

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

(Sheet 1 of 10 sheets)

**Plan**

Plan of Subdivision of Lot 1 DP 855047 and Lots 1 and 2 DP 258276, Lots 1 and 2 DP 805848, Lot 4 DP 525133 and Road Closing Plan Lots [INSERT WHEN KNOWN].

**Full name and address of  
the owner of the land**

**THE TRUSTEES OF THE  
ROMAN CATHOLIC CHURCH  
FOR THE DIOCESE OF WAGGA WAGGA**  
McAlroy House  
Tarcutta Street  
WAGGA WAGGA NSW 2650  
(as to Lot 1 DP 855047, Lots 1 & 2 DP 258276  
and Lots 1 & 2 DP 805848)

**IAN JOSEPH GRAHAM & LYNNE GRAHAM**  
RMB 109D Winnells Mail  
WAGGA WAGGA NSW 2650  
(as to Lot 4 DP 525133, as joint tenants)

**Full name and address of  
the mortgagee of the land**

(As relates Folio Identifier  
4/525133)

**NATIONAL AUSTRALIA BANK LIMITED**  
Baylis Street  
WAGGA WAGGA NSW 2650

**PART 1**

1. Identity of easement, profit à prendre, restriction, or positive covenant to be created and firstly referred to in the plan: Easement to drain water & sewage 2.5 wide.

**Schedule of lots etc affected**

**Lots burdened**

Lots 1, 2, 10, 11, 13-19 (inclusive)  
& 48

**Lots Benefited, Relevant Roads,  
Bodies or Prescribed Authorities**

Council for the City of Wagga Wagga &  
Lot 5 DP 258276.

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(Sheet 2 of 10 sheets)

**Plan**

Plan of Subdivision of Lot 1 DP 855047 and Lots 1 and 2 DP 258276, Lots 1 and 2 DP 805848, Lot 4 DP 525133 and Road Closing Plan Lots [INSERT WHEN KNOWN].

2. Identity of easement, profit à prendre, restriction, or positive covenant to be created and secondly referred to in the plan: Easement to drain sewage 2.0 wide.

**Schedule of lots etc affected**

Lots burdened

Lots 5-8 (inclusive), 10, 23-26 (inclusive), 29, 30, 33, 34, 35 & 48.

Lots Benefited, Relevant Roads,

Bodies or Prescribed Authorities

Council for the City of Wagga Wagga.

3. Identity of easement, profit à prendre, restriction, or positive covenant to be created and thirdly referred to in the plan: Easement to drain water 2.5 wide.

**Schedule of lots etc affected**

Lots burdened

Lots 1-10 (inclusive), 28, 29, 31, 32 & 34-37 (inclusive), 46 & 47.

Lots Benefited, Relevant Roads,

Bodies or Prescribed Authorities

Council for the City of Wagga Wagga.

4. Identity of easement, profit à prendre, restriction, or positive covenant to be created and fourthly referred to in the plan: Easement to drain sewage 2 wide & variable.

**Schedule of lots etc affected**

Lots burdened

Lot 47.

Lots Benefited, Relevant Roads,

Bodies or Prescribed Authorities

Council for the City of Wagga Wagga.

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(Sheet 3 of 10 sheets)

**Plan**

Plan of Subdivision of Lot 1 DP 855047 and Lots 1 and 2 DP 258276, Lots 1 and 2 DP 805848, Lot 4 DP 525133 and Road Closing Plan Lots [INSERT WHEN KNOWN].

5. Identity of easement, profit à prendre, restriction, or positive covenant to be created and fifthly referred to in the plan: Easement for overhead powerlines 30 wide.

**Schedule of lots etc affected**

Lots burdened

Lots 11, 37 & 47.

Lots Benefited, Relevant Roads,  
Bodies or Prescribed Authorities  
Essential Energy.

6. Identity of easement, profit à prendre, restriction, or positive covenant to be created and sixthly referred to in the plan: Easement for electricity purposes 4.2 wide.

**Schedule of lots etc affected**

Lots burdened

Lot 34.

Lots Benefited, Relevant Roads,  
Bodies or Prescribed Authorities  
Essential Energy.

7. Identity of easement, profit à prendre, restriction, or positive covenant to be created and seventhly referred to in the plan: Restriction on the use of land.

**Schedule of lots etc affected**

Lots burdened

Lots 11-33 (inclusive), 38-44.

Lots Benefited, Relevant Roads,  
Bodies or Prescribed Authorities  
Each every other lot excluding Lots 34-37 (inclusive) & Lot 45.

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(Sheet 4 of 10 sheets)

**Plan**

Plan of Subdivision of Lot 1 DP 855047 and Lots 1 and 2 DP 258276, Lots 1 and 2 DP 805848, Lot 4 DP 525133 and Road Closing Plan Lots [INSERT WHEN KNOWN].

8. Identity of easement, profit à prendre, restriction, or positive covenant to be created and eighthly referred to in the plan:

Restriction on the use of land.

**Schedule of lots etc affected**

Lots burdened

Lots 1-10 (inclusive).

Lots Benefited, Relevant Roads,

Bodies or Prescribed Authorities

Each every other lot excluding Lots 34-37 (inclusive) & Lot 45.

9. Identity of easement, profit à prendre, restriction, or positive covenant to be created and ninthly referred to in the plan:

Easement for electricity purposes 2 wide.

**Schedule of lots etc affected**

Lots burdened

Lots 36, 47 & 48.

Lots Benefited, Relevant Roads,

Bodies or Prescribed Authorities

Essential Energy.

**PART 2**

1. **Terms of easement, profit à prendre, restriction, or positive covenant firstly referred to in the plan.**

Easement to drain water and sewage 2.5 wide.

It is intended to create an easement to drain water as defined in Part 3 of Schedule 8 of the *Conveyancing Act 1919* as amended and an easement to drain sewage as defined in Part 4 of Schedule 8 of the *Conveyancing Act 1919* (as amended).

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(Sheet 5 of 10 sheets)

**Plan** Plan of Subdivision of Lot 1 DP 855047 and Lots 1 and 2 DP 258276, Lots 1 and 2 DP 805848, Lot 4 DP 525133 and Road Closing Plan Lots [INSERT WHEN KNOWN].

2. **Terms of easement, profit à prendre, restriction, or positive covenant fifthly referred to in the plan.**

Terms of Easement for Overhead Powerlines

The terms of Part A of Memorandum AA26009, as filed and/or registered with the New South Wales Land Titles Office, Sydney, are incorporated in this Instrument.

3. **Terms of easement, profit à prendre, restriction, or positive covenant seventhly referred to in the plan.**

- (a) No main building shall have a floor area of less than 100 square metres under the main roof exclusive of any verandas, carports or garages.
- (b) No main building or garage shall be constructed of a material other than brick, brick veneer, stone, hebel block or panels, cement block or concrete construction with slate, tile or steel sheet roof.
- (c) No building (other than a main building or garage) shall:
  - (i) be constructed of a material other than brick, brick veneer or steel sheet;
  - (ii) have a roof constructed of material other than tile, slate or steel sheet;
  - (iii) have a floor area greater than 40 square metres;
  - (iv) exceed at any point three metres in height above ground floor level.
- (d) No carport shall be permitted to be erected or to remain on any lot and no garage shall be permitted to be erected or to remain on any lots unless it is constructed with a pitched roof.
- (e) No advertising signs or awnings shall be erected or be displayed or be allowed to remain on any lot other than street numbers and house numbers which shall not exceed 60 centimetres x 30 centimetres in size.
- (f) No lot or building thereon shall be used for any noxious, noisome or offensive trade or calling.

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**Plan**

Plan of Subdivision of Lot 1 DP 855047 and Lots 1 and 2 DP 258276, Lots 1 and 2 DP 805848, Lot 4 DP 525133 and Road Closing Plan Lots [INSERT WHEN KNOWN].

- (g) (i) No fence (other than brick, rock, stone or picket fence not exceeding 900 millimetres in height) shall be erected within 5.5 metres of the front street alignment, provided that this shall not apply to any corner lot.
- (ii) No fencing other than steel sheet fencing not exceeding two metres in height shall be used along the remaining boundaries provided that in the case of a corner lot this restriction shall apply to one frontage only.
- (iii) In the case of a corner lot no fence (other than brick, rock, stone or picket fence not exceeding 900 millimetres in height) shall be erected any closer to the front street alignment than the house building erected on the lot.
- (iv) "Steel Sheet" when herein used shall mean aluminium/zinc coated or galvanised steel sheet with one of the following finishes:-
- (i) silicone polyester pre-finished baked onto one or both sides;
  - (ii) 0.215 millimetres thick vinyl film laminated onto one or both sides;
  - (iii) acrylic film pre-finished to one or both sides;
  - (iv) the colour of the coating shall be that "colorbond" colour known as sandstone, riverstone or equivalent colour.
- (h) During the ownership of any adjoining land by the Trustees of the Roman Catholic Church for the Diocese of Wagga Wagga, and Ian Graham and Lynne Graham, its successors or assigns other than purchasers on sale no fence shall be erected on any lot to divide it from any such adjoining lot without the consent of Trustees of the Roman Catholic Church for the Diocese of Wagga Wagga, its successors or assignees other than purchasers on sale but such consent shall not be withheld if such fence is erected without expense to Trustees of the Roman Catholic Church for the Diocese of Wagga Wagga, its successors, assigns other than purchasers on sale and in favour of any such person dealing with the owner of any lot from time to time such consent shall be deemed to have been given in respect of every such fence for the time being erected.

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**Plan** Plan of Subdivision of Lot 1 DP 855047 and Lots 1 and 2 DP 258276, Lots 1 and 2 DP 805848, Lot 4 DP 525133 and Road Closing Plan Lots [INSERT WHEN KNOWN].

4. **Terms of easement, profit à prendre, restriction, or positive covenant eighthly referred to in the plan.**

- (a) No main building or garage shall be constructed of a material other than brick, brick veneer, stone, hebel block or panels, cement block or concrete construction with slate, tile or steel sheet roof.
- (b) No building (other than a main building or garage) shall:-
  - (i) be constructed of a material other than brick, brick veneer or steel sheet;
  - (ii) have a roof constructed of material other than tile, slate or steel sheet;
  - (iii) have a floor area greater than 40 square metres;
  - (iv) exceed at any point three metres in height above ground floor level.
- (c) No carport shall be permitted to be erected or to remain on any lot and no garage shall be permitted to be erected or to remain on any lots unless it is constructed with a pitched roof.
- (d) No advertising signs or awnings shall be erected or be displayed or be allowed to remain on any lot other than street numbers and house numbers which shall not exceed 60 centimetres x 30 centimetres in size.
- (e) No lot or building thereon shall be used for any noxious, noisome or offensive trade or calling.
- (f)
  - (i) No fence (other than brick, rock, stone or picket fence not exceeding 900 millimetres in height) shall be erected within 5.5 metres of the front street alignment, provided that this shall not apply to any corner lot.
  - (ii) No fencing other than steel sheet fencing not exceeding two (2) metres in height shall be used along the remaining boundaries provided that in the case of a corner lot this restriction shall apply to one frontage only.

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- (iii) In the case of a corner lot no fence (other than brick, rock, stone or picket fence not exceeding 900 millimetres in height) shall be erected any closer to the front street alignment than the house building erected on the lot.
- (iv) "Steel Sheet" when herein used shall mean aluminium/zinc coated or galvanised steel sheet with one of the following finishes:-
  - (i) silicone polyester pre-finished baked onto one or both sides;
  - (ii) 0.215 millimetres thick vinyl film laminated onto one or both sides;
  - (iii) acrylic film pre-finished to one or both sides;
  - (iv) the colour of the coating shall be that "colorbond" colour known as sandstone, riverstone or equivalent colour.
- (g) During the ownership of any adjoining land by the Trustees of the Roman Catholic Church for the Diocese of Wagga Wagga, its successors or assigns other than purchasers on sale no fence shall be erected on any lot to divide it from any such adjoining lot without the consent of Trustees of the Roman Catholic Church for the Diocese of Wagga Wagga, its successors or assignees other than purchasers on sale but such consent shall not be withheld if such fence is erected without expense to Trustees of the Roman Catholic Church for the Diocese of Wagga Wagga, its successors, assigns other than purchasers on sale and in favour of any such person dealing with the owner of any lot from time to time such consent shall be deemed to have been given in respect of every such fence for the time being erected.

**Name of person empowered to release, vary or modify restriction, or positive covenant seventhly and eighthly referred to in abovementioned plan.**

The Trustees of the Roman Catholic Church for the Diocese of Wagga Wagga until the expiry of ten (10) years from the date on which the abovementioned plan is registered is a deposited plan thereafter by the person or persons in whom the legal estate is for the time being vested in the land in the said deposited plan (other than street or public areas) having a common boundary with the land burdened provided that any such release, variation or modification shall, if approved, be made and done in all respects of the cost and expense of the person requesting such release, variation or modification.



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**Plan**

Plan of Subdivision of Lot 1 DP 855047 and Lots 1 and 2 DP 258276, Lots 1 and 2 DP 805848, Lot 4 DP 525133 and Road Closing Plan Lots [INSERT WHEN KNOWN].

**DATED** the                      day of                      2012.

**THE COMMON SEAL OF**                      )  
**THE TRUSTEES OF THE**                      )  
**ROMAN CATHOLIC CHURCH FOR**                      )  
**THE DIOCESE OF WAGGA WAGGA**                      )  
was hereto affixed under the authority                      )  
of a resolution duly passed at a meeting                      )  
of the body corporate in our presence:-                      )

.....  
Bishop

.....  
Members of the Body Corporate

**SIGNED SEALED AND DELIVERED**                      )  
by **IAN JOSEPH GRAHAM &**                      )  
**LYNNE GRAHAM**                      )  
in the presence of:-                      )

.....  
.....  
The Registered Proprietors of  
Lot 4 DP 525133

.....  
Name of Witness

.....  
Address of Witness

