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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: **1249099**

(Sheet 1 of 6 sheets)

Plan of Subdivision of Lot 600 DP 1241474  
covered by Council's Certificate No.  
dated \_\_\_\_\_, 2018

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

**The Trustees of the Roman Catholic  
Church for the Diocese of Wagga Wagga**  
205 Tarcutta Street  
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)	723 to 727 inclusive	The Council of the City of Wagga Wagga
2	Easement to drain sewage and water 2.5 wide (shown as E2 on the plan)	719 to 723 inclusive	The Council of the City of Wagga Wagga
3	Easement to drain water 2 wide (shown as E3 on the plan)	722, 724, 727 – 730 inclusive	The Council of the City of Wagga Wagga
4	Restriction on the use of land	Each and every lot 700	Every other lot
5	Positive covenant	722, 723, 725 to 727 inclusive	Council of the City of Wagga Wagga

**PART 2**

**1. Terms of Restriction on the use of the Land fourthly referred to in the plan**

Main Building and Garage and Lots Generally

- (a) No more than one main building shall be erected or allowed to remain on any one lot except for lot 706 upon which multiple units may be erected.

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- (b) No main building 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 lot 706 if multiple units are erected on such lot.
- (c) No main building 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 main building, 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 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.
- (f) No main building shall be used or allowed to be used for any purpose other than as a private dwelling house 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 lot 706 upon which multiple units may be erected.
- (g) 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.
- (h) 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.
- (i) No building (other than a main building 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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- (j) No dwelling, pool, shed or other outbuilding or ancillary structure shall be erected on lots 722 and 723 outside of an approved building envelope shown on the plan other than an access driveway.
  - (k) Lot 738 shall have no access to Farrer Road and no gates or openings in fences shall be constructed on the Farrer Road frontage.

Fencing

- (l) The following restrictions apply to all lots save lots 722 and 723 and subject to paragraph (m) as regards lots 725 to 727:
  - (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;
- (m) The following restriction applies to lots 722 and 723:

No fence other than a Rural Style Fence may be erected on all boundaries save for the boundary between lots 722 and 723 upon which stated boundaries 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, may be erected. It is noted an existing castile sheet fence has been erected on the eastern boundary of Lot 722 in the northern section of such boundary. This restriction shall not apply to such existing fence.
- (n) The following restriction applies to lots 725 to 727 inclusive:

No fence adjoining open space shall include solid elements beyond a height of 600mm above the ground level.
- (o) The following restriction applies to all lots:

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.

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Interpretation

- (p) "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;
  - (q) "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.
  - (r) "Rural Style Fencing" means steel post and wire rural style.
2. **Terms of Positive Covenant fifthly referred to in the plan**
- (a) The side of any dwelling constructed on Lots 723, 725 & 727 that faces open space shall address that open space by ensuring the inclusion of windows to habitable rooms and design elements such as articulation.
  - (b) All access driveways shall be constructed to avoid rocky outcrops.
  - (c) Any use of the lots 722 and 723 shall be in accordance with the Management Plan approved by the Council of the City of Wagga Wagga pursuant to the conditions for consent (as varied) for DA14/607.01.

**Name of Person or Authority Empowered to Release, Vary or Modify Restrictions on the Use of Land in paragraphs (a) to (i), (l) and (o) to (q) fourthly 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.

**Name of Person or Authority Empowered to Release, Vary or Modify Restrictions on the Use of Land (j), (k), (m), (n) and (r) fourthly referred to in the Plan:**

The Council of the City of Wagga Wagga.

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

The Council of the City of Wagga Wagga.

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**EXECUTED BY THE TRUSTEES OF THE  
ROMAN CATHOLIC CHURCH FOR THE  
DIOCESE OF WAGGA WAGGA** by its duly  
appointed 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

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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