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**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 5 sheets)  
Plan of Subdivision of Lot 500 DP 1230349  
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)**

<b>Number of item shown in the intention panel on the plan</b>	<b>Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan</b>	<b>Burdened lot(s) or parcel(s)</b>	<b>Benefited lot(s), road(s), bodies or Prescribed Authorities</b>
1	Easement to drain sewage 2 wide (shown as E1 on the plan)	601 to 609 inclusive, 623 to 626 inclusive, 641 & 642	The Council of the City of Wagga Wagga
2	Easement to drain sewage and water 2.5 wide (shown as E3 on the plan)	616 to 623 inclusive, 632 to 640 inclusive and 642 to 650 inclusive	The Council of the City of Wagga Wagga
3	Restriction on the use of land	Each and every lot excluding (residue lot)	Each and every lot excluding (residue lot)

**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 Restriction on the use of the thirdly referred to in the plan**

Main Building and Garage and Lots Generally

- (a) No more than one dwelling shall be constructed except on lots 609 and 615 where multiple dwellings are permitted.
- (b) No dwelling shall have a floor area of less than 100 square metres under the main roof exclusive of any verandahs, carports or garages noting that this restriction shall not apply to lots 609 and 615 in the event that more than one dwelling is erected.

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- (c) No dwelling or garage shall:-
  - (i) have external walls consisting of material other than brick, brick veneer, stone, hebel blocks or panels, cement block or concrete construction, or 'weathertex' (or its equivalent) noting that panels of glass shall be permitted provided that at least 90% of the walls consists of the aforementioned materials;
  - (ii) have roofing other than of slate, tile or steel sheet materials.
- (d) No dwelling, garage or other out building may be erected on any lot 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 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.
- (f) No advertising signs or awnings shall be erected or allowed to remain on any lot other than street numbers and house names which shall not exceed 60 centimetres x 30 centimetres in size.
- (g) 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 609 and 615 whereupon multiple dwellings and residential strata or neighbourhood subdivision is permitted.
- (h) No lot or building or any part thereof shall be used or allowed to be used for any noxious noisome or offensive trade or calling.
- (i) No building or improvements including, but not limited, to any swimming pool shall be constructed without the proprietor of the lot obtaining a soil test for such lot and the registered proprietor of such lot agrees to comply with any conditions emanating from such report and further agrees to release the Trustees from any claim arising from the use of fill.
- (j) No building (other than a dwelling or garage) shall:-
  - (i) Be or be allowed to remain constructed of material other than brick, brick veneer or steel sheet.
  - (ii) Have a roof constructed or allowed to remain constructed of material other than tile, slate or steel sheet.
  - (iii) Have or allowed remaining with a floor area greater than 50 square metres.
  - (iv) Exceed at any point or allow any point to remain in excess of 3 metres in height above ground floor level.

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Fencing

- (k) (i) No fence (other than brick, rock, stone or picket fence not exceeding 900 millimetres in height) shall be erected within 6.0 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, the colour of the coating of which shall be the "colorbond" colour known as sandstone, riverstone or equivalent colour, 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.
- (l) During the ownership of any adjoining land by the Trustees, no fence shall be erected on any lot to divide it from any such adjoining land without the consent of the Trustees but such consent shall not be withheld and shall be deemed to have been given if such fence is erected without expense to the Trustees.

Interpretation

- (m) "the Trustees" means the Trustees of the Roman Catholic Church for the Diocese of Wagga Wagga or any entity to which the benefit of a restriction in favour of the former is assigned;
- (n) "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; or
  - (iii) acrylic film pre-finished to one or both sides.

**Name of Person or Authority Empowered to Release, Vary or Modify Restrictions on the Use of land thirdly 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.