwynne
Sole Director & Secretary

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MORTGAGEE'S CONSENT

Executed by
VANOUT No.2 PTY LTD
ACN 619 845 813
Pursuant to Section 127 of the
Corporations Act, 2001

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.....
John Andrew Van Lieshout
Director

.....
Linda Ann Van Lieshout
Director

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EXECUTED BY ESSENTIAL ENERGY
(ABN 37 428 185 226)
By its duly appointed attorney under power
of attorney Book 4821 No.80 in the
presence of:

.....
Signature of witness

.....
Signature of attorney
(signing on behalf of Essential Energy
ABN 37 428 185 226)

.....
Full name of witness

.....
Full name and title of attorney

.....
Address of witness

.....
Title of Attorney

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PORT MACQUARIE – HASTINGS COUNCIL

by its authorised delegate pursuant to s.377 Local Government Act 1919

.....
Signature Of Authorised Delegate

.....
Name of Authorised Delegate (Use Block Letters)

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

.....
Signature Of Witness

.....
Name Of Witness (Use Block Letters)

.....
Address Of Witness