INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS Á PRENDRE INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING ACT 1919.

Plan: Subdivision of Lot 910 DP 1327443 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 á 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	401 to 440 inclusive	Every other lot of 401 to 440 inclusive
2	Restriction on The Use of Land	401 to 440 inclusive	Port Macquarie-Hastings Council
3	Positive Covenant	441	Port Macquarie-Hastings Council
4	Positive Covenant	401 to 440 inclusive	Port Macquarie-Hastings Council
5	Restriction on The Use of Land	416	Port Macquarie-Hastings Council
6	Restriction on The Use of Land	418, 419, 420, 423, 424 & 440	442
7	Easement for Drainage of Sewage 2.5 wide designated (A)	404 to 416 inclusive, 419, 420 & 423 to 439 inclusive	Port Macquarie-Hastings Council
8	Easement for Drainage of Sewage variable width designated (B)	401, 402, 403, 417 & 418	Port Macquarie-Hastings Council

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PART 1A (RELEASE)

Number of item shown in the intention panel on the plan	Identity of easement, profit á 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	Right of Carriageway 20 wide numbered (11) in 88b created by DP1317842	910/1327443	Port Macquarie-Hastings Council
2	Right of Carriageway 20 wide numbered (12) in 88b created by DP1317842	910/1327443	Port Macquarie-Hastings Council

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.

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(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.

(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

Plan: Subdivision of Lot 910 DP 1327443 covered by Port Macquarie-Hastings Council General Manager's Certificate No of

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 2 construction measures in accordance with AS3671-1989 "Acoustics – Road traffic noise intrusion – Building Siting and Construction".

3 Terms of Positive Covenant thirdly referred to in the abovementioned plan:

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

4 Terms of Positive Covenant fourthly 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'.

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

No main building or part thereof shall be erected or be permitted to remain erected on each lot burdened other than within the area designated (D) on the abovementioned plan or unless otherwise approved by Port Macquarie Hastings Council.

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Plan: Subdivision of Lot 910 DP 1327443 covered by Port Macquarie-Hastings Council General Manager's Certificate No of

6 Terms of Restriction sixthly 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 1327445. 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 1327445.

Name of persons empowered to release vary or modify the restrictions firstly & sixthly 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 & fifthly and the Positive Covenants thirdly & fourthly referred to in the abovementioned plan:

Port Macquarie-Hastings Council

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Plan: Subdivision of Lot 910 DP 1327443 covered by Port Macquarie-Hastings Council General Manager's Certificate No of

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

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Plan: Subdivision of Lot 910 DP 1327443 covered by Port Macquarie-Hastings Council General Manager's Certificate No of

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

DRAFT

Plan: Subdivision of Lot 910 DP 1327443 covered by Port Macquarie-Hastings Council General Manager's Certificate No of

MORTGAGEE'S CONSENT

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

……

John Andrew Van Lieshout
Director

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Linda Ann Van Lieshout
Director

DRAFT

Plan: Subdivision of Lot 910 DP 1327443 covered by Port Macquarie-Hastings Council General Manager's Certificate No of

MORTGAGEE'S CONSENT

Executed by)
VANOUT PTY LTD)
ACN 131 852 894)
Pursuant to Section 127 of the)
Corporations Act, 2001)

……

John Andrew Van Lieshout
Director

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Linda Ann Van Lieshout
Director

DRAFT

Plan: Subdivision of Lot 910 DP 1327443 covered by Port Macquarie-Hastings Council General Manager's Certificate No of

PORT MACQUARIE – HASTINGS COUNCIL

by its authorised delegate pursuant to s.377 Local Government Act 1993

……
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

DRAFT