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Instrument setting out terms of Easements, Profits à Prendre, Restrictions on the Use of Land or Positive Covenants intended to be created or released pursuant to Section 88B Conveyancing Act 1919 (Act).

Plan: DP1327442

PLAN OF SUBDIVISION OF LOT 500 IN DP1317842

Full Name and Address of the Owner(s) of the land

BIRD IN THE HAND 2 PTY LTD

32 Lader Terrace VARSITY LAKES QLD 4227

Covered by Subdivision Certificate No. 13.2014.114.11

dated 30/10/2026

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of the 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	Easement to drain water 1.5 Wide (A)	603 605 606	1/565437 1/565437 605, 1/565437
2	Easement for drainage of sewage Variable Width (B)	603, 607	Port Macquarie-Hastings Council
3	Restriction(s) on the use of Land	603-607	Every other lot, excluding 608
4	Restriction(s) on the use of Land	603-607	Port Macquarie-Hastings Council
5	Restriction(s) on the use of Land	607	Port Macquarie-Hastings Council
6	Positive Covenant	603-607	Port Macquarie-Hastings Council

Part 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction under section 88D or 88E of the Act, public positive covenant, or positive covenant for maintenance and repair under section 88BA of the Act, to be released and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	POSITIVE COVENANT (DP 1317842) (Numbered (6))	603-607 BEING PART FORMERLY IN 500/1317842	Port Macquarie-Hastings Council

DG

Attesting Witness

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Plan: DP1327442

Part 2 (Terms)

1 **Terms of Restriction thirdly 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.

(i) No advertising hoarding sign or advertising matter of any description shall be erected or displayed upon each Lot burdened.

DG

Attesting Witness

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Plan: DP1327442

Part 2 (Terms)

(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 clothesline 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 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".

3 **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 (C) on the plan.

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Plan: DP1327442

Part 2 (Terms)

4 **Terms of Positive Covenant sixthly 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'.

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

Port Macquarie-Hastings Council

DG

Attesting Witness

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Plan: DP1327442

PLAN OF SUBDIVISION OF LOT 500 IN DP1317842

Signature Sheet

Executed on behalf of the Corporation named below by the authorised person(s) whose signature(s) appear below pursuant to the authority specified

Company Name:

BIRD IN THE HAND 2 PTY LTD

Company ACN or ABN:

ACN 639 006 803

Authority:

Section 127 Corporations Act 2001

Signature:	Signature:
Name: DAMION GUNNE	Name:
Position: SOLE DIRECTOR	Position:

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Plan: DP1327442

PLAN OF SUBDIVISION OF LOT 500 IN DP1317842

Signature Sheet

Executed on behalf of the Corporation named below by the authorised person(s) whose signature(s) appear below pursuant to the authority specified

Company Name:
VANOUT NO.2 PTY LTD

Company ACN or ABN:
ACN 619 845 813

Authority:
Section 127 Corporations Act 2001

Signature:

Name:
JOHN ANDREW VAN LIESHOUT

Position:
DIRECTOR

Signature:
LaVan Lieshout

Name:
LINDA ANN VAN LIESHOUT

Position:
DIRECTOR

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Plan: DP1327442

PLAN OF SUBDIVISION OF LOT 500 IN DP1317842

Signature Sheet

Executed on behalf of the Corporation named below by the authorised person(s) whose signature(s) appear below pursuant to the authority specified

Company Name:
VANOUT PTY LTD

Company ACN or ABN:
ACN 131 852 894

Authority:
Section 127 Corporations Act 2001

Signature:	Signature:
Name: JOHN ANDREW VAN LIESHOUT	Name: LINDA ANN VAN LIESHOUT
Position: DIRECTOR	Position: DIRECTOR

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Plan: DP1327442

PLAN OF SUBDIVISION OF LOT 500 IN DP1317842

Signature Sheet

Executed on behalf of the Corporation named below by the authorised person(s) whose signature(s) appear below pursuant to the authority specified

Company Name:

CW MB PTY LTD

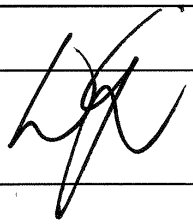
Company ACN or ABN:

ACN 639 663 531

Authority:

Section 127 Corporations Act 2001

Signature:



Name:

JAMIEN GWYNNE

Position:

SOLE DIRECTOR

Signature:

Name:

Position:

Version 1 downloaded from NSW LRS Connect on 14/10/2026 03:30 PM

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Plan: DP1327442

PLAN OF SUBDIVISION OF LOT 500 IN DP1317842

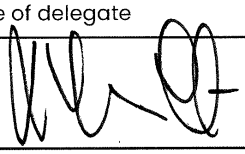
Signature Sheet

PORT MACQUARIE-HASTINGS COUNCIL

Council by its authorised delegate pursuant to

S 377 LOCAL GOVERNMENT ACT 1993

Signature of delegate

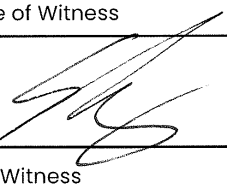


Name of delegate

DUNCAN COLTON

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

Signature of Witness



Name of Witness

GRANT BURGE

Address of Witness

17 BURRAWAN ST PORT MACQUARIE

REGISTERED: 13/11/2026

(Sheet 9 of 9 Sheets)

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