

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919.**

(Sheet 1 of 7 sheets)

Plan of Subdivision of Lot 247 DP 1279181  
Parish of North Wagga Wagga County of  
Clarendon Covered by Wagga Wagga  
City Council Certificate No.  
dated

**Full name and address  
of the owner of  
Lot 247 DP 1279181:**

**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 administration sheet:	Identity of easement 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 Water 2.5 wide (shown as 'W' on the plan)	Lots 301 to 310 (inclusive), 313 to 317 (inclusive), 325 to 329 (inclusive), 331, 333, 334 & 338	Wagga Wagga City Council
2	Easement to Drain Sewage 2.5 wide (shown as 'S' on the plan)	Lots 301 to 310 (inclusive), 313 to 317 (inclusive), 325 to 329 (inclusive), 333 & 334	Wagga Wagga City Council
3	Easement to Drain Sewage 2 wide (shown as 'T' on the plan)	Lots 335, 337 to 343 (inclusive)	Wagga Wagga City Council
4	Restriction on the Use of the Land	Each and every lot excluding Lots 344 and 345	Each and every other lot excluding Lots 344 and 345
5	Positive covenant	Lots 310 to 312 inclusive	Wagga Wagga City Council

**Part 1A (Release)**

Number of item shown in the intention panel on administration sheet:	Identity of easement 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	Right of Carriageway variable width (DP 1279181)	Part Valencia Drive being part formerly in Lot 247 in DP 1279181	Wagga Wagga City Council
2	Part Easement for Drainage of Sewage 2 wide (DP 1268416)	Part Valencia Drive and part lot 345 being part formerly in Lot 247 in DP 1279181	Wagga Wagga City Council

APPROVED BY THE COUNCIL  
OF THE CITY OF WAGGA WAGGA

\_\_\_\_\_  
Authorised Officer

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3	Part Easement for Drainage of Water 2 wide (DP 1268416)	Part Valencia Drive and part lot 345 being part formerly in Lot 247 in DP 1279181	Wagga Wagga City Council
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**Part 2 (Terms)**

**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 lot except for a Unit Lot upon which multiple units may be erected.
- (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 a Unit Lot 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; and/or
  - (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 a Unit Lot upon which multiple units have been 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 hoofed animals shall be permitted on any lot.



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- (j) 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 80 square metres; and/or
  - (iv) Exceed at any point or allow any point to remain in excess of 3 metres in height above ground floor level.

**Fencing – all lots save Lots 310, 311, 312, 344 and 345**

- (k) The following restrictions shall apply to all lots save lots 310, 311, 312, 344 and 345 (noting (l) below):-
- (i) No fence other than a brick, rock, stone or picket fence not exceeding 900 millimetres in height shall be erected;-
    - A. within 6.0 metres of the front street alignment on any lot other than a corner lot (noting B); or
    - B. any closer to the front street alignment than the dwelling erected on the lot in the case of a corner lot; and
  - (ii) No fence 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.

**Fencing – Lots 310, 311, 312**

- (l) The following restriction shall apply to lots 310, 311, 312, 344 and 345 only (noting (k) above):-
- No fence other than an open style rural fence shall be constructed on any boundary.

**Fencing – all lots**

- (m) 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**

- (n) In these restrictions on the use of the land, the following terms have the corresponding meanings:-

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- (i) "Main Building" means the dwelling and any structures sharing the same roof or attached thereto such as a garage;
- (ii) "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;
- (iii) "Steel Sheet" when herein used shall mean aluminium/zinc coated or galvanised steel sheet with one of the following finishes:-
  - (A) silicone polyester pre-finished baked onto one or both sides;
  - (B) 0.215 millimetres thick vinyl film laminated onto one or both sides; or
  - (C) acrylic film pre-finished to one or both sides; and
- (iv) "Unit Lot" means Lots 318, 324, 325, and 328.

**2. Name of person or authority empowered to release, vary or modify restrictions on the use of land 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 as 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.

**3. Terms of positive covenant fifthly referred to in the Plan:**

- (a) The owner of lots 310 to 312 shall ensure the ongoing maintenance of the existing vegetive buffer in perpetuity along the northern boundary of the lots, including the replacement of vegetation in the event that it dies and the provision of additional tress where the existing buffer is insufficient, to a minimum width of 10 metres along the northern boundary of the lots. The buffer shall be required to be in place at all times and be of sufficient coverage to provide a visual screen between the lots and land to the north.
- (b) The owner of lot 312 shall ensure the ongoing maintenance of the existing vegetive buffer in perpetuity along the eastern boundary of the lot including the replacement of vegetation in the event that it dies.
- (c) The owner of lot 310 shall ensure the ongoing maintenance of the existing vegetive buffer in perpetuity along the western boundary of the lot including the replacement of vegetation in the event that it dies.



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4. **Name of person or authority empowered to release, vary or modify positive covenant fifthly referred to in the Plan:**

Wagga Wagga City Council

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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 4777 No. 546  
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

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Authorised Officer

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**EXECUTED** by  
**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

APPROVED BY THE COUNCIL  
OF THE CITY OF WAGGA WAGGA

\_\_\_\_\_  
Authorised Officer