

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 7

Plan: Subdivision of Lot 238 DP 1278887  
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 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	Each of Lots 300 - 327	Every Other Lot 300 - 327
2	Easement to Drain Water 1.5 wide designated (A)	303 302 301 300 305  314 313 312 311 319  317 318 327	304 303 & 304 302, 303 & 304 301, 302, 303 & 304 300, 301, 302, 303 & 304  315 314 & 315 313, 314 & 315 312, 313, 314 & 315 311, 312, 313, 314 & 315  316 316 & 317 316, 317 & 318
3	Restriction on The Use of Land	300 to 327 inclusive	Port Macquarie – Hastings Council
4	Right of Carriageway 20 wide designated (D)	328	Port Macquarie – Hastings Council

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Plan:

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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.
5	Right of Carriageway 20 wide designated (E)	328	Port Macquarie – Hastings Council
6	Right of Carriageway 20 wide designated (L)	328	Port Macquarie – Hastings Council
7	Easement to Drain Water variable width designated (C)	328	Port Macquarie – Hastings Council

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).	Benefited lot(s), road(s), bodies or prescribed authorities.
1	Right of Carriageway 20 wide numbered (7) in 88b created by DP 1272227	238/1278887	Port Macquarie – Hastings Council
2	Right of Carriageway 20 wide numbered (8) in 88b created by DP 1272227	238/1278887	Port Macquarie – Hastings Council
3	Right of Carriageway 20 wide numbered (8) in 88b created by DP 1278887	238/1278887	Port Macquarie – Hastings Council

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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.
  - (e) No building erected on the subject land shall have a roof of a material other than concrete tiles, clay tiles, slate or steel prepainted 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.

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- (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.
- (l) No Flat, Home Unit or building intended to be used as a residence and being part of a multi-unit complex erected upon the subject land shall have a floor area (excluding carports and outbuildings) of less than 150 square metres.
- (m) No single dwelling house erected upon the subject land shall have a floor area (excluding carports and out buildings) of less than 165 square metres.
- (n) 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.
- (o) 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.
- (p) 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.
- (q) 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.

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- (r) 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 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.

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 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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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