

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.

Sheet 1 of 10

Plan: Subdivision of Lot 168 DP 1272227
covered by Port Macquarie-Hastings
Council General Manager's Certificate No
of

Full name and address of Proprietor
of the land: St Vincent's Foundation Pty Limited
ACN 083 730 778
10 Orion Street
LISMORE NSW 2480

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	Each Lot of Lots 200 - 237	Every Other Lot of Lots 200 - 237
2	Easement to Drain Water 1.5 wide designated (A)	215 209 211 212 213 217 216 226 227 228 229 230 231	214 210 209 & 210 209, 210 & 211 209, 210, 211 & 212 218 217 & 218 225 225 & 226 225, 226 & 227 225, 226, 227 & 228 225, 226, 227, 228 & 229 238
3	Restriction on The Use of Land	200 - 208 inclusive	Port Macquarie – Hastings Council

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Plan:

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4	Restriction on The Use of Land	216 - 218 inclusive, & 231	Port Macquarie – Hastings Council
5	Restriction on The Use of Land	200 - 208 inclusive	Port Macquarie – Hastings Council
6	Restriction on The Use of Land	Each Lot of Lots 200 – 237 inclusive	Port Macquarie – Hastings Council
7	Right of Carriageway 20 wide designated (B)	238	Port Macquarie – Hastings Council
8	Right of Carriageway 20 wide designated (C)	238	Port Macquarie – Hastings Council
9	Easement for Multi-Purpose Electrical Installation 7 wide designated (BB)	238	Essential Energy ABN 37 428 185 226
10	Easement for Underground Powerlines 2 wide designated (CC)	238	Essential Energy ABN 37 428 185 226

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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 (12) in 88b created by DP 1267212	168/1272227	Port Macquarie – Hastings Council
2	Right of Carriageway 20 wide numbered (6) in 88b created by DP 1272227	168/1272227	Port Macquarie – Hastings Council
3	Easement to Drain Water 1.5 wide numbered (2) in 88b created by DP 1267212 as regards Lots 200 to 213 & Lots 216 to 238	129/1267212 130/1267212 138/1267212	168/1272227 as regards to Lots 200 to 213 & Lots 216 to 238
4	Easement to Drain Water 1.5 wide numbered (2) in 88b created by DP 1267212 as regards Lots 200 to 208 & Lots 214 to 238	131/1267212	168/1272227 as regards to Lots 200 to 208 & Lots 214 to 238

PART 2

- 1 Terms of Restriction firstly referred to in the abovementioned plan:
- (a) No part of the subject land shall be used for any industrial manufacturing or retailing purposes and no offensive or noisy trade or activity shall be carried out on any part thereof.
 - (b) No fence shall be erected on the subject land having a height exceeding 2 metres.
 - (c) No asbestos sheeting or panels or similar materials shall be used in the construction of any external walls of any building erected on any Lot. Constructions shall be deemed to include alterations or additions.
 - (d) No buildings of pole house construction shall be permitted.

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- (e) No building erected on the subject land shall have a roof of a material other than concrete tiles, clay tiles, slate or steel pre-painted by the manufacturer.
- (f) No animals, livestock, poultry or birds of any kind shall be raised, bred or kept upon the subject land or any part thereof, pets, birds and one dog and one desexed cat and other household pets may be kept provided that in respect of dogs the owners shall securely fence their yards and no dog shall be registered by the Port Macquarie-Hastings Council ("the Council") unless the owner can satisfy the requirements of the Council in respect of such fencing and no person shall be able to retrieve a dog from the Council unless they can demonstrate to the Council that such fencing requirements have been met, and in respect of cats, such cats shall be restrained within the dwelling or a secure night cage between the hours of 6pm and 6am and provided further that such birds, dogs, cats and other household pets shall not be kept, bred or maintained for any commercial purpose.
- (g) All grass and other vegetation growing upon the subject land shall be regularly mown and maintained and the subject land shall be kept free of all rubbish, refuse or garbage. No waste shall be kept thereon except in sanitary containers.
- (h) No person shall erect or cause or permit to be erected upon the subject land or any part thereof any advertisement, hoarding or similar structure and shall not permit the subject land or any part thereof or any building or structure erected thereon to be used for the display of any advertisement or notice except those that relate solely to the selling or letting of the subject land or any part thereof or any building erected thereon.
- (i) No shed, basement, tent, shack, garage, trailer, camper, caravan or any outbuilding erected or placed on any lot shall be used at any time as a permanent or seasonal dwelling.
- (j) No second hand materials or materials from any other previously erected dwelling or structure shall be used in the construction or any dwelling or building erected upon any Lot.
- (k) No building shall be erected on the land unless wholly constructed of new or substantially new material at the time of such construction or placement and the external face of the walls of that building comprise at least 75% brick, brick veneer, stone, glass, fibre cement or timber weatherboards, masonry block coated with a trowelled texture finish or flat fibre cement sheets coated with a trowelled texture finish.

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- (l) No dwelling, unit in a duplex, townhouse or any form of multi-dwelling housing shall be constructed or be permitted to remain on each Lot burdened, or any Lot created by the subdivision of a burdened Lot, with a floor area of less than one hundred and fifty (150) square metres excluding any garage, carport or courtyard.
- (m) The construction or erection of any building being erected on any lot shall be prosecuted diligently and continuously from the commencement of that construction or erection until the exterior of such building is completed and painted or otherwise suitably finished. Such construction or erection is to be completed within a period of twelve (12) months from the date of commencement.
- (n) No dividing fence shall be erected on any of the subject land to dividing it from any adjoining lot owned by St Vincent's Foundation Pty Ltd without the consent of St Vincent's Foundation Pty Ltd. Such consent shall not be withheld if such fence shall be erected without expense to St Vincent's Foundation Pty Ltd and be of a type and construction approved by them.
- (o) No garage or outbuilding shall be erected or permitted to remain on each Lot burdened except until after or concurrently with the erection of a main building.
- (p) No paling fence shall be constructed or be permitted to remain on each Lot burdened unless constructed of sound materials in a proper and workmanlike manner and unless lapped and capped.
- (q) No separate garage, outbuildings or similar structure shall be erected upon the subject land unless the same is of a similar and compatible design and of similar materials and colour as the principal building erected thereon provided however that one colorbond garden shed may be erected within each Lot.

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

No building shall be erected or be permitted to remain erected upon any lot burdened unless the building has been designed to incorporate category 2 construction measures and will achieve the acceptable daytime and night time noise levels contained within AS/NZS 2107:2000 – Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors.

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

No building shall be erected or be permitted to remain erected upon any lot burdened unless the building has been designed to incorporate category 1 construction measures for single storey buildings and category 2 construction measures for two storey buildings and will achieve the acceptable daytime and night time noise levels contained within AS/NZS 2107:2000 – Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors.

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

No vehicular access to and from Ocean Drive is permitted.

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

No pool shall be constructed or be permitted to remain on the lot burdened unless it has been designed to allow Koalas to escape by having a shallow end and/or a sloping bottom or otherwise incorporate a stout rope which is a minimum of 50mm in diameter with one end secured to a stable poolside structure and the other end trailing in the pool at all times.

6 Terms of Restriction ninthly referred to in the abovementioned plan:

Terms and conditions as set out in Part C of Memorandum AG189384.

7 Terms of Restriction tenthly referred to in the abovementioned plan:

Terms and conditions as set out in Part B of Memorandum AG189384.

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

St Vincent's Foundation Pty Limited or if that company has been wound up or otherwise
dissolved, 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 persons empowered to release vary or modify the restrictions thirdly, fourthly,
fifthly & sixthly referred to in the abovementioned plan:

Port Macquarie – Hastings Council

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Executed by)
St Vincent's Foundation Pty Limited)
ACN 083 730 778)
Pursuant to Section 127 of the)
Corporations Act, 2001)

.....
Director

.....
Secretary

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EXECUTED BY ESSENTIAL ENERGY
(ABN 37 428 185 226)

By its duly appointed attorney under power
of attorney Book 4745 No.85 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