

**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,
CONVEYANCING ACT, 1919**

Plan:

(Sheet 1 of 7 sheets)
Plan of Subdivision of Lot 600 DP 1222168
covered by Council's Certificate No.
dated _____, 2017

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

**The Trustees of the Roman Catholic
Church for the Diocese of Wagga Wagga**
PO Box 5668
Wagga Wagga NSW 2650

PART 1 (CREATION)

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	Easement to drain sewage 2 wide (shown as E1 on the plan)	700, 701, 704 to 713 inclusive, 719, 720, 722 to 727 inclusive, 755 & 756	The Council of the City of Wagga Wagga
2	Easement to drain sewage and water 2.5 wide (shown as E2 on the plan)	700, 714 to 718 inclusive, 720, 728 to 730 inclusive, 737 to 744 inclusive, 748, 751 & 752	The Council of the City of Wagga Wagga
3	Easement to drain sewage 2 wide and variable (shown as E3 on the plan)	731 to 733 inclusive, 735, 749, 759 & 760	The Council of the City of Wagga Wagga
4	Easement to drain water 2.5 wide (shown as E4 on the plan)	749, 750, 757 & 760	The Council of the City of Wagga Wagga
5	Easement to drain sewage and water 2.5 wide and variable (shown as E5 on the plan)	753 & 754	The Council of the City of Wagga Wagga
6	Easement to drain sewage 2.5 wide (shown as E6 on the plan)	740 & 751	The Council of the City of Wagga Wagga
7	Easement for underground powerlines 2 wide (shown as E7 on the plan)	717 & 724	Essential Energy
8	Easement for multi-purpose electrical installation 4.2 wide (shown as E8 on the plan)	700	Essential Energy
9	Positive Covenant	Each and every other lot excluding lot 700	The Council of the City of Wagga Wagga
10	Restriction on the use of land	Each and every other lot excluding lot 700	Each and every other lot excluding lot 700

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PART 2

1. Terms of easement secondly referred to in the plan:

Easement to Drain Sewage 2.5 wide as defined in Part 4 Schedule 8 of the *Conveyancing Act* and Easement to Drain Water 2.5 wide as defined in Part 3 Schedule 8 of the *Conveyancing Act*.

2. Terms of easement fifthly referred to in the plan:

Easement to Drain Sewage 2.5 wide and variable as defined in Part 4 Schedule 8 of the *Conveyancing Act* and Easement to Drain Water 2.5 wide and variable as defined in Part 3 Schedule 8 of the *Conveyancing Act*.

3. Terms of easement seventhly referred to in the plan:

Easement for underground powerlines the terms of which are set out in Part B of Memorandum AG189384 as registered at LPI.

4. Terms of easement eighthly referred to in the plan:

Easement for multi-purpose electrical installation the terms of which are set out in Part C of Memorandum AG189384 as registered at LPI.

5. Terms of Positive Covenant ninthly referred to in the plan:

(1) Pervious to Impervious Ratio

- (a) The lot must be developed and maintained at all times after an Occupation Certificate is issued for any dwelling on the lot so that a pervious to impervious ratio of the surface area treatments of 20:80 is achieved in accordance with the plan entitled *Lloyd Estate Stage 7 Impervious/Pervious Calculation Plan* approved and held by Council.
- (b) The land area to be included in the calculation of 20:80 ratio shall include the entire lot and the area of the road reserve immediately adjacent to the lot.
- (c) The area of the road reserve adjacent to the lot to be included shall be measured as follows: between a line drawn as a continuation of the side boundaries of the lot (where they meet the front boundary) to the centre line of the road (being a line along the centre of the road equidistant from the front boundaries of the lots adjacent to it); noting that:
 - (i) no area of any road reserve shall be apportioned to more than one lot for the purposes of this calculation;
 - (ii) for corner lots, the road reserve to be included in calculations will extend around the corner; and

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(iii) lots that are further subdivided under community title or strata subdivision shall be calculated on the underlying Torrens title allotment.

(2) Road Reserve

The owner of the lot must retain the existing impervious nature of the finished surface of the road reserve immediately adjacent to the lot from the property boundary to the kerb of the road (being the area defined by the lateral extent of a line drawn as a continuation of the side boundaries of the lot where they meet the front boundary) unless the road reserve is done in accordance with the standards set out in the *Road Reserve Treatment Standard (as amended)* and the *Street Tree Master Plan (as amended)* as approved by Council and it complies with Council's policy 008 *Road Reserve Policy* as amended from time to time.

(3) Gardens and landscaping

All gardens and landscaping on every lot shall be constructed and maintained in accordance with the *Lloyd Landscaping and Garden Design Guideline* prepared by MJM Consulting and approved of by Council.

(4) Cats

Any cats (*Felis Catus*) living on a lot and under the ownership or control of a resident of that lot shall be controlled in such a way so as to prevent such cat roaming freely outdoors between sunset and sunrise.

(5) Fixed irrigation systems and grey water

The owner of a lot must not install:-

- (a) fixed irrigation systems between the lot boundary and the adjacent kerb alignment; and
- (b) grey water re-use systems in any dwelling.

(6) Development Control Plan

Any development upon a lot shall comply with the requirements of Chapter 15 of the *Wagga Wagga Development Control Plan 2010*.

6. Terms of restrictions tently referred to in the plan:

- (a) No more than one dwelling shall be constructed except on lots 701, 710, 730, 735, 736, 748, 755, 759 and 760 where multiple dwellings are permitted.
- (b) No dwelling shall have a floor area of less than 140 square metres under the main roof exclusive of any verandahs, carports or garages noting that this restriction shall not apply to lots 701, 710, 730, 735, 736, 748, 755, 759 and 760 in the event that more than one dwelling is erected.

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- (c) No dwelling or garage shall be constructed of a material other than brick, brick veneer, stone, hebel block or panels, "weathertex" (Scyon Linea Board Cladding) or similarly treated timber or reconstituted timber weatherboards, cement block or concrete construction with slate, tile or steel sheet roof.
- (d) No dwelling, garage or other out building may be erected which is not constructed entirely of new materials or which has been wholly or substantially assembled off the lot whether as a previously occupied building or otherwise.
- (e) No building (other than a dwelling 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 65 square metres;
 - (iv) exceed at any point three metres in height above ground floor level.
- (f) No carport shall be permitted to be erected or to remain and no garage shall be permitted to be erected or to remain unless it is constructed with a pitched roof.
- (g) No advertising signs or awnings shall be erected or be displayed or be allowed to remain other than street numbers and house names which shall not exceed 60 centimetres x 30 centimetres in size.
- (h) No building shall be used or allowed to be used for any purpose other than as a private dwelling house or outbuilding incidental thereto and shall not nor shall any part thereof be used or allowed to be used for a residential unit, strata unit or flat save for lots 701, 710, 730, 735, 736, 748, 755, 759 and 760 whereupon multiple dwellings and residential strata or neighbourhood subdivision is permitted.
- (i) No lot or building thereon shall be used for any noxious, noisome or offensive trade or calling.
- (j)
 - (i) No fence (other than brick, rock, stone or picket fence not exceeding 900 millimetres in height) shall be erected between the front street alignment and the building line, provided that this shall not apply to any corner lot.
 - (ii) No fencing other than steel sheet fencing (the colour of the coating of which is the "colorbond" colour known as "sandstone", "riverstone" or equivalent colour) 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.

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- (k) 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 The 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.
- (l) The term "Steel Sheet" when herein used in these restrictions 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; and
 - (iii) acrylic film pre-finished to one or both sides.

Name of Person or Authority Empowered to Release, Vary or Modify Positive Covenant eighthly referred to in the Plan:

The Council of the City of Wagga Wagga

Name of Person or Authority Empowered to Release, Vary or Modify Restrictions on Use of Land ninthly referred to in the 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 person 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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**EXECUTED by
THE TRUSTEES OF THE
ROMAN CATHOLIC CHURCH FOR
THE DIOCESE OF WAGGA WAGGA**
by its duly appointed under power of
attorneys under power of attorney
Book 4718 No 969 in the presence of:-

Signature of Witness

Signature of attorney

Name of Witness

Full Name of attorney

Address of Witness

Signature of Witness

Signature of attorney

Name of Witness

Full Name of attorney

Address of Witness

Signature of Witness

Signature of attorney

Name of Witness

Full Name of attorney

Address of Witness

APPROVED BY THE COUNCIL
OF THE CITY OF WAGGA WAGGA

Authorised Officer

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WAGGA WAGGA CITY COUNCIL by its
authorised delegate pursuant to Section 377
of the *Local Government Act, 1919*:

Signature of witness

Signature of delegate

Name of witness

Name of delegate

Address of witness

EXECUTED by
ESSENTIAL ENERGY
by its duly appointed attorney under
Power of Attorney Book 4677 No. 684
in the presence of:-

Signature of attorney

Signature of Witness

Name and Title of attorney

Name of Witness

Signature of attorney

Name and Title of attorney

APPROVED BY THE COUNCIL
OF THE CITY OF WAGGA WAGGA

Authorised Officer