

Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

- 27.1.2 any relevant policies and specifications of the Council existing at the time such an approval is granted,
- 27.1.3 any other applicable law, and
- 27.1.4 otherwise to the reasonable satisfaction of the Council.
- 27.2 The Landowner is to comply with any direction given to it by the Council, acting reasonably, to prepare or modify a design or specification relating to a Work that the Landowner is required to carry out under this Deed.

28 Access to the Land

- 28.1 The Landowner is to permit the Council, its officers, employees, agents and contractors to enter the Land or any other land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any Work or to remedy any breach of the Landowner relating to the carrying out of a Work.
- 28.2 The Council is to permit the Landowner to enter and occupy any land owned or controlled by the Council for the purpose of enabling the Landowner to carry out any Work under this Deed that is required to be carried out on such land or to perform any other obligation imposed on the Landowner by or under this Deed.

29 Protection of people and property

- 29.1 The Landowner is to ensure to the fullest extent reasonably practicable in relation to the carrying out of any Work that:
 - 29.1.1 all necessary measures are taken to protect people and property, and
 - 29.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
 - 29.1.3 nuisances and unreasonable noise and disturbances are prevented.

30 Damage and repairs to Work

- 30.1 The Landowner, at its own cost, is to repair and make good to the reasonable satisfaction of the Council any loss or damage to a Work from any cause whatsoever other than a negligent act or omission of the Council which occurs prior to the date on which the Work is taken to have been completed under this Deed.

31 Variation of Work

- 31.1 A Work is not to be varied by the Landowner, unless:
 - 31.1.1 the Parties agree in writing to the variation, and
 - 31.1.2 any consent or approval required under the Act or any other law to the variation is first obtained.
- 31.2 For the purposes of clause 31.1 a variation may relate to any matter in relation to the Works that is dealt with by this Deed.

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32 Completion of Work

- 32.1 Work is completed for the purposes of this Deed when the Council at the request of the Landowner, acting reasonably, gives a certificate to the Landowner to that effect or the Landowner gives the Council a Compliance Certificate to that effect.

33 Rectification of defects

- 33.1 During the Defects Liability Period, the Council may give the Landowner a Rectification Notice.
- 33.2 Subject to the resolution of a dispute in accordance with this Deed, the Landowner is to comply with a Rectification Notice at its own cost and to the reasonable satisfaction of the Council.

34 Works-As-Executed-Plan

- 34.1 No later than 60 days after a Work is taken to have been completed in accordance with this Deed, the Landowner is to submit to the Council a full works-as-executed-plan in respect of the Work the subject of the notice.

Part 10 – Other Provisions

35 Indemnity and Insurance

- 35.1 The Landowner indemnifies the Council, its employees, officers, agents, contractors and workmen from and against all losses, damages, costs (including legal costs on a full indemnity basis), charges, expenses, actions, claims and demands whatsoever which may be sustained, suffered, recovered or made arising in connection with a negligent act or omission of the Landowner in carrying out any Work and the performance of any other obligation under this Deed.
- 35.2 The Landowner is to take out and keep current, or is to ensure that its contractors take out and keep current, to the reasonable satisfaction of the Council the following insurances in relation to Work required to be carried out by the Landowner under this Deed up until the Work is completed in accordance with this Deed:
- 35.2.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Landowner's liability in respect of damage to or destruction of the Works,
- 35.2.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Landowner and any subcontractor of the Landowner, for liability to any third party,
- 35.2.3 workers compensation insurance as required by law, and

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- 35.2.4 any other insurance required by law.
- 35.3 If the Landowner fails to comply with clause 35.2, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due by the Landowner to the Council.
- 35.4 The Landowner is not to commence to carry out any Work unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 35.2.

36 Restriction on carrying out the Development

- 36.1 The Landowner is not to apply or cause, suffer or permit the making of an application for, or procure the issuing of, a Subdivision Certificate or a Construction Certificate relating to the Development unless the Establishment Obligation is completed to the reasonable satisfaction of the Council.
- 36.2 Clause 36.1 does not apply to:
 - 36.2.1 a Construction Certificate:
 - (a) for Subdivision Work, or
 - (b) that does not relate to the erection of a building, or any construction Work comprising the Establishment Obligation,
 - 36.2.2 a Subdivision Certificate relating to:
 - (a) the dedication or transfer of any part of the Land to facilitate construction Work comprising the Establishment Obligation,
 - (b) the creation of a road,
 - (c) Development on the Land not exceeding the number of lots identified in Precincts A, B, C, D, E and F on the Precinct Plan.
- 36.3 Clause 36.1 does not:
 - 36.3.1 apply if the Landowner provides security for the purposes of s93F(3)(g) of the Act to the satisfaction of the Council to secure the performance of any remaining obligations of the Landowner relating to the Establishment Obligation,
 - 36.3.2 prevent the making of a Development Application or the granting of a Development Consent relating to the Development.

37 Security for Management Obligation

- 37.1 The Landowner acknowledges that any breach of this Deed by it will result in the Council incurring costs, expenses or damages.
- 37.2 Prior to the dedication of the Environmental Management Land in accordance with this Deed, the Landowner is to provide the Council with the Charge unless the Parties agree that the Landowner is to give the Council a different form of security as a means of securing the performance by the Landowner of the Management Obligation.

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- 37.3 The Parties agree that the Charge is limited to securing the performance by the Landowner of the Management Obligation.
- 37.4 The Landowner agrees that the Council may lodge a caveat on the title to the Charge Land to protect its interests as chargee under the Charge and this Deed in so far as it relates to performance by the Landowner of the Development Contributions obligations.
- 37.5 The Council is to release the Charge within 28 days of completion of the Management Obligation by the Landowner to the reasonable satisfaction of the Council.
- 37.6 Upon the release of the Charge, the Council is to provide the Landowner with a withdrawal of caveat in registrable form relating to any caveat lodged by the Council that is noted on the title to Charge Land.
- 37.7 The Council may exercise its rights as chargee under the Charge if it considers, acting reasonably, that the Landowner has not complied with the Management Obligation.
- 37.8 If the Council exercises its rights as chargee, it may use any amount realised from the Charge in satisfaction of any costs incurred by it in remedying the non-compliance including but not limited to:
- 37.8.1 the reasonable costs of the Council's servants, agents and contractors reasonably incurred for that purpose,
- 37.8.2 all fees and charges necessarily or reasonably incurred by the Council in order to have the Management Obligation carried out, completed or rectified, and
- 37.8.3 all legal costs and expenses reasonably incurred by the Council, by reason of the Landowner's non-compliance.

38 Change in Charge Land

- 38.1 The Landowner may replace the Charge Land if:
- 38.1.1 the alternative land comprises a whole lot or lots in a deposited plan,
- 38.1.2 the Council is satisfied that the alternative land is of equivalent or greater value than the original Charge Land or is of a value that is proportionate to the likely remaining cost of the Management Obligation, and
- 38.1.3 the Landowner bears all costs associated with the replacement of the Charge Land.
- 38.2 The Council is to do all things reasonably necessary to enable the replacement of the Charge Land under clause 38.1 if the matters in that clause are satisfied.

39 Security for obligation to dedicate land

- 39.1 If the Landowner does not dedicate land required to be dedicated under this Deed at the time at which it is required to be dedicated under this Deed, the Landowner consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Just Terms Act.

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- 39.2 The Council is to only acquire land pursuant to clause 39.1 if to do so is reasonable having regard to the circumstances surrounding the failure by the Landowner to dedicate the land required to be dedicated under this Deed.
- 39.3 Clause 39.1 constitutes an agreement for the purposes of s30 of the Just Terms Act.
- 39.4 If, as a result of the acquisition referred to in clause 39.1, the Council is to pay compensation to any person other than the Landowner, the Landowner, upon a written request being made by the Council, is to reimburse the Council for that amount or the Council may call on any security.
- 39.5 Except as otherwise agreed between the Parties, the Landowner is to ensure that the land to be dedicated under this Deed is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) on both the date that the Landowner is liable to transfer that land to the Council under this Deed and the date on which the Council compulsorily acquires the whole or any part of that land in accordance with the Just Terms Act.
- 39.6 The Landowner indemnifies and keeps indemnified the Council against all claims made against the Council as a result of any acquisition by the Council of the whole or any part of the Land.
- 39.7 The Landowner is to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 39, including without limitation:
- 39.7.1 signing any documents or forms;
- 39.7.2 giving land owner's consent for lodgement of any Development Application;
- 39.7.3 producing certificates of title to the Registrar-General under the Real Property Act; and
- 39.7.4 paying the Council's costs arising under this clause 39.
- 39.8 Notwithstanding clause 39.5, if, despite having used its best endeavours, the Landowner cannot ensure that the land to be dedicated is free from all encumbrances and affectations, then the Landowner may request that the Council agree to accept the land subject to those encumbrances and affectations but the Council may withhold its agreement in its absolute discretion.

40 Failure to carry out Work

- 40.1 If the Council reasonably considers that the Landowner is in breach of any obligation under this Deed relating to a Work, including compliance with a Rectification Notice, the Council may give the Landowner a notice requiring the breach to be rectified to the Council's reasonable satisfaction.
- 40.2 The dispute resolution provisions of this Deed do not apply to this clause.
- 40.3 A notice given under clause 40.1 is to allow the Landowner a period of not less than 28 days to rectify the breach or such further period as the Council considers reasonable in the circumstances.
- 40.4 The Council may carry out and complete the Work the subject of a notice under clause 40.1 if the Landowner fails to comply with the notice to the Council's reasonable satisfaction.

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- 40.5 The Landowner is to do all things reasonably necessary to enable the Council to exercise its rights under clause 40.4.
- 40.6 If the Council incurs a cost in carrying out, completing or rectifying a defect in a Work resulting from non-compliance by the Landowner with this Deed that is not met by the Council exercising its rights as chargee under the Charge, the Council may recover the cost from the Landowner in a court of competent jurisdiction.
- 40.7 For the purpose of clause 40.6, the Council's costs of carrying out, completing or rectifying a defect in a Work includes, but is not limited to:
 - 40.7.1 the reasonable costs of the Council's servants, agents and contractors reasonably incurred for that purpose,
 - 40.7.2 all fees and charges necessarily or reasonably incurred by the Council in order to have the Work carried out, completed or rectified, and
 - 40.7.3 all legal costs and expenses reasonably incurred by the Council, by reason of the Landowner's failure to comply with this Deed.

41 Enforcement in a court of competent jurisdiction

- 41.1 Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.
- 41.2 For the avoidance of doubt, nothing in this Deed prevents:
 - 41.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates,
 - 41.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

42 Dispute Resolution – expert determination

- 42.1 This clause applies to a dispute under this Deed which relates to a matter that can be determined by an appropriately qualified expert.
- 42.2 Any dispute between the Parties as to whether a dispute to which this clause applies can be determined by an appropriately qualified expert is to be referred to the Chief Executive Officer of the professional body that represents persons with the relevant expertise for determination, which is to be final and binding on the Parties.
- 42.3 Such a dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the dispute.
- 42.4 If a notice is given under clause 42.3, the Parties are to meet within 14 days of the notice in an attempt to resolve the dispute.
- 42.5 If the dispute is not resolved within a further 28 days, the dispute must be referred to the President of the Association of Chartered Surveyors NSW or President of Engineers Australia, NSW Branch, to appoint an expert for expert determination.

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- 42.6 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 42.7 Each Party must bear its own costs arising from or in connection with the appointment of the expert and the expert determination.

43 Dispute Resolution - mediation

- 43.1 This clause applies to any dispute under this Deed other than a dispute to which clause 42 applies.
- 43.2 Such a dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the dispute.
- 43.3 If a notice is given under clause 43.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the dispute.
- 43.4 If the dispute is not resolved within a further 28 days, the Parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and must request the President of the Law Society, or the President's nominee, to select a mediator.
- 43.5 If the dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.

44 Registration of this Deed

- 44.1 The Parties agree to register this Deed subject to obtaining the agreement of the persons specified in s93H(1) of the Act to registration.
- 44.2 The Landowner is to use its reasonable endeavours to obtain the consent of the persons specified in s93H(1) of the Act to registration of this Deed.
- 44.3 If the agreement of the persons specified in s93H(1) of the Act to registration of this Deed is obtained, the Parties are to do such things as are reasonably necessary to enable registration to occur.
- 44.4 Subject to this clause, within 60 days of the granting of the Approval, the Landowner is to provide the Council with the following documents to enable registration of this Deed:
 - 44.4.1 an instrument requesting registration of this Deed on the title to the Land in registrable form duly executed by the Landowner, and
 - 44.4.2 the written irrevocable consent of each person referred to in s93H(1) of the Act to that registration.
- 44.5 Immediately before the creation of a lot in Precincts A, B, C, D, E, or F shown on the Precinct Plan (other than a lot which is to be dedicated to the Council), and provided that the Landowner has paid any monetary Development Contributions payable under this Deed in respect of that lot, and is not otherwise in default of this Deed, the Parties are to do such things as are reasonably necessary to ensure that the title to that lot will not be encumbered by a notation relating to this Deed.

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- 44.6 Except as provided by clause 44.5, any notation on the title to the Land relating to this Deed is not to be removed unless the Landowner has completed its obligations under this Deed to the reasonable satisfaction of the Council or this Deed is terminated or comes to an end for any reason whatsoever.

45 Assignment, Sale of Land, etc

- 45.1 Unless the matters specified in clause 45.2 are satisfied, the Landowner is not to do any of the following:
- 45.1.1 if the Landowner is the owner of the Land, to transfer the Land to any person, or
 - 45.1.2 assign or novate to any person the Landowner's rights or obligations under this Deed.
- 45.2 The matters required to be satisfied for the purposes of clause 45.1 are as follows:
- 45.2.1 the Landowner has, at no cost to the Council, first procured the execution by the person to whom the Landowner's rights or obligations under this Deed are to be assigned or novated, of an agreement in favour of the Council on terms satisfactory to the Council being terms that are not inconsistent with this Deed, and
 - 45.2.2 the Council, by notice in writing to the Landowner, has stated that evidence satisfactory to the Council has been produced to show that the assignee or novatee, is reasonably capable of performing its obligations under the Deed, and
 - 45.2.3 the Landowner is not in breach of this Deed, and
 - 45.2.4 the Council otherwise consents to the transfer, assignment or novation.

46 Notices

- 46.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
- 46.1.1 delivered or posted to that Party at its address set out in the Summary Sheet, or
 - 46.1.2 faxed to that Party at its fax number set out in the Summary Sheet.
- 46.2 If a Party gives the other Party 3 business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 46.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
- 46.3.1 delivered, when it is left at the relevant address,
 - 46.3.2 sent by post, 2 business days after it is posted, or

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46.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

46.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

47 Costs

47.1 The Landowner is to pay to the Council the Council's costs not exceeding \$25,000.00+GST of preparing, negotiating, executing and stamping this Deed, and any document related to this Deed within 7 days of a written demand by the Council for such payment.

48 Entire Deed

48.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.

48.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

49 Further Acts

49.1 Each Party is to promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

50 Governing Law and Jurisdiction

50.1 This Deed is governed by the law of New South Wales.

50.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.

50.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

51 No Fetter

51.1 Nothing in this Deed is to be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

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52 Representations and Warranties

52.1 The Parties represent and warrant that they have power to enter into this Deed and comply with their obligations under the Deed and that entry into this Deed will not result in the breach of any law.

53 Severability

53.1 If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it is to be read in the latter way.

53.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

54 Modification

54.1 No modification of this Deed will be of any force or effect unless it is in writing and signed by the Parties to this Deed.

55 Waiver

55.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.

55.2 A waiver by a Party is only effective if it:

55.2.1 is in writing,

55.2.2 is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,

55.2.3 specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,

55.2.4 is signed and dated by the Party giving the waiver.

55.3 Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.

55.4 A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

55.5 For the purposes of this Deed, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

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56 GST

56.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

- 56.2 Subject to clause 56.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply is to also pay the GST Amount as additional Consideration.
- 56.3 Clause 56.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.
- 56.4 No additional amount is to be payable by the Council under clause 56.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 56.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 56.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
- 56.5.2 that any amounts payable by the Parties in accordance with clause 56.2 (as limited by clause 56.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 56.6 No payment of any amount pursuant to this clause and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 56.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, is to exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 56.8 This clause continues to apply after expiration or termination of this Deed.

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57 Explanatory Note Relating to this Deed

- 57.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 57.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note in the Appendix is not to be used to assist in construing this Planning Deed.

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Schedule 1

(Clause 1.1)

District Sporting Field Specification

1. Preamble

The works covered in this specification are included in Part 3A Project Application MP 07_0001. The Environmental Assessment describes the scope of the works in relation to the District Sporting Field as follows:

4.1.2 District Sporting Fields

The Project includes the provision of land and establishment earthworks for the creation of public sporting fields.

Works proposed to be undertaken for the district sporting fields as part of the Project Application include:

- *Construction of playing fields to a base standard, namely filling, topsoiling and grassing the site; and*
- *Integration of stormwater flows from the site into the overall stormwater treatment train for the wider Concept Plan Area, including the provision of drainage swales and other treatment devices at the perimeter of the playing fields.*

The final detailed specification for the establishment of the district sporting fields would be agreed, as part of the construction certificate process, with Port Macquarie-Hastings Council. As such, this Project does not specify details of the district sporting fields.

The specification herein sets out an indicative scope of works. The Parties acknowledge that during the Construction Certificate process it will be necessary for the Landowner to carry out detailed geotechnical, engineering and other investigations on the site of the District Sporting Field to inform the specialist consultant charged with the responsibility of preparing the final design plans and specifications for the works to the approval of Council.

To that extent, the Parties acknowledge that the specification herein is indicative, and subordinate to the detailed design plans and specifications for the works to be prepared by the Landowner's specialist consultant to the approval of Council.

2. Specialist Consultant

The Landowner will engage the services of a specialist consultant with expertise in the design and the supervision of construction of high standard sporting fields, and with demonstrated geotechnical, materials, irrigation and turf systems knowledge

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(Specialist Consultant). The Landowner is to ensure that the Specialist Consultant prepares the plans and specifications required in this District Sporting Field Specification in accordance with this District Sporting Field Specification for the construction of the District Sporting Field.

The specialist consultancy brief shall be submitted to Council and Council's approval obtained prior to the engagement of the Specialist Consultant.

The Specialist Consultant's professional fees, including geotechnical assessment and soils and materials testing, will be included as a cost of construction of the District Sporting Field within the definition of District Sporting Field Offset.

3. Matters agreed by the Parties

The Landowner is to carry out the following Works (**Landowner's Works**):

- (i) Construction of the District Sporting Field to a base standard, namely filling, topsoiling and initial grassing of the site in accordance with clause 14.2.
- (ii) In carrying out the filling and topsoiling Works for the District Sporting Field, the Landowner may utilise soils sourced from the Land or soils stockpiled on the Land in accordance with Development Consent to DA2014/571, being structural and non-structural soils. All soils must be certified by a qualified geotechnical engineer as being suitable for use for the construction of the District Sporting Field..
- (iii) The Landowner will carry out Work for the District Sporting Field in accordance with detailed design plans and specifications to be prepared by the Specialist Consultant to the approval of Council.
- (iv) The Landowner's Works will include the preparation of a sub-grade from suitable materials to a minimum thickness of 200mm, laser graded to the design falls to leave a mirror image of the finished surface 200mm below the design surface, all in accordance with the approved design plans and specifications.
- (v) The Landowner's Works will include the placement of a topsoil layer up to 200mm thickness as outlined in the detailed design plans and construction specifications prepared by the Specialist Consultant.
- (vi) The approved design plans and specifications will include a specification for the preparation and placement of the ultimate growing medium utilising as its base selected topsoil sourced from the Land. The Landowner's Works in relation to topsoiling will be limited to selecting and placing topsoil sourced from the Land onto the pre-prepared sub-grade, with the topsoil screened to remove sticks and stones and other extraneous matter.
- (vii) The Landowner will carry out any Works required to be carried out by the Landowner pursuant to clauses 6 and 7 of this District Sporting Field Specification.

The Council is to carry out the following works:

- (viii) Subject to clause 6 of this District Sporting Field Specification, final preparation and placement of the growing medium and final turfing will be carried out by Council.
- (ix) The Council will have the carriage of completing the District Sporting Field to an operational condition after transfer. The "completion works" to be carried out by Council will include, but may not be limited to: obtaining additional

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development consents as necessary; irrigation and under-surface drainage of playing fields; establishment of the ultimate growing medium and turf playing surface and surrounds; amenities buildings; services; lighting and car parking facilities.

4. Drainage System

The drainage system, including main lines, collectors and connectors, will be designed by the Specialist Consultant and included in the detailed design plans and specifications to be approved by Council.

Subject to clause 7 of this District Sporting Field Specification, the drainage system will be installed by the Council after completion of the Landowner's Works.

5. Irrigation system

The irrigation system will be designed by the Specialist Consultant and included in the detailed design plans and specifications to be approved by Council.

6. Efficiencies in placement and preparation of growing medium where significant cost savings in ultimate cost of can be achieved.

- (i) Notwithstanding 3(viii) above, the Parties agree on the need to maximise efficiencies and minimise costs in the placement and preparation of the growing medium and the need to avoid 'double handling' of materials and unnecessary duplication of processes. To this end, where it can reasonably do so, in the opinion of the Council, and measurable cost savings and efficiencies can be made to the overall sporting field production process, the Landowner will perform additional tasks to condition the topsoil during the placement phase which may include the addition and incorporation of externally sourced sand, recycled organic material, or other externally sourced material into the topsoil layer, provided that all externally sourced material will be supplied by Council, at Council's cost.
- (ii) In the event that the Landowner has incorporated sand or other externally sourced material into the topsoil layer to condition the topsoil, the Landowner will thoroughly mix the sand or other externally sourced material into the topsoil layer by rotary hoeing to the full depth of the topsoil layer in both a north-south and east-west direction.

7. Bringing forward installation of parts of drainage and/or irrigation systems where significant cost savings in ultimate cost of can be demonstrated

The Parties acknowledge that the Specialist Consultant's detailed design plans and specifications may provide for deep drainage lines or irrigation lines sited within or beneath the sub-grade layer which should, in a logical and efficient construction

Rainbow Beach Central Corridor Planning Agreement 2017

Port Macquarie Hastings Council

St Vincent's Foundation Pty Limited

sequence, be installed prior to or concurrently with the sub-grade layer. Notwithstanding that the installation of the drainage and irrigation systems shall be the responsibility of Council to be carried out after completion of the Landowner's Works, the Council may request the Landowner to carry out such works where significant cost savings can be demonstrated, provided that all pipes, fittings and materials to be utilised in these brought forward works are supplied by Council.

8. Specifications and standards

All Works by the Landowner will be carried out in accordance with the detailed plans and specifications prepared by the Specialist Consultant and approved by Council as part of the Construction Certificate process in accordance with Clause 2 of this District Sporting Field Specification above. The specifications prepared by the Specialist Consultant will include:

- (i) Standards for work to be carried out and testing requirements to relevant Australian Standards, including those standards set out in Sec 3.(ii) above;
- (ii) testing requirements for materials, including the growing medium, to be tested by an independent licensed and accredited soils testing laboratory;
- (iii) inspection requirements and hold points;
- (iv) compaction and grading requirements and tolerances for the sub-grade layer;
- (v) compaction and grading requirements for the growing medium, including 'interim' compaction and grading requirements for the topsoil/growing medium layer at the point at which the Landowner completes its obligations under this District Sporting Field Specification.

Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

Schedule 2

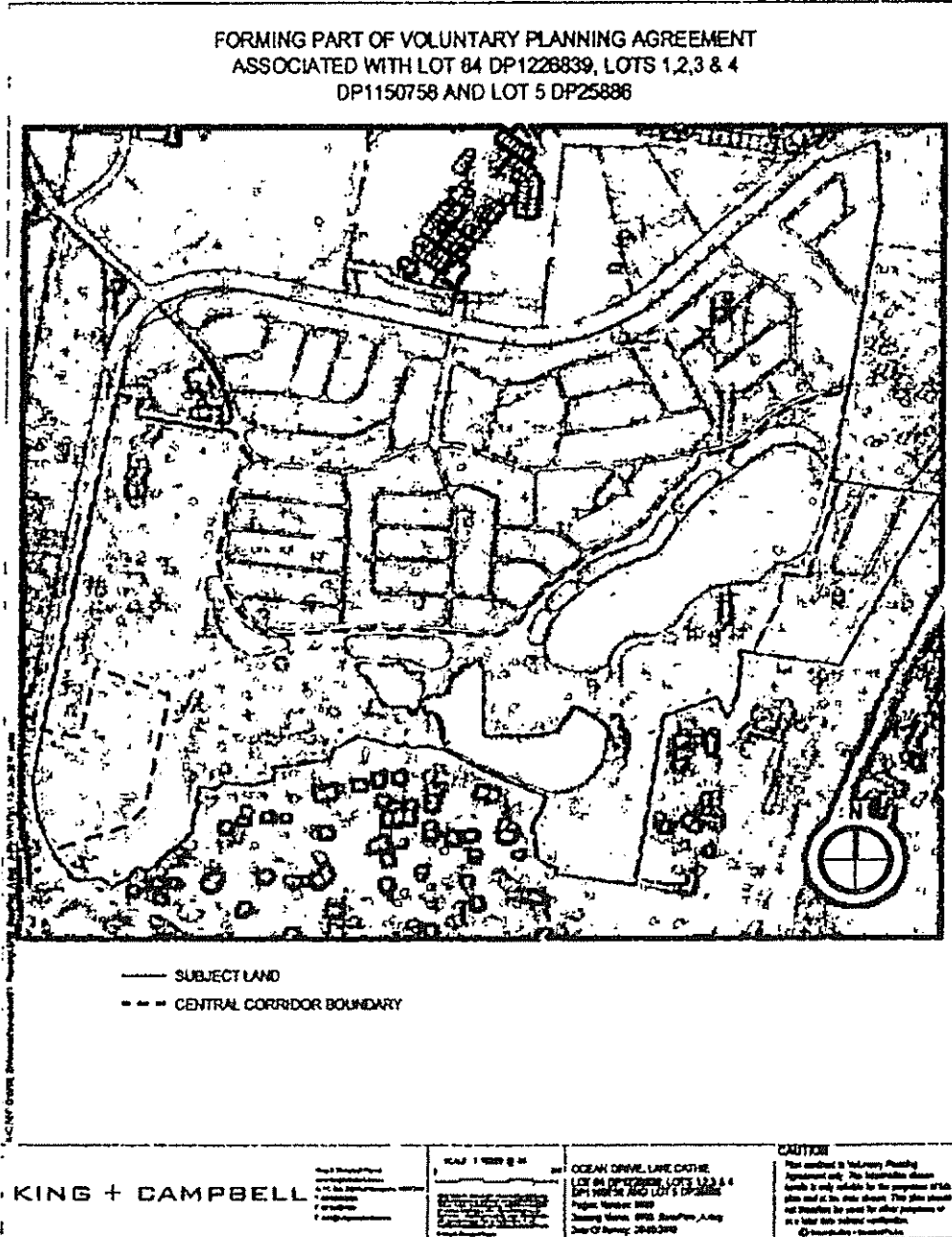
(Clause 1.1)

Plans

Figures comprising the Plans are on the following pages

Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

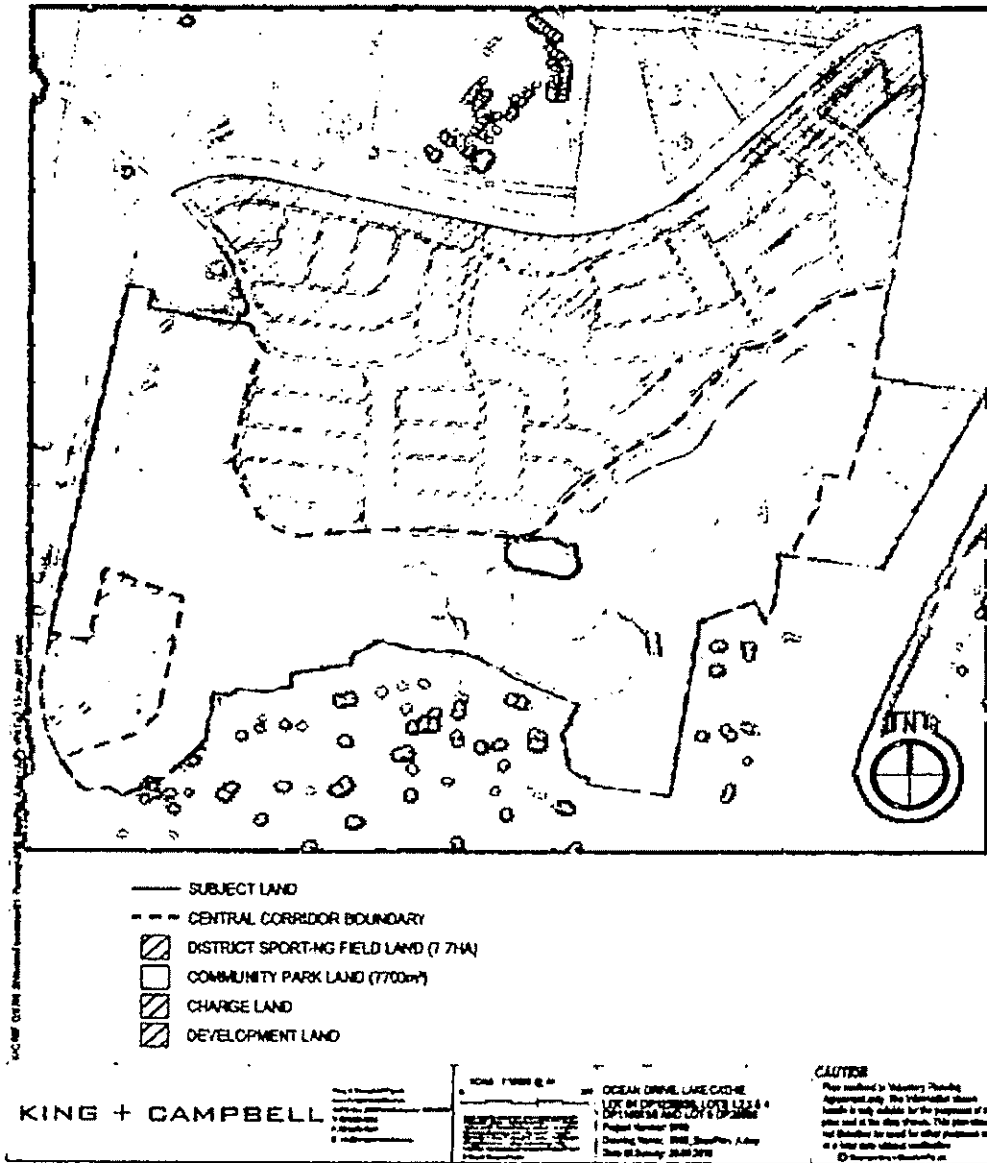
Figure 1



Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

Figure 2

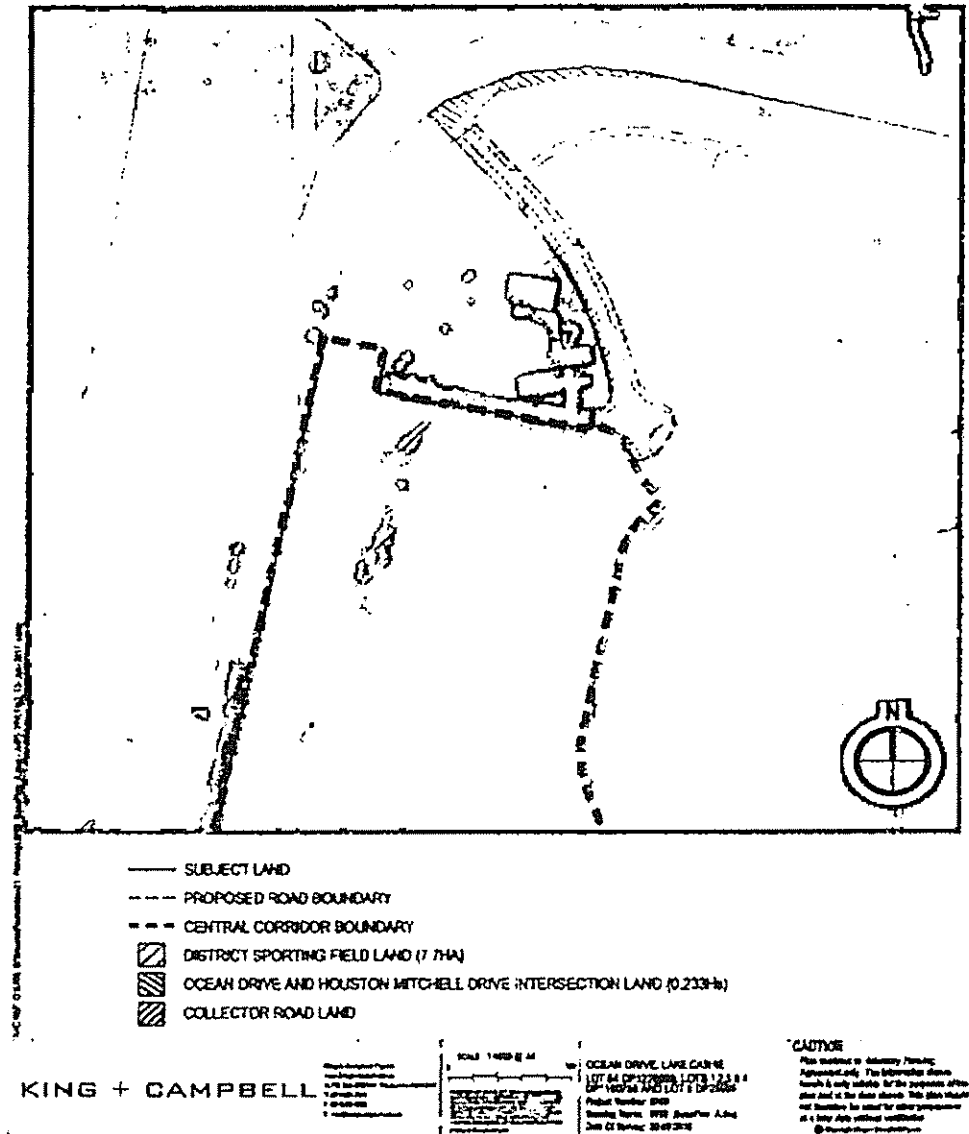
FORMING PART OF VOLUNTARY PLANNING AGREEMENT
ASSOCIATED WITH LOT 84 DP1226839, LOTS 1,2,3 & 4
DP1150758 AND LOT 5 DP25886



Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

Figure 3

FORMING PART OF VOLUNTARY PLANNING AGREEMENT
 ASSOCIATED WITH LOT 64 DP1226839, LOTS 1,2,3 & 4
 DP1150758 AND LOT 5 DP25886



Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

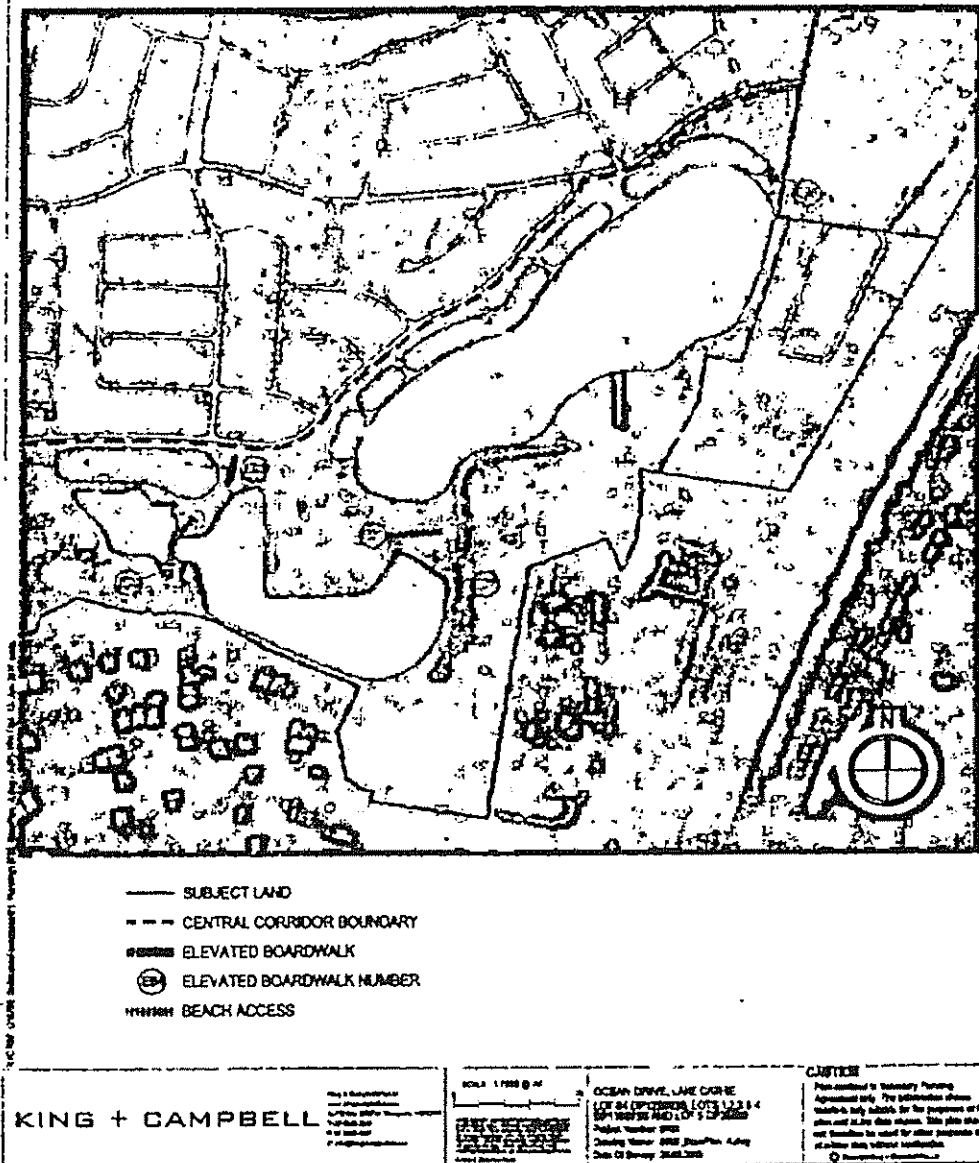
Figure 4

Not Used

Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

Figure 5

FORMING PART OF VOLUNTARY PLANNING AGREEMENT
 ASSOCIATED WITH LOT 64 DP1226839, LOTS 1,2,3 & 4
 DP1150758 AND LOT 5 DP25886



Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

Figure 6

Not Used

Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

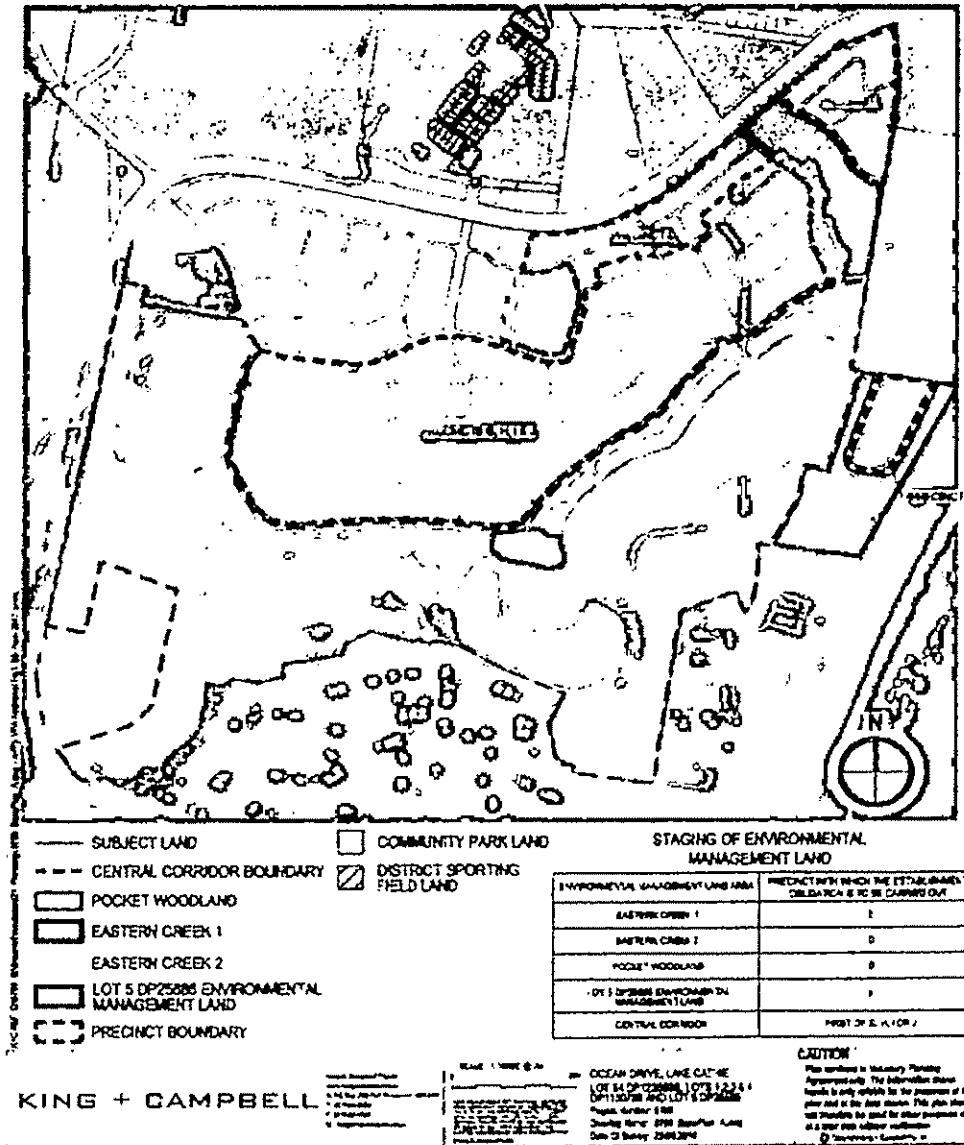
Figure 7

Not Used

Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

Figure 8

FORMING PART OF VOLUNTARY PLANNING AGREEMENT
 ASSOCIATED WITH LOT 64 DP1226839, LOTS 1,2,3 & 4
 DP1150758 AND LOT 5 DP25886



Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

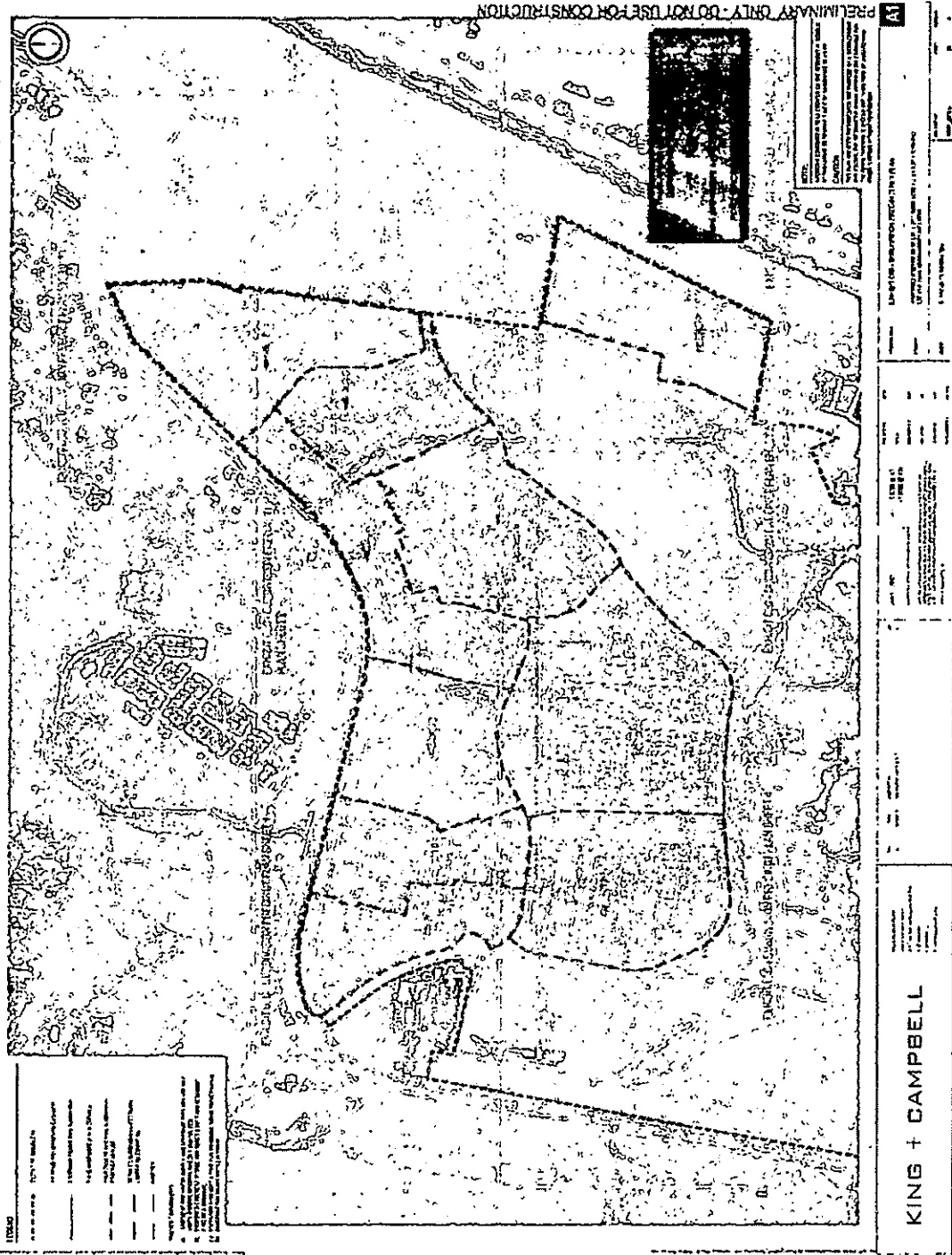
Schedule 3

(Clause 1.1)

Precinct Plan

Plan showing Precincts on the following page

Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited



Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

Execution

Executed as a Deed

Dated:

5 March 2018

Executed on behalf of the Council

General Manager Craig Swift-McNaiv

Witness Larissa Graham

Cnr Lord & Burrawan Streets
Port Macquarie NSW 2444

Mayor [Signature]

Witness [Signature]

Executed on behalf of the Landowner in accordance with s127(1) of the
Corporations Act (Cth) 2001

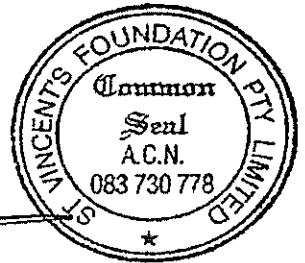
Andrew Joseph Young
Executive Director

Name/Position

[Signature]
[Signature]

Director
Francis Gregory Harrison

Name/Position



Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

Appendix

(Clause 57)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Parties

Port Macquarie-Hastings Council ABN 11 236 901 601 of Corner Lord and Burrawan Streets, Port Macquarie, New South Wales, 2444 (Council)

St Vincent's Foundation Pty Ltd ABN 11 083 730 778 of PO Box 1 Lismore, New South Wales 2480 (Landowner)

Description of the Land to which the Draft Planning Agreement Applies

Land means the land identified as '*Subject Land*' on Figure 1 of the Plans having an area of 172ha and being Lot 5 DP 25886 Lots 1-4 DP 1150758 and Lot 64 DP1226839.

Description of Proposed Development

The future development of part of the Land for urban purposes.

Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

The objective of the Draft Planning Agreement is to secure funding, land and the carrying out of work for:

- the establishment, dedication and management of environmental lands, and
- the provision of infrastructure to meet the Development.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979 (Act)*. The Draft Planning Agreement is a voluntary agreement under which Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) are made by the Landowner for various public purposes (as defined in s93F(3) of the Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- relates to the carrying out of the Development on the Land by the Landowner,
- imposes obligations on the Landowner to make Development Contributions only if Approval is granted to the carrying out of the Development whether or not the Approval is subject to a condition requiring the Planning Agreement to be entered into,
- excludes the application of s94 in some circumstances, does not exclude the application of 94A and s94EF of the Act to the Development, but provides for offsets against monetary contributions required under the Planning Agreement.
- makes provision for the dedication of the following land (as applicable) in conjunction with the carrying out of the Development:
 - Environmental Management Land,
 - Community Park, and,
 - District Sporting Fields and associated Collector Roads, and
 - Ocean Drive and Houston Mitchell Drive Intersection Land.
- makes provision for the Landowner to carry out of the following works in conjunction with the Development in certain circumstances:
 - construct the Collector Road,
 - construct the Community Park,
 - construct the District Sporting Field,
 - establishment of the Environmental Management Land,
 - management of the Environmental Management Land for twenty years, and
 - construct the Boardwalks and Beach Access Work.
- requires the Council to apply Development Contributions made under the agreement towards the specified purpose for which they were made and at the location, in the

Rainbow Beach Central Corridor Planning Agreement 2017

Port Macquarie Hastings Council

St Vincent's Foundation Pty Limited

manner and to the standard (if any) specified in the agreement except if the council considers that the public interest would be better served by applying those to another purpose,

- imposes obligations on the Landowner in relation to the carrying out of specified Works, the handing over of those Works to the Council and the rectification of defects in those Works,
- is to be registered on the title to the Land,
- imposes restrictions on the Parties transferring the Land or part of the Land or assigning, or novating an interest under the agreement,
- provides for the grant of a charge over the Charge Land to secure the performance of the Landowner's obligations under the Agreement and makes provision for the Council to exercise its rights under the Charge if the Landowner is in breach of the Agreement,
- provides for the provision of works as executed plans in respect of Works carried out by the Landowner,
- provides two dispute resolution methods for a dispute under the agreement, being expert determination and mediation,
- provides that the agreement is governed by the law of New South Wales, and
- provides that the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) applies to the agreement.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the Land to which the Agreement applies,
- provides land for public purposes in connection with the Development,
- provides and co-ordinates community services and facilities in connection with the Development,
- provides for the protection of the environment and ecologically sustainable development, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

How the Draft Planning Agreement Promotes the Public Interest

The draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in s5(a)(ii)-(vii) and 5(c) of the Act.

Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Planning Agreement Promotes the Elements of the Guiding Principles for Council's in s8A of the Local Government Act 1993 (previously the Council's Charter)

The Draft Planning Agreement promotes the following elements of the Guiding Principles of the Council:

- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- Councils should work with others to secure appropriate services for local community needs.
- Councils should act fairly, ethically and without bias in the interests of the local community.

These element of the Guiding Principles for councils are promoted through:

- providing public facilities for the community,
- ensuring that public facilities provided by the Landowner under the Agreement are transferred to and managed by the Council or are otherwise subject to the Council's control,
- by providing a means for the private funding of public facilities for the benefit of the Development and the wider community, and
- providing a means that allows the wider community to make submissions to the Council in relation to the Agreement.

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

The Draft Planning Agreement requires that specified Works to be carried out by the Landowner for the purposes of providing open space, roads and other public purposes.

These Works are not included in the Council's relevant current capital works program. However, the Council's management plan identifies these types of works in the relevant capital works program.

Accordingly, the provision of these Works under the Agreement is consistent and conforms with the capital works envisioned by the Council's management plan.

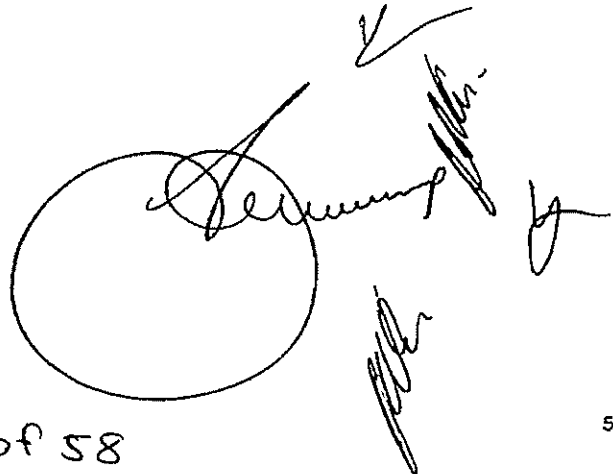
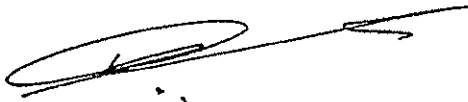
Rainbow Beach Central Corridor Planning Agreement 2017
Port Macquarie Hastings Council
St Vincent's Foundation Pty Limited

Whether the Draft Planning Agreement specifies that certain requirements must be complied with before issuing of a construction certificate, occupation certificate or subdivision certificate

This Draft Planning agreement does contain requirements that must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.



Francis Gregory Harrigan
Solicitor for Registered Proprietor



SIGNATURES, SEALS AND STATEMENTS of intention to declare PUBLIC USES OF OR CREATE PUBLIC UTILITIES OR SERVICES ARE REQUIRED. SIGNATURES OF THE APPLICANT AND THE CITY ENGINEER ARE REQUIRED. SIGNATURES OF THE CITY ENGINEER ARE REQUIRED.

John William Murphy
 John William Murphy, City Engineer
 City of Torrens
 18 May 1995

John William Murphy, City Engineer
 City of Torrens
 18 May 1995

Crown Lands Office Approval

Approved: *[Signature]*
 Used On: *[Signature]*
 Date: *[Signature]*

Control Clerk's Certificate

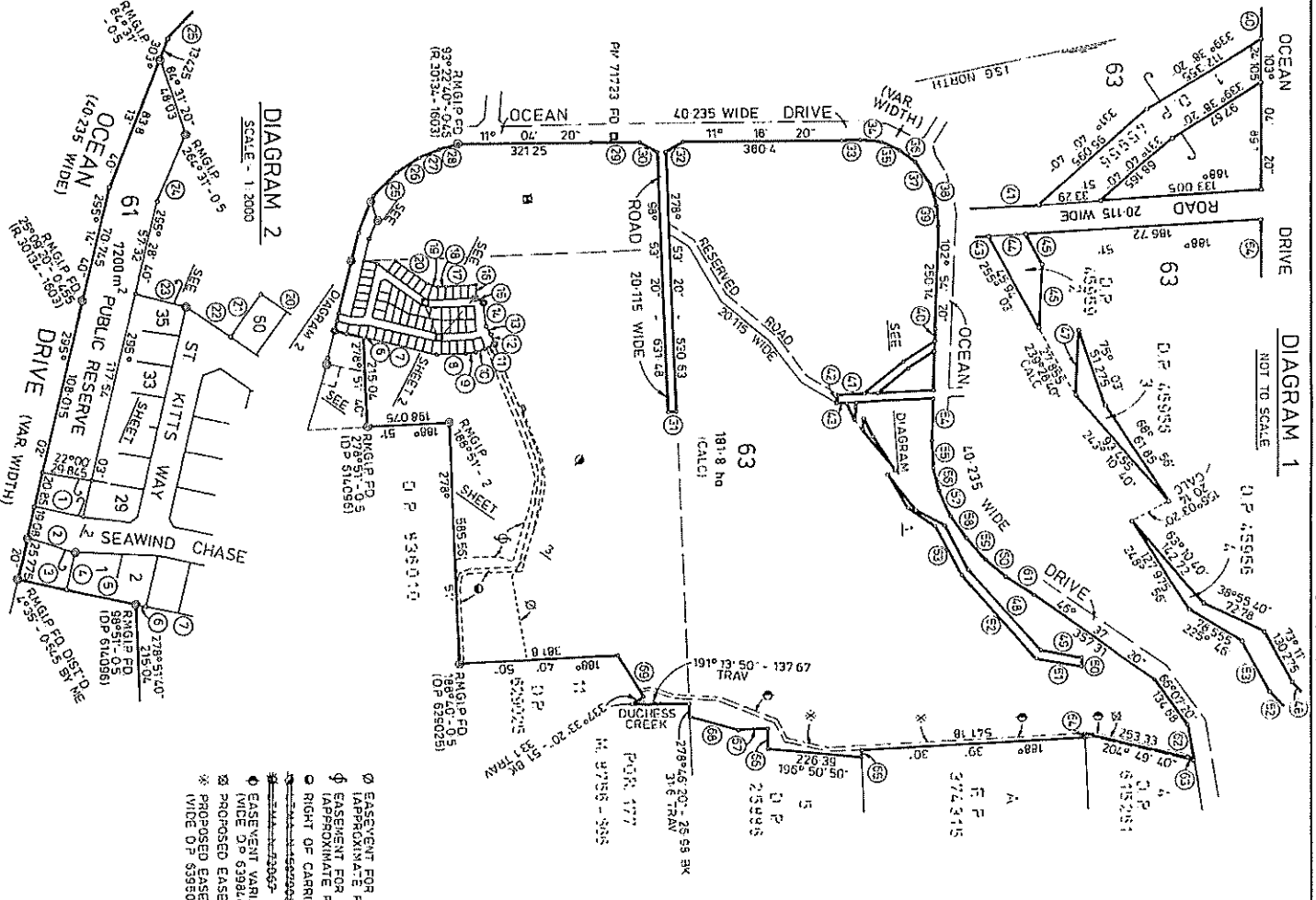
Have been satisfied with the application in relation to the proposed SUBDIVISION of the land described in the instrument of title and the requirements of Part 2 of the Subdivision Act 1988 and Part 2 of the Subdivision Regulations 1995.

Subdivision No. *4114*
 Date: *18/05/1995*
 Control Clerk: *[Signature]*

Subdivision No. *4114*
 Date: *18/05/1995*
 Control Clerk: *[Signature]*

WARNING: CHEASING OR FOLDING WILL LEAD TO REJECTION

Plan Drawing only to appear in this space



SCHEDULE OF SHORT LINES

NO	BEARING & DISTANCE	NO	BEARING & DISTANCE
1	29 59' - 29 59'	36	48 11' 23" - 2 70 95
2	30 1' - 29 92'	37	57 56' 20" - 55 28
3	15 02' 20" - 29 795'	38	34 48' 40" - 53 82
4	25 59' 03" - 23 07'	39	57 02' 20" - 50 96
5	25 59' 03" - 43 225'	40	103 02' 20" - 23 515
6	23 07' 40" - 4 49 5'	41	18 50' 51" - 53 04 5
7	23 07' 40" - 17 6 168'	42	11 50' 25' 20" - 21
8	8 42' 40" - 69 285'	43	8 51' - 29 145
9	3 05 5' - 24 315'	44	8 51' - 3 74
10	3 51 5' 20" - 24 23'	45	7 50' 03" - 3 74
11	3 51 5' 10" - 26 305'	46	10 5 43" - 39 44 5
12	2 62' 49 20" - 25 33'	47	28 59' 43" - 24 7 55
13	2 50 04' 20" - 22 4 5'	48	5 5 44" - 25 3 1
14	2 75 45' 20" - 58 50'	49	3 10 52" - 101 5
15	2 23 07' 40" - 9 7 55'	50	5 8 48' 40" - 20 55
16	2 7 50' 04' 20" - 33 5 25'	51	20 5 42" - 112 7 55
17	1 9 58' 54' 20" - 74 5 55'	52	2 25 9' 44" - 2 72 3 8
18	1 57 32' 40" - 19 0 58 5'	53	2 53 0' 11" - 1 35 5 9
19	2 0 9 0' 7" - 27 6 4 5'	54	10 3 0' 20" - 101 3 4
20	2 27 53' 20" - 9 5'	55	9 7 56' 20" - 57 3 6
21	1 37 53' 20" - 32 4 15'	56	8 7 56' 20" - 55 8 2
22	2 27 53' 20" - 32 4 15'	57	7 7 56' 20" - 89 7 2
23	2 0 9 0' 7" - 31 9 1'	58	6 5 9 0' 20" - 54 7 6
24	3 20 9 0' 7" - 44 2 4'	59	5 5 9 0' 20" - 71 1 4
25	3 20 9 0' 7" - 80 5 2'	60	5 1 0' 1 20" - 64 8 2
26	3 57 5' 40" - 53 4'	61	4 4 15' 20" - 81 1 1
27	3 45 9' 23' 40" - 52 1'	62	5 2 15' 50" - 52 1 2
28	3 55 21' 40" - 48 5 5'	63	2 16 53' 20" - 14 2 25
29	1 18 20' - 114 4 9'	64	5 8 48' 20" - 10 5 2
30	4 0' 18' 20" - 30 1 5'	65	5 8 42' 50" - 17 6 2
31	9 53' 20" - 20 1 15'	66	2 7 59' 50' - 49 5 9
32	3 41 0' 7" 20" - 44 2 4'	67	1 9 8 4' 27' 50" - 59 1 6
33	8 42' 20" - 44 2 4'	68	2 0 5 35' 50" - 120 6 3
34	1 8 57' 10" - 54 21'	69	2 4 5 0' 20" - 16 9 55
35	1 50' 55" - 4 5 5'		

- Ø EASEMENT FOR SEWERAGE RISING MAIN OVER EXISTING LINE OF PIPES (APPROXIMATE POSITION ONLY)
- Ø EASEMENT FOR WATER SUPPLY OVER EXISTING LINE OF PIPES (APPROXIMATE POSITION ONLY)
- Ø RIGHT OF CARRIAGEWAY TO 2 & 3 WIDE
- Ø EASEMENT VARIABLE WIDTH FOR WATER SUPPLY & SEWERAGE PIPELINES (WIDE DP 63982L - 1995 FOL 4002)
- Ø PROPOSED EASEMENT 5 WIDE FOR SEWERAGE RISING MAIN (WIDE DP 639501)
- Ø PROPOSED EASEMENT 10 WIDE FOR WATER SUPPLY & SEWERAGE PIPELINES (WIDE DP 639501)

OFFICE USE ONLY

DP 845590

Requested: 10-5-1995

CA No 94/94 of 30-9-1994

Time System: TORRENS

Purpose: SUBDIVISION

Rel. Map: PARISH

Lot No: DP 702534, DP 255923

PLAN OF SUBDIVISION OF LOT 2 DP 702534

Lengths are in meters. Reduction Ratio 1:8000

L.G.A. HASTINGS

Locality: LAKE CATHIE

Parish: QUEENS LAKE

County: MACQUARIE (S1)

This is sheet 1 of my plan in 3 sheets.

GRAHAM McLEOD BURNS, (Dated at Macquarie)

23th JULY 1994

AS REARDS - LOTS 1 - 62

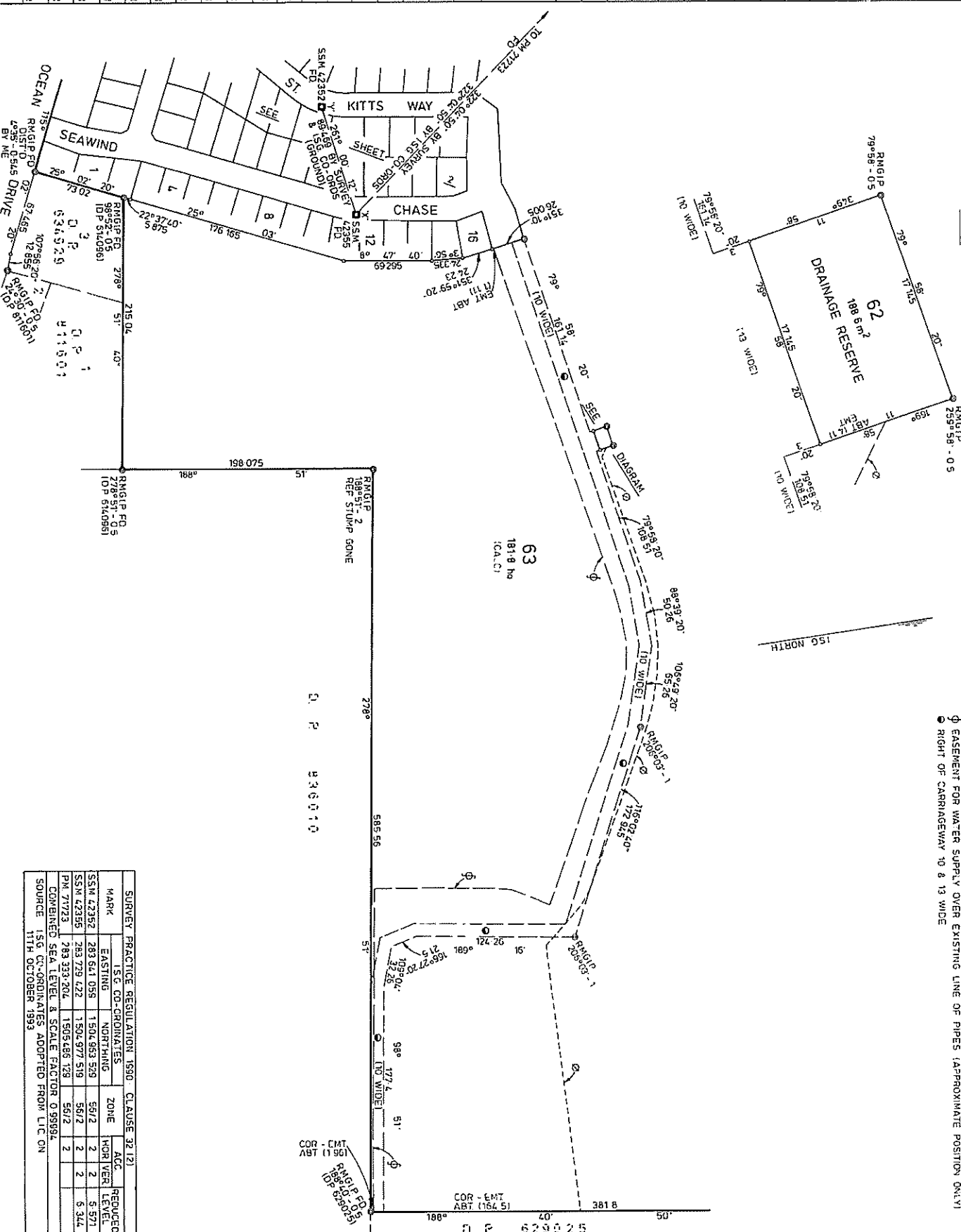
Plant used in preparation of survey: D.P. 702534, D.P. 81607, D.P. 255923, D.P. 634953, D.P. 614058, D.P. 632353, R. 26687, 1603, 9, 24, 92, 1603, D.P. 632025, D.P. 63984L, D.P. 639801, D.P. 45956, D.P. 25596, M. 3993-655

PARCEL FOR USE ONLY for statements of public interest and other matters, statements and restrictions on the use of land or positive covenants.

IT IS INTENDED:

- 1 TO DEDICATE SEAWIND CHASE (19 WIDE) & (VAR WIDTH) & ST KITTS WAY (15 WIDE) & (VAR WIDTH) TO THE PUBLIC AS ROAD
- 2 TO CREATE LOT 81 AS PUBLIC RESERVE
- 3 TO CREATE LOT 82 AS DRAINAGE RESERVE
- 4 TO CREATE PURSUANT TO SEC 88B OF THE CONVEYANCING ACT 1919
- 5 EASEMENT TO DRAIN WATER 15 WIDE
- 6 EASEMENT FOR SEWERAGE RISING MAIN OVER EXISTING LINE OF PIPES
- 7 EASEMENT FOR WATER SUPPLY OVER EXISTING LINE OF PIPES
- 8 RIGHT OF CARRIAGEWAY TO 2 & 3 WIDE
- 9 RESTRICTION AS TO USER
- 10 RESTRICTION AS TO USER

DIAGRAM
 SCALE - 1:200



- Ø EASEMENT FOR SEWERAGE RISING MAIN OVER EXISTING LINE OF PIPES (APPROXIMATE POSITION ONLY)
- φ EASEMENT FOR WATER SUPPLY OVER EXISTING LINE OF PIPES (APPROXIMATE POSITION ONLY)
- ⊖ RIGHT OF CARRIAGEWAY 10 & 13 WIDE

15G NORTH

SURVEY PRACTICE REGULATION 1990 CLAUSE 32(2)					
MARK	15 G CO-ORDINATES	NORTHING	EASTING	ZONE	REDUCED
SSM 42352	283 561 058	1 504 883 529	5672	2	5 571
SSM 42385	283 729 422	1 504 877 519	5672	2	5 344
PM 71723	783 333 202	1 505 489 729	5672	2	

COMBINED SEA LEVEL & SCALE FACTOR 0.99992
 SOURCE 15G CO-ORDINATES ADOPTED FROM LIC ON 11TH OCTOBER 1993

DP 845590

Registered 10-5-1995

Drawn sheet 3 of plan n 3 sheet

Surveyor Registered under Surveyors Act 1993

THE ENGINEER & SURVEYOR
 18 of 92

For use where there is a multiplex in any part on Plan Form 3

Checked by

Plan Drawing only to appear in this space

Reduction Ratio 1:2000
 SURVEYORS REFERENCE 4509/1 CL

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
RESTRICTIONS ON THE USE OF LAND INTENDED TO BE
CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 1 of 7 sheets)

PART 1

PLAN:

DP 845590

Subdivision covered by Council
Clerk's Certificate No 64
of 1994

Full name and address of
proprietor of the land

JOHN ABI-SAAB and NOELINE
ABI-SAAB

-
1. Identity of easement firstly referred to in abovementioned plan Easement to drain water
1 Wide

SCHEDULE OF LOTS AFFECTED

Lots burdened	Lots or Authority benefited
26	27
25	26, 27
24	25, 26, 27
42	24, 25, 26, 27

-
2. Identity of easement secondly referred to in abovementioned plan Easement to drain water 1.5 wide

SCHEDULE OF LOTS AFFECTED

Lots burdened	Lots or Authority benefited
37	36
38	36, 37

-
3. Identity of easement thirdly referred to in the abovementioned plan Easement for sewerage
Rising Main over Existing
Line of Pipes

SCHEDULE OF LOTS AFFECTED

Lots burdened	Lots or Authority benefited
63	Hastings Council

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
RESTRICTIONS ON THE USE OF LAND INTENDED TO BE
CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 2 of 7 sheets)

PART 1

DP 845590

Subdivision covered by Council
Clerk's Certificate No 64
of 1994

4. Identity of Easement fourthly referred to in the abovementioned plan Easement for Water Supply over Existing Line of Pipes

SCHEDULE OF LOTS AFFECTED

Lots burdened	Lots or Authority benefited
63	Hastings Council

5. Identity of Easement fifthly referred to in the abovementioned plan Right-of-Carriageway 10 and 13 wide

SCHEDULE OF LOTS AFFECTED

Lots burdened	Lots or Authority benefited
63	Hastings Council

6. Identity of Restriction sixthly referred to in the abovementioned plan Restriction as to User

SCHEDULE OF LOTS AFFECTED

Lots burdened	Lots or Authority benefited
Each lot excluding lots 61, 62 and 63	Hastings Council

7. Identity of Restriction seventhly referred to in the abovementioned plan Restriction as to User

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
RESTRICTIONS ON THE USE OF LAND INTENDED TO BE
CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 3 of 7 sheets)

PART 2

DP 845590

Subdivision covered by Council
Clerk's Certificate No 64
of 1994

SCHEDULE OF LOTS AFFECTED

Lots burdened	Lots or Authority benefited
1 to 60 inclusive	Each other lot of lots 1 to 60 inclusive

PART 2

3. TERMS OF EASEMENT FOR SEWERAGE RISING MAIN OVER EXISTING LINE OF PIPES THIRDLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Full and free right for the body in whose favour this easement is created, and every person authorised by it, from time to time and at all times by means of pipes to pump sewage and other waste material and fluid in any quantities across and through the land herein indicated as the servient tenement, together with the right to use, for the purposes of the easement, any line of pipes already laid within the servient tenement for the purpose of pumping sewage or any pipe or pipes in replacement or in substitution therefore together with the right for the body in whose favour this easement is created and every person authorised by it, with any tools, implements, or machinery, necessary for the purpose, to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining or renewing such pipe line or any part thereof and for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary provided that the body in whose favour this easement is created and the persons authorised by it will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition.

4. TERMS OF EASEMENT FOR WATER SUPPLY OVER EXISTING LINE OF PIPES FOURTHLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Full and free right for the body in whose favour this easement is created, and every person authorised by it, from time to time and at all times by means of pipes to supply water in any quantities across and through the land herein indicated as the servient tenement, together with the right to use, for the purposes of the easement, any line of pipes already laid within the servient tenement for the purpose of supplying water or any pipe or pipes in replacement or in substitution therefore together with the right for the body in whose favour this easement is created and every person authorised by it, with any tools, implements, or machinery, necessary for the purpose,

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
RESTRICTIONS ON THE USE OF LAND INTENDED TO BE
CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 4 of 7 sheets)

PART 2

DP 845590

Subdivision covered by Council
Clerk's Certificate No 64
of 1994

to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining or renewing such pipe line or any part thereof and for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary provided that the body in whose favour this easement is created and the persons authorised by it will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition.

6. TERMS OF RESTRICTION ON USE SIXTHLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Unless Hastings Council otherwise approves in relation to any lot or lots in the abovementioned plan, the minimum floor level of habitable rooms is to be 500mm above the 1:100 year flood level.

7. TERMS OF RESTRICTIONS ON USE SEVENTHLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Unless the Mortgagee otherwise approves in writing (and subject to any environmental planning instrument to the contrary):

- (a) The land hereby burdened ("the land") shall not be used otherwise than for private residential dwelling purposes.
- (b) No building shall be erected on the land which has previously been erected elsewhere.
- (c) Unless Hastings Council otherwise approves in relation to any lot or lots in the abovementioned plan, no more than one main building shall be erected or be permitted to remain on the land and no such building shall have an overall floor area excluding any garage, carport or courtyard:
 - (i) of less than 120m² where it is a single unit dwelling;
 - (ii) of not less than 170m² comprising two units each of not less than 85m² where it is a multiple unit dwelling.
- (d) No dwelling shall be erected on the land unless the external face of the walls of that dwelling comprise at least 75% brick, brick veneer, timber, stone, glass or concrete block with textured mortar or painted finish.

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
RESTRICTIONS ON THE USE OF LAND INTENDED TO BE
CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 5 of 7 sheets)

PART 2

DP 845590

Subdivision covered by Council
Clerk's Certificate No 64
of 1994

- (e) No dwelling erected on the land shall have a roof of any material other than concrete tiles, clay tiles or non reflective metal.
- (f) No subsidiary building erected on the land shall have a roof of any material other than that of the roof of the main building unless the pitch of the subsidiary building roof is less than 10 degrees to the horizontal and is not visible from the road frontage of the land.
- (g) No building on the land shall be left uncompleted without substantial work being carried out for longer than 3 months and total construction time for any building shall not exceed 10 months.
- (h) No temporary dwelling, caravan, or structure shall be brought onto or erected on the land, and no person shall be permitted to live in a portion of any building during its construction.
- (i) No excavation or fill which alters the present topography of the land by greater than 1 metre shall be permitted unless it is secured by a retaining wall and completed prior to habitation of any dwelling on the land.
- (j) No part of the land shall be maintained otherwise than in a clean and tidy condition and of a neat appearance at all times with grass shorter than 300mm and free of all accumulations of rubbish or waste material and if the land is not so maintained the Mortgagees may enter upon the land and carry out such works as are necessary to bring the land to such standard of maintenance and the cost of such works shall be recoverable from the registered proprietor for the time being of the land.
- (k) No trees shall be pruned, injured or removed from the land otherwise than for the purposes of construction of a building on the land in which event a replacement for each tree pruned, injured or removed shall be planted elsewhere on the land.
- (l) No commercial or other heavy transport vehicles shall be parked on a regular or permanent basis on the land other than in connection with the construction on the land of a residential building.
- (m) No advertisement sign boarding or similar structure (except a "for sale" sign and/or a "builders" sign no larger than 1000mm by 920mm) shall be erected or permitted to remain on the land without the prior written consent of the Mortgagees

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
RESTRICTIONS ON THE USE OF LAND INTENDED TO BE
CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 6 of 7 sheets)

PART 2

PLAN: **DP 845590**

Subdivision covered by Council
Clerk's Certificate No 64
of 1994

provided such restriction shall only apply as long as the Mortgagees are mortgagee in possession of any lot in the plan of subdivision.

- (n) No paling fence shall be erected on the land so as to be situated closer to the street than the house building line.
- (o) No fence shall be erected on any lot to divide that lot from land in the possession of the Mortgagees without the consent of the Mortgagees provided that consent shall not be withheld if such fence is erected without expense to the Mortgagees.
- (p) No dwelling floor structure supports shall be exposed and such floor supports shall be fully enclosed before occupation of the dwelling.
- (q) The discretion of the Mortgagees to approve any variation of conditions (a)-(p) ceases when the Mortgagees cease to be mortgagee in possession of any Lot in the Plan of Subdivision.

NAME OF PERSON TO RELEASE, VARY OR MODIFY THE RESTRICTIONS SIXTH AND SEVENTHLY REFERRED TO IN THE ABOVEMENTIONED PLAN:

The Mortgagees, until the expiry of four (4) years from the date on which the abovementioned plan is registered as a deposited plan and thereafter, by the person or persons in whom the legal estate in fee simple is for the time being vested in the land in the said deposited plan (other than streets 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 at the cost and expense of the person requesting such release, variation or modification.

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
RESTRICTIONS ON THE USE OF LAND INTENDED TO BE
CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919

Lengths are in metres

(Sheet 7 of 7 sheets)

PART 2

DP 845590

Subdivision covered by Council
Clerk's Certificate No 64
of 1994

JOHN WILLIAM MURPHY and PETER BERNARD ALLEN as mortgagees in possession
pursuant to mortgage registered No. W169280.

SIGNED by
JOHN WILLIAM MURPHY
in the presence of:

..... *Will t*
Witness

..... *NICOLE KOENAN*
Name of witness (Print Name)


..... *John W Murphy*
Signature

SIGNED by
PETER BERNARD ALLEN
in the presence of:

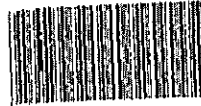
..... *Will t*
Witness

..... *NICOLE KOENAN*
Name of witness (Print Name)

..... *Peter B Allen*
Signature

REGISTERED  *10-5-1995*

RP44



X879674

RESUMPTION APPLICATION

RA

CA	1 of 1
\$ OHMS	

R2/2

SECTION 31A (3), REAL PROPERTY ACT, 1900
 (See Instructions for Completion on back of form)

DESCRIPTION OF LAND
 Note (a)

Torrens Title Reference	If part only, delete Whole and give details	Location
Folio Identifier 2/702534 Volume 14393 Folio 3 ADJ 4/215261	WHOLE= the site of the proposed easement variable width for water supply and sewerage pipelines shown in D.P. 639844	Parish: Queen's Lake County: Macquarie

APPLICANT
 Note (b)

Minister for Public Works

OFFICE USE ONLY

OVER

Note (c)

(the abovenamed Applicant) in consequence of the resumption notified in Government Gazette dated 29th July 1988, folio 4002 #, a true copy whereof appears hereunder, hereby applies to the Registrar General (i) to make all such recordings in the Register as may be necessary to give effect to the resumption so far as it relates to the land above described and (ii) to issue a new Certificate of Title for the resumed land.

Note (d)

* and the erratum published in Government Gazette dated 5th August, 1988, Folio 4128.

Note (e)

See Annexure Hereto

DATE 14th September 1988

EXECUTION
 Note (f)

I hereby certify this application to be correct for the purposes of the Real Property Act, 1900.
 Signed in my presence by the authorised officer of the applicant

[Signature]
 Name of Witness (BLOCK LETTERS)

S. Acve
 Name of Witness (BLOCK LETTERS)

Clerk, State Crown Solicitors
 Name and occupation of Witness

J. K. ROBERTS
 State Crown Solicitor
 per

[Signature]
 Signature of authorized officer

TO BE COMPLETED BY LODGING PARTY
 Notes (g) and (h)

LODGED BY		LOCATION OF DOCUMENTS	
STATE CROWN SOLICITORS OFFICE GOODSELL BUILDING 8-12 CHIPLEY SQUARE, SYDNEY, 2000 DX19 PHONE: 238-7406 8182		CT	OTHER
Delivery Box Number		Herewith, In R.G.O. with Produced by	
Checked <i>[Signature]</i>	Passed <i>[Signature]</i>	REGISTERED	Cert. of Title
15 NOV 1988			14393-3 29/7 6/10
Signed	Extra Fee	Registrar General	

OFFICE USE ONLY

RP 44

INSTRUCTIONS FOR COMPLETION

This dealing should be lodged by hand at the Registrar General's Office. Use this form where the land resumed is under the provisions of the Real Property Act, 1900. Typewriting and handwriting should be clear, legible and in permanent non-copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the applicant.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the applicant and the attesting witness.

The following instructions relate to the slide notes on the form.

(a) Description of land.

(i) TORRENS TITLE REFERENCE.—For a manual folio insert the Volume and Folio (e.g., Vol. 8514 Fol. 126). For a computer folio insert the folio identifier (e.g., 12761914). Title references should be listed in numerical sequence.

(ii) PARTY/SHARES.—If part only of the land in the folio of the Register is the subject of the application, delete the word "Whole" and insert the lot and plan number, portion, &c.

(iii) LOCATION.—Insert the locality shown on the Certificate of Title/Crown Grant, e.g., St. Charles. If the locality is not shown, insert the Parish and County, e.g., Pt. Limbick Co. Ross.

(b) State the name of Authority in which the land is vested.

(c) Show date and folio number of the Gazette notification.

(d) Delete this clause if the issue of a new certificate of title is not required.

(e) Insert a copy of the Gazette Notification. If the space provided is insufficient for this purpose, use an annexure sheet (identified as such) of the same size and quality of paper as this form.

(f) Execution.

The certificate of execution under the Real Property Act, 1900 must be signed by an authorized officer of the applicant who should execute the dealing in the presence of an adult witness to whom he/she is personally known.

Any person falsely or negligently certifying to this effect is liable to the penalties provided by section 119 of the Real Property Act, 1900.

(g) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.

(h) If any document is lodged with this application, record in DOCUMENTS LOBBED panel.

OFFICE USE ONLY

FIRST SCHEDULE DIRECTIONS					
(A)	FOLIO IDENTIFIER	(B) DIRECTION	(C) NAME		
SECOND SCHEDULE AND OTHER DIRECTIONS					
(D)	FOLIO IDENTIFIER	(E) DIRECTION	(F) NOTEN TYPE	(G) DEALING NUMBER	(H) DETAILS
	2/702534 4/615261	ON	EA		Easement for water supply & sewerage pipelines affecting the site of proposed easement variable width for water supply & sewerage pipelines as shown in DP 639844
		es		No C7	

ANNEXURE TO RESUMPTION APPLICATION DATED
by State Crown Solicitor .

14th September 1988

4002

NEW SOUTH WALES GOVERNMENT GAZETTE No. 123

[29 JULY, 1988

PUBLIC WORKS ACT 1912, AS AMENDED

LAKE CATJIE-BONNY HILLS SEWERAGE

Acquisition of Easements

IT is hereby notified and declared by His Excellency the Governor, acting with the advice of the Executive Council, that the easements or right to use the surface and the subsoil or undersurface of the land described in the Schedule hereto is as to so much of the land as is Crown land hereby appropriated, as is as to so much of the land as is private property hereby resumed, under the provisions of the Public Works Act 1912, as amended, for the purpose of a public work, namely, Lake Cathie-Bonny Hills Sewerage, and it is hereby notified that the easements are vested in the Minister for Public Works as constructing authority.

Dated at Sydney this 18th day of May, 1988.

J. A. ROWLAND, Governor

By His Excellency's Command,

WAL MURRAY,

Deputy Premier and Minister for Public Works.

SCHEDULE

(Easement for Conveyance of Sewage)

All that piece or parcel of land situate in the Municipality of Hastings, Parish of Queens Lake and County of Macquarie, being the site of the proposed easement variable width for water supply and sewerage pipelines shown in Deposited Plan 639844A.

(Easement for Conveyance of Water)

All that piece or parcel of land situate in the Municipality of Hastings, Parish of Queens Lake and County of Macquarie, being the site of the proposed easement variable width for water supply and sewerage pipelines shown in Deposited Plan 639844, (S.B. 31940) (5727)

4128

NEW SOUTH WALES GOVERNMENT GAZETTE No. 126

[5 AUGUST, 1988

PUBLIC WORKS ACT 1912, AS AMENDED

ERRATUM

IN notification in Government Gazette number 123 of 29th July, 1988, on page 4002, under the heading of "Lake Cathie-Bonny Hills Sewerage", the figures "639844A" should read "639844".

WAL MURRAY,

(6298) Deputy Premier and Minister for Public Works.

H. K. ROBERTS
State Crown Solicitor

Authorised Officer: _____

Witness: _____

97-18DD

2 fr 1035

V.L.

New South Wales Land Titles Office

DEPARTMENTAL DEALING



U
515424 U

This document is designed to record the effect of Departmental actions and amendments on computer folios

DD

Folio Identifier(s)

1/785236			
1/840435			
4/615261			
2/702534			
1/749751			

Reason for Preparation: AMENDMENT to enter notifications from N 3 W Government Gazettes

FIRST SCHEDULE DIRECTIONS

FOLIO IDENTIFIER	DIRECTION	DETAILS

SECOND SCHEDULE AND OTHER DIRECTIONS

FOLIO IDENTIFIER	DIRECTION	NO/IN TYPE	DEALING NUMBER	DETAILS			
1/785236	OFF	NB	U502050				
1/785236	ON	NB		Easement for water supply and Sewerage Rising Main as shown in DP 639597 now vested in Hastings Council Gaz. 3-6-1994 Fol 2672 & Gaz 10-6-1994 Fol. 2891			
1/615261	ON	NB		Easement for sewerage pipeline created by X879674 vested in Hastings Council Gaz 10-6-1994 Fol 2891			
2/702534	"	"					
1/749751	ON	NB		Easements created by X433889 vested in Hastings Council Gaz 10-6-1994 Fol. 2891			
Deliver Title to		Prepared by	Table No	Directed by	Table No	Authorised by	Table No
E.T. No C.T.		R	CC12				





PETER FRANKLIN
 Director
 HASTINGS
 1000
 1000

Green Lands Office Approval

Approved Other: _____
 Paper No: _____
 Field Book: _____

Subdivision Certificate

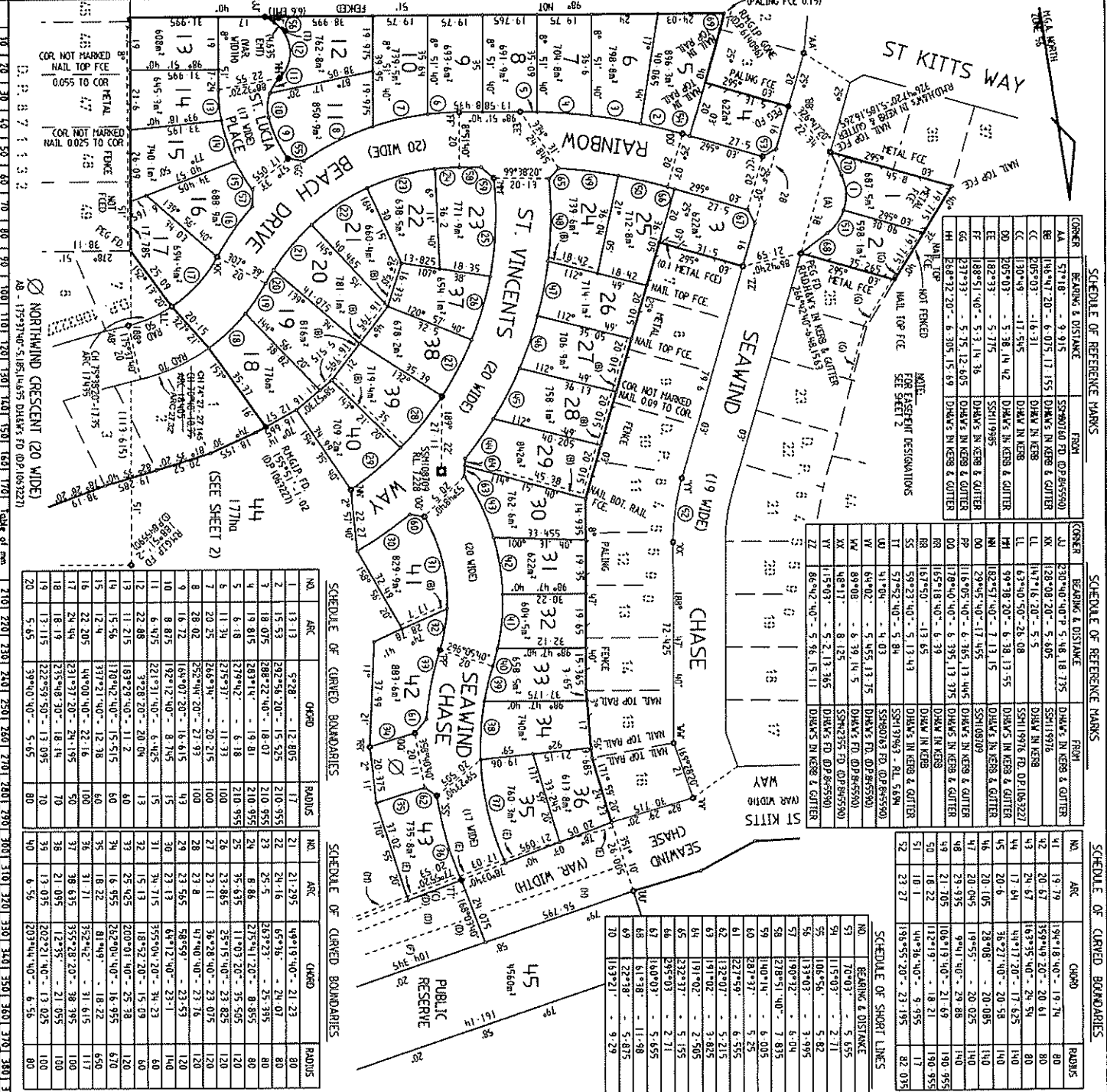
I hereby certify the contents of this of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed SUBDIVISION set out herein

* I seal Subdivision (New road)

Authorised Person/Engineer/Designer/Inspector:
HASTINGS COUNCIL
 Date of Approval: 17/02/2005
 Signature Certificate no: 75/1993/0002/02

When the plan is to be lodged at the Land Titles Office, it should include a signature in an approved form (sealed) approved by the Registrar-General.

* Office Address is on separate.



SCHEDULE OF REFERENCE MARKS

CORNER	BEARING & DISTANCE	FROM
AA	57° 18' - 9.915	SP5410 TO DP 895550
AB	104° 07' 20" - 6.015	DP 895550 IN KERB & GUTTER
AC	205° 03' - 16.31	DP 895550 IN KERB
AD	330° 49' - 17.545	DP 895550 IN KERB
AE	102° 33' - 5.715	SP5410 IN KERB & GUTTER
AF	188° 51' 40" - 5.715	DP 895550 IN KERB & GUTTER
AG	188° 51' 40" - 5.715	DP 895550 IN KERB & GUTTER
AH	84° 37' 20" - 6.305	DP 895550 IN KERB & GUTTER
AI	84° 37' 20" - 6.305	DP 895550 IN KERB & GUTTER

SCHEDULE OF REFERENCE MARKS

CORNER	BEARING & DISTANCE	FROM
KA	310° 40' 40" P - 5.100	DP 895550
KB	128° 08' 20" - 5.605	SP5410 IN KERB & GUTTER
KC	147° 18' 20" - 5.5	DP 895550 IN KERB
KL	63° 40' 50" - 26.08	SP5410 IN KERB & GUTTER
KM	59° 38' 20" - 6.78	DP 895550 IN KERB & GUTTER
KN	182° 33' 40" - 7.115	DP 895550 IN KERB & GUTTER
KO	23° 45' 40" - 17.455	SP5410 IN KERB & GUTTER
KP	116° 05' 40" - 6.785	DP 895550 IN KERB & GUTTER
KQ	178° 40' 40" - 6.785	DP 895550 IN KERB & GUTTER
KR	165° 18' 40" - 6.39	DP 895550 IN KERB & GUTTER
KS	165° 18' 40" - 6.39	DP 895550 IN KERB & GUTTER
KT	58° 23' 40" - 5.134	DP 895550 IN KERB & GUTTER
KU	58° 23' 40" - 5.134	DP 895550 IN KERB & GUTTER
KV	84° 02' - 4.02	SP5410 IN KERB & GUTTER
KW	84° 02' - 4.02	SP5410 IN KERB & GUTTER
KX	148° 11' - 8.135	DP 895550 IN KERB & GUTTER
KY	15° 03' - 5.21	DP 895550 IN KERB & GUTTER
KZ	86° 42' 40" - 5.96	DP 895550 IN KERB & GUTTER

SCHEDULE OF CURVED BOUNDARIES

NO.	ARC	CHORD	RADIUS	NO.	ARC	CHORD	RADIUS
1	13.13	5° 28' - 12.805	17	21	21.295	49° 19' 40" - 21.23	80
2	15.53	23° 56' 20" - 15.525	22	24.16	65° 36' - 24.07	80	
3	18.07	28° 22' 40" - 18.07	23	25.5	53° 32' - 25.07	80	
4	19.815	32° 31' 40" - 19.815	24	26.6	47° 51' 20" - 26.6	80	
5	19.815	32° 31' 40" - 19.815	25	26.6	47° 51' 20" - 26.6	80	
6	18.07	28° 22' 40" - 18.07	26	25.5	53° 32' - 25.07	80	
7	15.53	23° 56' 20" - 15.525	27	24.16	65° 36' - 24.07	80	
8	13.13	5° 28' - 12.805	28	21.295	49° 19' 40" - 21.23	80	
9	16.72	16° 02' 20" - 16.715	29	23.55	58° 59' - 23.51	120	
10	8.875	102° 12' 40" - 8.745	30	23.13	61° 12' 40" - 23.13	140	
11	6.475	121° 01' 40" - 6.475	31	21.5	55° 04' 20" - 21.5	80	
12	22.88	37° 28' 20" - 22.88	32	15.12	18° 42' 20" - 15.12	120	
13	11.215	109° 29' 40" - 11.2	33	23.425	20° 01' 40" - 23.38	120	
14	15.56	117° 02' 40" - 15.515	34	18.925	28° 29' 40" - 18.925	670	
15	12.4	170° 21' 40" - 12.38	35	18.22	81° 49' - 18.22	650	
16	22.205	44° 00' 40" - 22.16	36	31.71	35° 42' - 31.615	117	
17	24.44	32° 31' 20" - 24.155	37	38.635	35° 28' 20" - 38.395	100	
18	18.19	23° 56' 20" - 18.14	38	21.025	12° 55' - 21.025	100	
19	13.115	22° 32' 50" - 13.095	39	13.025	102° 21' 40" - 13.025	100	
20	5.65	39° 40' 40" - 5.65	40	6.56	209° 44' 40" - 6.56	80	

SCHEDULE OF CURVED BOUNDARIES

NO.	ARC	CHORD	RADIUS	NO.	ARC	CHORD	RADIUS
41	13.13	5° 28' - 12.805	17	21	21.295	49° 19' 40" - 21.23	80
42	15.53	23° 56' 20" - 15.525	22	24.16	65° 36' - 24.07	80	
43	18.07	28° 22' 40" - 18.07	23	25.5	53° 32' - 25.07	80	
44	19.815	32° 31' 40" - 19.815	24	26.6	47° 51' 20" - 26.6	80	
45	19.815	32° 31' 40" - 19.815	25	26.6	47° 51' 20" - 26.6	80	
46	18.07	28° 22' 40" - 18.07	26	25.5	53° 32' - 25.07	80	
47	15.53	23° 56' 20" - 15.525	27	24.16	65° 36' - 24.07	80	
48	13.13	5° 28' - 12.805	28	21.295	49° 19' 40" - 21.23	80	
49	16.72	16° 02' 20" - 16.715	29	23.55	58° 59' - 23.51	120	
50	8.875	102° 12' 40" - 8.745	30	23.13	61° 12' 40" - 23.13	140	
51	6.475	121° 01' 40" - 6.475	31	21.5	55° 04' 20" - 21.5	80	
52	22.88	37° 28' 20" - 22.88	32	15.12	18° 42' 20" - 15.12	120	
53	11.215	109° 29' 40" - 11.2	33	23.425	20° 01' 40" - 23.38	120	
54	15.56	117° 02' 40" - 15.515	34	18.925	28° 29' 40" - 18.925	670	
55	12.4	170° 21' 40" - 12.38	35	31.71	35° 42' - 31.615	117	
56	22.205	44° 00' 40" - 22.16	36	38.635	35° 28' 20" - 38.395	100	
57	24.44	32° 31' 20" - 24.155	37	38.635	35° 28' 20" - 38.395	100	
58	18.19	23° 56' 20" - 18.14	38	21.025	12° 55' - 21.025	100	
59	13.115	22° 32' 50" - 13.095	39	13.025	102° 21' 40" - 13.025	100	
60	5.65	39° 40' 40" - 5.65	40	6.56	209° 44' 40" - 6.56	80	

PLAN OF SUBDIVISION OF LOT 2 DP 1057752 AND LOTS 4, 5, 6, 26 AND 27 DP 895550

Registered: 5-4-2004
 C.A. SEE CERTIFICATE
 Title System: TORRENS
 Purpose: SUBDIVISION
 Parish: PARISH
 Rate Rep: DP 1057752
 Last Plan: DP 895550/DP 1016978 #

Local Gov: HASTINGS
 Area: BONNY HILLS
 Parish: QUEENS LAKE
 County: MACQUARIE

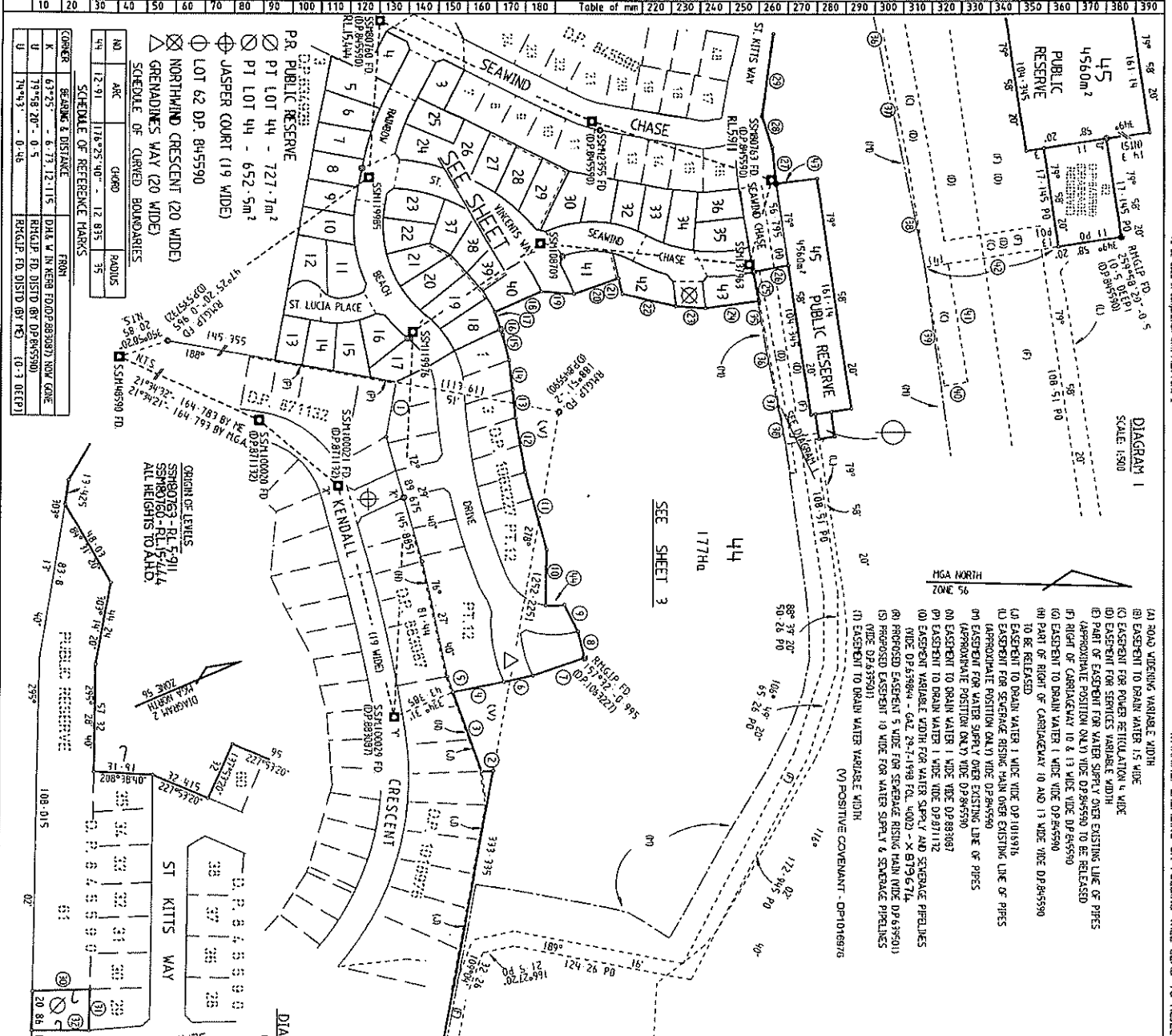
This is sheet 1 of my plan in 3 sheets.
 Dated 18 May 2004
 Phillip Alford, Surveyor

NOTES:

1. TO LOCATE RAINBOW BEACH DRIVE 20 WIDE, ST VINCENTS WAY 20 WIDE, ST LUCIA PLACE 17 WIDE AND VAR WIDTH, NORTHERND CRESCENT 20 WIDE, 17 WIDE AND VAR WIDTH, CHASE 20 WIDE, 17 WIDE AND VAR WIDTH AND ROAD WIDENING VAR WIDTH TO THE PUBLIC AS PAVED ROAD.
2. TO CREATE LOT 45 AS PUBLIC RESERVE.
3. TO CREATE EASEMENT TO SEC 889 OF THE CONVEYANCING ACT 1919.
4. EASEMENT TO DRAIN WATER 15 WIDE.
5. EASEMENT FOR POWER RETICULATION 4 WIDE.
6. EASEMENT FOR SERVICES VARIABLE WIDTH.
7. EASEMENT TO BORN WATER VAR WIDTH.
8. RESTRICTION ON THE USE OF LAND.
9. TO RELEASE PURSUANT TO SEC 889 OF THE CONVEYANCING ACT 1919.
10. PART OF EASEMENT FOR WATER SUPPLY OVER EXISTING LINE OF PIPES (APPROXIMATE POSITION ONLY) WIDE DP 895550.
11. PART OF ROAD OF CAROLANWAY (0.8 & 1.3 WIDE) WIDE DP 895550.

PLAN AMENDED IN L.P.I. AT SURVEYORS REQUEST

PLAN FORM 3
 To be used in conjunction with Plan Form 2



WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

- (A) ROAD VARIATIONS VARIABLE WIDTH
- (B) EASEMENT FOR DRAIN WATER 1.5 WIDE
- (C) EASEMENT FOR POWER RETICULATION 4 WIDE
- (D) EASEMENT FOR SERVICES VARIABLE WIDTH
- (E) PART OF EASEMENT FOR WATER SUPPLY OVER EXISTING LINE OF PIPES (APPROPRIATE POSITION ONLY) WIDE DP-895590 TO BE RELEASED
- (F) RIGHT OF CARRIAGEWAY 10 & 13 WIDE WIDE DP-895590
- (G) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (H) PART OF RIGHT OF CARRIAGEWAY 10 AND 13 WIDE WIDE DP-895590 TO BE RELEASED
- (I) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-1016976
- (J) EASEMENT FOR WATER SUPPLY OVER EXISTING LINE OF PIPES (APPROPRIATE POSITION ONLY) WIDE DP-895590
- (K) EASEMENT FOR DRAIN WATER 1 WIDE WIDE DP-895590
- (L) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (M) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (N) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (O) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (P) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (Q) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (R) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (S) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (T) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (U) EASEMENT TO DRAIN WATER 1 WIDE WIDE DP-895590
- (V) POSITIVE COVENANT - DP-1016976

MARK	EXISTING	NORTHING	EASTING	MARK CO-ORDINATES	CLASS	ZONE
554	483	990	483	6 505 977 236	56	3
554	483	051	034	6 506 130 425	56	C
554	483	095	293	6 506 187 250	56	C
554	483	253	948	6 506 229 960	56	C
554	483	762	594	6 506 187 860	56	C
554	483	839	133	6 506 354 534	56	C
554	483	876	220	6 506 478 770	56	C

PROB	TO	BEARING	DISTANCE	BY REF
554100029	554100021	164° 38' 57"	164.787	BY REF
554100028	554100021	256° 45' 06"	164.787	BY REF
554100027	554100021	271° 54' 49"	172.057	BY REF
554100026	554100021	217° 54' 50"	172.056	BY REF
554100025	554100021	217° 54' 50"	172.056	BY REF
554100024	554100021	217° 54' 50"	172.056	BY REF
554100023	554100021	217° 54' 50"	172.056	BY REF
554100022	554100021	217° 54' 50"	172.056	BY REF
554100021	554100021	217° 54' 50"	172.056	BY REF
554100020	554100021	217° 54' 50"	172.056	BY REF
554100019	554100021	217° 54' 50"	172.056	BY REF
554100018	554100021	217° 54' 50"	172.056	BY REF
554100017	554100021	217° 54' 50"	172.056	BY REF
554100016	554100021	217° 54' 50"	172.056	BY REF
554100015	554100021	217° 54' 50"	172.056	BY REF
554100014	554100021	217° 54' 50"	172.056	BY REF
554100013	554100021	217° 54' 50"	172.056	BY REF
554100012	554100021	217° 54' 50"	172.056	BY REF
554100011	554100021	217° 54' 50"	172.056	BY REF
554100010	554100021	217° 54' 50"	172.056	BY REF
554100009	554100021	217° 54' 50"	172.056	BY REF
554100008	554100021	217° 54' 50"	172.056	BY REF
554100007	554100021	217° 54' 50"	172.056	BY REF
554100006	554100021	217° 54' 50"	172.056	BY REF
554100005	554100021	217° 54' 50"	172.056	BY REF
554100004	554100021	217° 54' 50"	172.056	BY REF
554100003	554100021	217° 54' 50"	172.056	BY REF
554100002	554100021	217° 54' 50"	172.056	BY REF
554100001	554100021	217° 54' 50"	172.056	BY REF

NO	BEARING & DISTANCE
1	278° 51' - 78.11
2	176° 36' 10" - 7.16
3	68° 23' 30" - 58.385
4	347° 03' - 35.585
5	204° 28' 40" - 11.285
6	348° 11' - 20.53
7	339° 16' - 31.475
8	254° 28' - 18.65
9	242° 24' 40" - 20.555
10	264° 21' 40" - 18.73
11	253° 00' 20" - 55.35
12	258° 28' 20" - 38.19
13	262° 34' 40" - 19.285
14	281° 55' 20" - 20.52
15	254° 30' - 18.155
16	250° 14' - 4.095
17	70° 15' - 12.57
18	154° 35' 40" - 34.99
19	245° 40" - 22.27
20	158° 56' 20" - 32.49
21	74° 41' - 11.08
22	11° 21' - 37.99
23	2° 11' - 20.375
24	170° 55' 20" - 37.02
25	179° 55' 20" - 20.53
26	168° 03' 40" - 21.075
27	282° 29' 20" - 22.93
28	250° 41' 20" - 22.46
29	275° 49' 20" - 58.64
30	22° - 29.845
31	293° 03' - 23.935
32	205° 56' - 23.805
33	210° 11' - 29.42
34	115° 03' - 23.07
35	78° 12' 40" - 19.02
36	78° 03' 40" - 42.765
37	77° 40' 40" - 19.44
38	78° 10' 20" - 18.64
39	79° 10' 20" - 20.765
40	349° 10' 20" - 4
41	359° 10' 20" - 20.705
42	349° 58' 20" - 16.285
43	349° 58' 20" - 28.3

NO	ARC	CHORD	RADIUS
44	12° 31'	117.25	12.835
45	12° 31'	117.25	12.835

CORNER	BEARING & DISTANCE	FROM
K	67° 25' - 6.73	DALY IN NEAR END OF DRAINAGE ROW GAGE
U	78° 48' 20" - 0.5	REAR OF DIST. ON DEPRESSION
U	78° 49' - 0.46	REAR OF DIST. ON DEPRESSION

NO	BEARING & DISTANCE
1	13° 43' 30" - 44.20
2	302° 19' 20" - 57.32
3	285° 28' 40" - 40
4	302° 19' 20" - 57.32
5	108° 01' 5" - 63
6	20° 84' - 19.08
7	19° 08' - 25.775

NO	BEARING & DISTANCE
1	13° 43' 30" - 44.20
2	302° 19' 20" - 57.32
3	285° 28' 40" - 40
4	302° 19' 20" - 57.32
5	108° 01' 5" - 63
6	20° 84' - 19.08
7	19° 08' - 25.775

Reduction Ratio 1:2000

NOTATION FOR POSITIVE COVENANT ADDED IN LPI/MSW WIDE 2005/200 18.2.2005 @ r

For use where space is insufficient in any panel on Plan Form 2

Registered 54-2004

The 1st sheet 2 of my plan in 3 sheets dated

Surveyor registered under Surveyors Act 1929

13/1992.0065.01

DP1064367

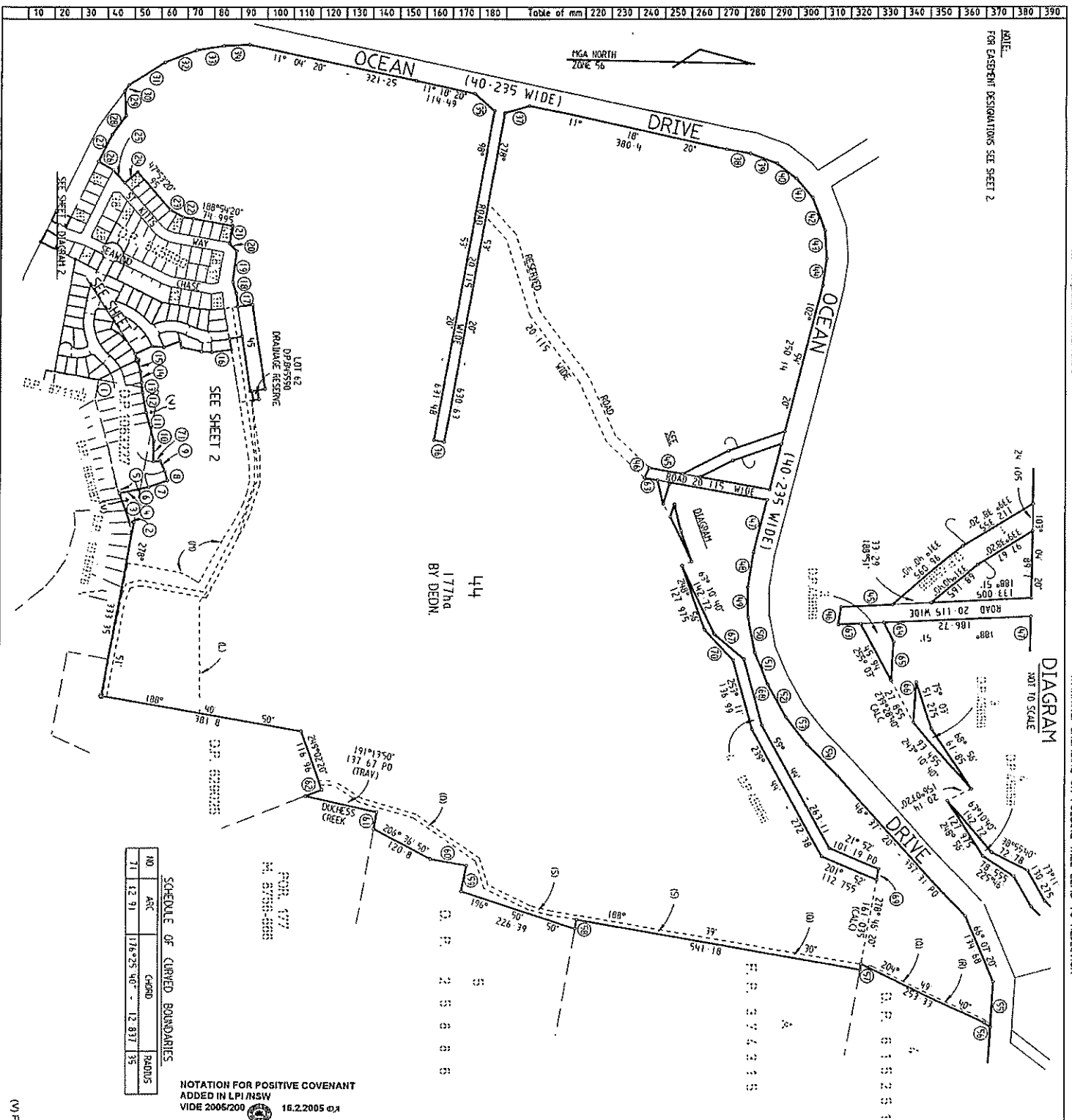


DIAGRAM
NOT TO SCALE

SCHEDULE OF CURVED BOUNDARIES

NO	ARC	CENTRE	RADIUS
1	12.91	176.25 W 12.837 N	75

NOTATION FOR POSITIVE COVENANT
 ADDED IN LPI/NSW
 VIDE 2005/200 18.2.2005

SCHEDULE OF SHORT LINES

NO	BEARING & DISTANCE
1	278°51' - 78.11
2	176°38' 10" - 7.76
3	68°29' 30" - 58.95
4	347°09' - 55.585
5	218°29' 40" - 11.285
6	346°11' - 20.53
7	339°16' - 37.975
8	254°28' - 18.65
9	242°24' 40" - 20.65
10	249°27' 40" - 78.73
11	253°00' 20" - 55.35
12	258°28' 20" - 70.19
13	262°34' 40" - 19.285
14	261°35' 20" - 20.52
15	254°30' - 18.155
16	170°55' 20" - 37.02
17	262°29' 20" - 25.33
18	250°41' 20" - 22.46
19	275°49' 20" - 68.64
20	226°01' 40" - 19.755
21	278°06' 40" - 33.525
22	187°12' 40" - 19.085
23	208°07' - 27.645
24	317°53' 20" - 32
25	47°57' 20" - 32.415
26	28°38' 40" - 31.91
27	295°28' 40" - 57.72
28	303°14' 20" - 44.24
29	84°31' 20" - 48.03
30	307°13' 40" - 13.425
31	325°53' 40" - 80.52
32	337°25' 40" - 63.4
33	349°23' 40" - 52.11
34	355°41' 40" - 48.69
35	40°18' 20" - 59.16
36	8°53' 20" - 20.15
37	341°07' 20" - 48.38
38	8°34' 20" - 45.06
39	188°57' 10" - 54.21
40	36°56' - 46.61
41	48°11' 20" - 47.095
42	67°57' 20" - 65.25
43	84°48' 40" - 53.82
44	97°02' 20" - 50.96
45	188°51' - 63.045
46	115°26' 20" - 21
47	103°04' 20" - 101.34
48	97°36' 20" - 67.76
49	87°43' 20" - 55.83
50	77°39' 20" - 68.73
51	66°03' 20" - 64.74
52	59°39' 20" - 71.14
53	51°40' 20" - 64.82
54	44°16' 20" - 81.11
55	42°15' 50" - 86.27
56	216°57' 20" - 14.295
57	98°48' 20" - 18.92
58	39°42' 50" - 17.62
59	279°58' 50" - 48.68
60	188°47' 50" - 68.18
61	278°46' 20" - 26.68
62	337°33' 20" - 33.1
63	8°51' - 25.145
64	15°03' - 3.14
65	105°43' - 38.445
66	285°43' - 24.785
67	38°45' 40" - 12.78
68	73°11' - 170.275
69	98°48' 40" - 20.65
70	225°46' - 78.555

(V) POSITIVE COVENANT - DP1016976

DP1064367

Registered S-4-2004

This is sheet 3 of my plan in 3 sheets dated

Surveyor registered under Surveyors Act 1929

This is sheet 3 of the plan of 3 sheets covered by my certificate No. 13/1992-006501 of 13.2.2004

[Signature]
 Council Clerk

For use where space is insufficient in any place on Plan Form 2

Reduction Ratio 1:5000

Plan Drawing only to appear in this space

SURVEYOR'S REFERENCE: 509CL DWG45094

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 1 of 7 Sheets)

DP1064367

Plan of subdivision of land comprised in Certificates of Title Folio Identifiers 4/845590, 5/845590, 6/845590, 26/845590, 27/845590 and 2/1057752 covered by Hastings Council Subdivision Certificate No. *13.1992.0065.01*

Full Name and Address of Registered Proprietor

ST VINCENT'S FOUNDATION PTY LIMITED
ACN 083 730 778 having its registered office at 75
Magellan Street, LISMORE NSW 2480

PART 1

1. Identity of easement or restriction firstly referred to in abovementioned plan:

Easement to drain water 1.5 wide

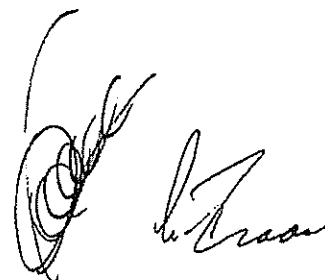
Schedule of Lots affected

Lots burdened

19
20
21
24
27
28
29
39
41

Lots or Authority benefited

18, 20, 21 and 22
21 and 22
22
25
26
26 and 27
26, 27 and 28
18, 19, 20, 21 and 22
44

Two handwritten signatures in black ink, one larger and more stylized than the other, located in the bottom right corner of the page.

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 2 of 7 Sheets)

DP1064367

Plan of subdivision of land comprised in Certificates of Title Folio Identifiers 4/845590, 5/845590, 6/845590, 26/845590, 27/845590 and 2/1057752 covered by Hastings Council Subdivision Certificate No. *13.1992.0065.01*

PART 1 (continued)

2. Identity of easement or restriction secondly referred to in abovementioned plan Easement for power reticulation 4 wide

Schedule of Lots affected

<u>Lots burdened</u>	<u>Lots or Authority benefited</u>
44	Country Energy

3. Identity of easement or restriction thirdly referred to in abovementioned plan: Easement for services variable width

Schedule of Lots affected

<u>Lots burdened</u>	<u>Lots or Authority benefited</u>
44	Hastings Council

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 3 of 7 Sheets)

DP1064367

Plan of subdivision of land comprised in Certificates of Title Folio Identifiers 4/845590, 5/845590, 6/845590, 26/845590, 27/845590 and 2/1057752 covered by Hastings Council Subdivision Certificate No. *13-1992-0065-01*

PART 1 (continued)

4. Identity of easement or restriction fourthly referred to in abovementioned plan: Easement to drain water variable width

Schedule of Lots affected

Lots burdened

12

Lots or Authority benefited

Hastings Council

5. Identity of easement or restriction fifthly referred to in abovementioned plan: Restriction on the use of land

Schedule of Lots affected

Lots burdened

1 to 43 inclusive

Lots or Authority benefited

Each other of 1 to 43 inclusive

6. Identity of easement or restriction sixthly referred to in abovementioned plan: Restriction on the use of land

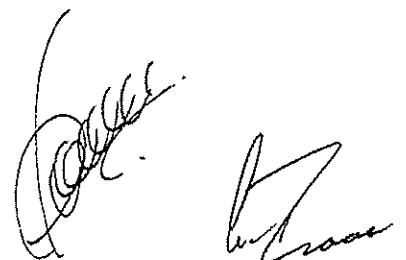
Schedule of Lots affected

Lots burdened

30 to 36 inclusive and
41 to 43 inclusive

Lots or Authority benefited

Hastings Council



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 4 of 7 Sheets)

DP1064367

Plan of subdivision of land comprised in Certificates of Title Folio Identifiers 4/845590, 5/845590, 6/845590, 26/845590, 27/845590 and 2/1057752 covered by Hastings Council Subdivision Certificate No. *13.1992.0065.01*

PART 1A

1. Identity of easement or restriction to be released and firstly referred to in abovementioned plan: The part of the easement for water supply over existing line of pipes (approximate position only) vide DP 845590 designated (E) in DP 1064367

Schedule of Lots affected

Lot burdened

Lot or Authority benefited

2/1057752

Hastings Council

2. Identity of easement or restriction to be released and secondly referred to in abovementioned plan: The part of the right of carriageway 10 and 13 wide vide DP 845590 designated (H) in DP 1064367

Schedule of Lots affected

Lot burdened

Lot or Authority benefited

2/1057752

Hastings Council

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 5 of 7 Sheets)

DP1064367

Plan of subdivision of land comprised in Certificates of Title Folio Identifiers 4/845590, 5/845590, 6/845590, 26/845590, 27/845590 and 2/1057752 covered by Hastings Council Subdivision Certificate No. *13.1992.0065.01*

PART 2

1. Terms of easement for power reticulation 4 wide secondly referred to in the abovementioned plan

In accordance with Part A and Part D of Memorandum 3820073 lodged with the Land Titles Office.

2. Terms of restriction on the use of land fifthly referred to in the abovementioned plan:

- (a) No building shall be erected on the land unless wholly constructed of new or substantially new material at the time of such construction or placement and the external face of the walls of that building comprise at least 75% brick, brick veneer, stone, glass, masonry block coated with a trowelled texture finish or flat fibre cement sheets coated with a trowelled texture finish.
- (b) No building erected on the land shall have a roof of any material other than concrete tiles, clay tiles, slate or steel prepainted by manufacturer.
- (c) No main building shall be constructed or be permitted to remain on each Lot burdened with an overall floor area of less than one hundred and thirty (130) square metres excluding any garage, carport or courtyard.
- (d) No garage or outbuilding shall be erected or permitted to remain on each Lot burdened except until after or concurrently with the erection of a main building.
- (e) No paling fence shall be constructed or be permitted to remain on each Lot burdened unless constructed of sound materials in a proper and workmanlike manner and unless lapped and capped.



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 6 of 7 Sheets)

DP1064367

Plan of subdivision of land comprised in Certificates of Title Folio Identifiers 4/845590, 5/845590, 6/845590, 26/845590, 27/845590 and 2/1057752 covered by Hastings Council Subdivision Certificate No. *13 - 1992 - 0065 - 01*

PART 2 (continued)

- (f) No advertisement hoarding sign or advertising matter of any description other than a sign advertising that the said Lot is for sale or lease shall be erected or displayed on each Lot burdened.
 - (g) No fence shall be constructed on any Lot to divide that Lot from land owned by St Vincent's Foundation Pty Limited without the consent of St. Vincent's Foundation Pty Limited provided that consent shall not be withheld if such fence is constructed without expense to St Vincent's Foundation Pty. Limited.
 - (h) No more than one main building shall be erected or be permitted to remain erected on each Lot burdened and no further subdivision of each Lot burdened shall occur except by strata subdivision registered under the Strata Schemes (freehold Development) Act, 1973 (or its successor). This restriction will not prevent the adjustment of boundaries of each Lot burdened.
 - (i) No motor vehicles in excess of three (3) tonnes in weight (unladen) shall be permitted to be or remain upon the said land hereby burdened except during building operations for the loading and unloading of materials and/or equipment. This restriction shall not prevent a vehicle in excess of three (3) tonnes in weight (unladen) from standing on the land during loading or unloading of household items or landscape items. Caravans must be stored behind gates and not at the front of the property.
 - (j) No building previously constructed shall be moved to any Lot.
3. Terms of restriction on the use of land sixthly referred to in abovementioned plan:
- No building shall be erected on each Lot burdened having a floor level of any habitable room at a height less than RL 6.2m AHD.

Two handwritten signatures in black ink, one larger and more stylized than the other, located in the bottom right corner of the page.

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 7 of 7 Sheets)

DP1064367

Plan of subdivision of land comprised in Certificates of Title Folio Identifiers 4/845590, 5/845590, 6/845590, 26/845590, 27/845590 and 2/1057752 covered by Hastings Council Subdivision Certificate No. *13.1992.0065.01*

PART 2 (continued)

Name of person or authority empowered to release, vary or modify the easement secondly referred to in the abovementioned plan:

Country Energy

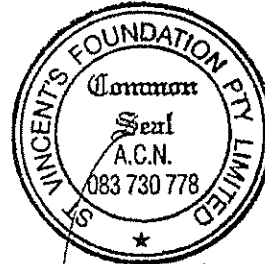
Name of person or authority empowered to release, vary or modify the restriction on the use of land fifthly referred to in the abovementioned plan:

St. Vincent's Foundation Pty Limited

Name of person or authority empowered to release, vary or modify restriction on the use of land sixthly referred to in the abovementioned plan:

Hastings Council

The Common Seal of ST. VINCENT'S)
FOUNDATION PTY LIMITED ACN)
082 730 778 was hereunto affixed by)
authority of the Board of Directors and in)
the presence of:)



.....
Secretary - GREGORY BERNARD ISAAC

.....
Director - Peter Francis Liddy

This is the instrument setting out terms of the easements and restrictions to be created and released relating to subdivision covered by Subdivision Certificate Number and dated

WJ

.....
General Manager of the Hastings Council

REGISTERED  *5/4/2004*



Deputy Mayor
 Councillor
 Secretary
 Peter Francis
 Director

Crown Lands Office Approval
 Approved by: _____
 Date: _____
 Title: _____
 Ref: _____

Subdivision Certificate
 I certify that the provisions of s 193(1) of the Environment Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision.
 * I seal subdivisions of 'one lot'.
 Date: 23-02-2005
 Signature: _____
 Position: _____

When the plan is to be lodged with the Registrar of Land, a sealed copy of this plan must be submitted to the Registrar of Land.
 * Date whether in possession
 SURVEYORS REFERENCE 45092 CL DWG45095

SCHEDULE OF CURVED BOUNDARIES

NO	ARC	CHORD	RADIUS
1	47.765	57.018	47.06
2	27.3	64.124	27.3
3	31.715	35.506	20.3
4	21.56	69.454	2.55
5	17.155	139.901	7.8
6	3.005	82.55	3.005
7	19.11	81.974	19.11
8	19.095	30.12	15.015
9	19.005	78.454	19.005
10	19.005	78.454	19.005
11	19.005	78.454	19.005
12	19.005	78.454	19.005
13	6.57	11.457	6.57
14	19.24	99.194	19.24
15	18.87	65.914	8.805
16	6.215	65.914	6.215
17	6.215	65.914	6.215
18	2.91	178.254	2.91
19	35.555	2.63204	34.31
20	64.935	50.355	20.4

SCHEDULE OF CURVED BOUNDARIES

NO	ARC	CHORD	RADIUS
21	67.235	260.914	67.17
22	27.32	250.927	27.145
23	17.435	75.782	17.35
24	15.215	87.232	15.19
25	16.96	76.278	16.885
26	16.96	76.278	16.885
27	16.96	76.278	16.885
28	16.96	76.278	16.885
29	16.96	76.278	16.885
30	16.96	76.278	16.885
31	16.96	76.278	16.885
32	16.96	76.278	16.885
33	16.96	76.278	16.885
34	16.96	76.278	16.885
35	16.96	76.278	16.885

SCHEDULE OF SHORT LINES

NO	BEARING & DISTANCE
1	228°28' - 27.115
2	155°22' - 4.685
3	165°45' - 9.15
4	273°01' - 5.71
5	312°22' - 5.775
6	322°45' - 8.215
7	322°45' - 8.215
8	315°55' - 4.785
9	155°45' - 4.785
10	155°45' - 4.785
11	25°22' - 1.58
12	25°22' - 1.58
13	25°22' - 1.58
14	25°22' - 1.58
15	25°22' - 1.58
16	25°22' - 1.58
17	25°22' - 1.58
18	25°22' - 1.58
19	25°22' - 1.58
20	25°22' - 1.58
21	25°22' - 1.58
22	25°22' - 1.58
23	25°22' - 1.58
24	25°22' - 1.58
25	25°22' - 1.58



Registered DP1078055
 C.A. : SEC CERTIFICATE
 Title System : TORRENS
 Purpose : SUBDIVISION
 Ref Map : PARISH
 Local Plan : DP1064567 (DP1016978)
 (DP9455904)

PLAN OF SUBDIVISION OF LOT 44
 DP 1064361 AND EASEMENTS OVER
 LOT 43 DP 1064367

Lengths are in metres. Reduction Ratio 1:800
 Local Govt HASTINGS
 Area BONNY HILLS
 Locality QUEENS LAKE
 Parish MACQUARIE
 County

This is sheet 1 of my plan in 4 sheets
 (Drawing Imprecisely)

I, PHILIP ALBERT, of the County of Macquarie, do hereby certify that the above plan is a true and correct copy of the original plan as deposited in the office of the Registrar of Land, Sydney, New South Wales, on the 18th day of May 2005.

I, PHILIP ALBERT, of the County of Macquarie, do hereby certify that the above plan is a true and correct copy of the original plan as deposited in the office of the Registrar of Land, Sydney, New South Wales, on the 18th day of May 2005.

Plans used in preparation of survey/compilation
 DP1294652, DP1082222
 DP845902, DP107152, DP911132
 DP845902, DP107152, DP911132
 DP845902, DP107152, DP911132

I D O U R E A T E P L A N S T O S E C 4 8 9 O F T H E
 (CONVYANCING ACT 19 1 9)
 I A G E E M P T T O S W A M W A T E R 1 5 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D
 I R E S T R I C T I O N O N T H E U S E O F L A N D 3 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 4 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 5 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 6 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 7 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 8 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 9 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 1 0 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 1 1 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 1 2 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 1 3 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 1 4 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 1 5 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 1 6 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 1 7 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 1 8 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 1 9 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 2 0 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 2 1 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 2 2 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 2 3 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 2 4 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 2 5 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 2 6 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 2 7 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 2 8 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 2 9 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 3 0 M I D E
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 I R E S T R I C T I O N O N T H E U S E O F L A N D 3 3 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 3 4 M I D E
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 I R E S T R I C T I O N O N T H E U S E O F L A N D 3 6 M I D E
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 I R E S T R I C T I O N O N T H E U S E O F L A N D 4 3 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 4 4 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 4 5 M I D E
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 I R E S T R I C T I O N O N T H E U S E O F L A N D 4 7 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 4 8 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 4 9 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 5 0 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 5 1 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 5 2 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 5 3 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 5 4 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 5 5 M I D E
 I R E S T R I C T I O N O N T H E U S E O F L A N D 5 6 M I D E

DP1078055

Registered 23-5-2005

This is sheet 3 of my plan in 3 sheets dated

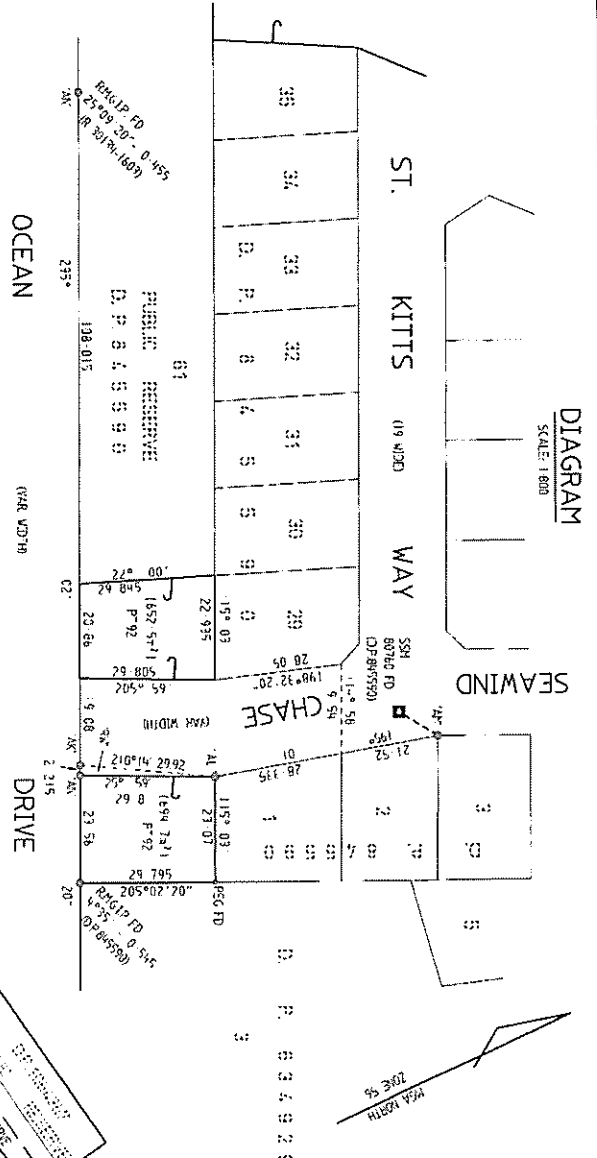
Surveyor registered under the Surveying Act 2002

This is sheet 3 of the plan of the parcels covered by my certificate of 23-5-2005 13-1992-0085-02

Alan James Hutchings
 General Survey Person

For use where space is insufficient in any part on Plan Form 2

DIAGRAM
 SCALE: 1:800



MARK	NCA CO-ORDINATES		ZONE	CLASS	OSCR
	EASTING	NORTHING			
SSM-0002	490 095 293	6 506 187 290	56	C	3
SSM-0029	48 257 988	6 506 229 980	56	C	3
SSM-0002E	48 05 319	6 506 30 425	56	C	3
SSM-0010	483 762 554	6 506 187 880	56	C	3
SSM-0235	483 838 133	6 506 354 534	56	D	2
SSM-0019	483 816 270	6 518 478 770	56	C	U

SOURCE: NCA CO-ORDINATES ADAPTED FROM SCDS ON 14 DECEMBER 2004 (OMitted STA. LEVEL AND STATE FACTOR 0.999642)

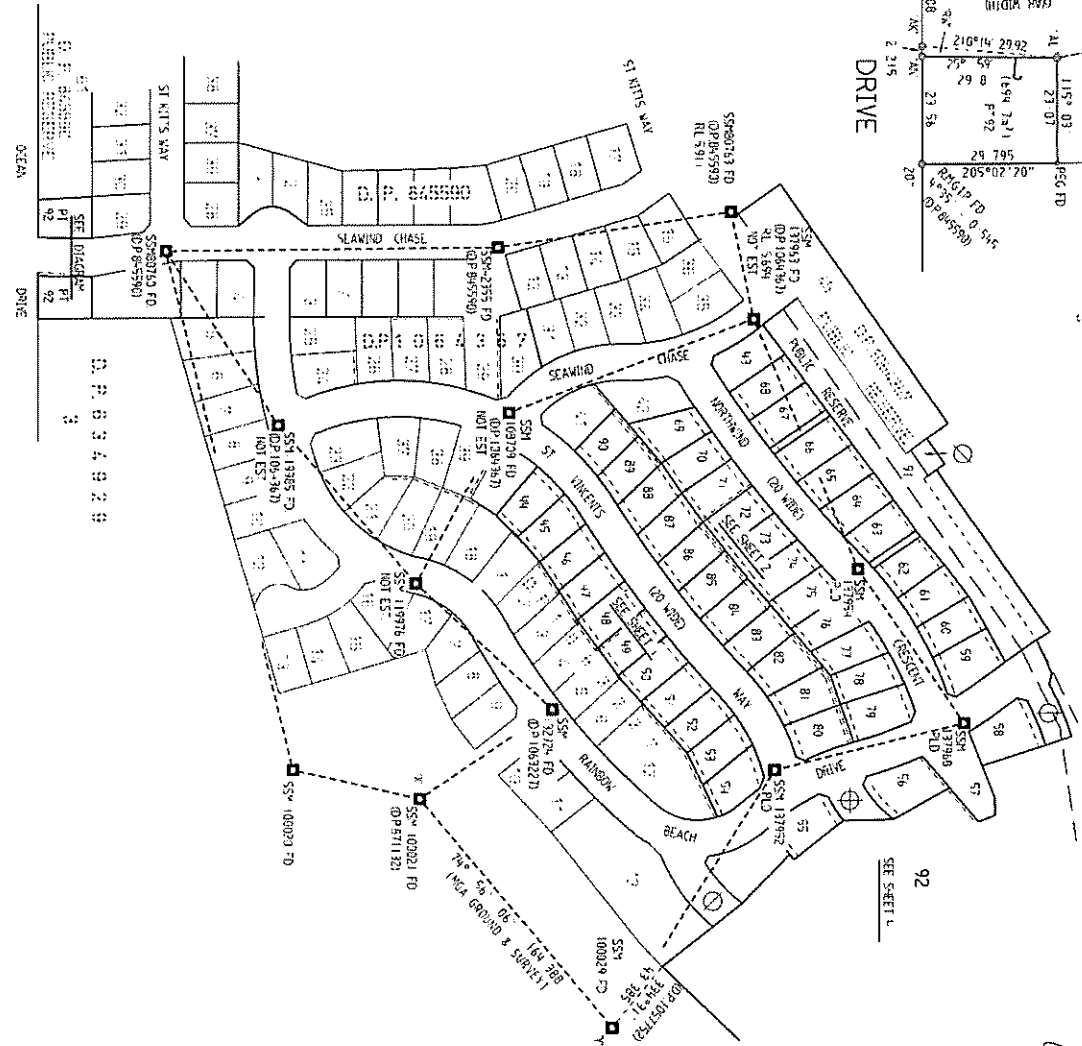
- ⊕ SEAFARERS (CLOSE (15 WIDE)
- ⊕ MAGELLAN PLACE (20 WIDE)
- ⊕ GREENADINES WAY (20 WIDE)
- ⊕ LOT 62 DP845590

SCHEDULE OF REFERENCE MARKS

CORNER	BEARING & DISTANCE	FROM
AK	115° 02' - 2 695.7 925	D.M.A. V.S. DP 845590
AK	112° 31' 20" - 7 26 17 47	D.M.A. V.S. DP 845590
AK	57° 8' - 9 915	SSM-0010 DP 845590
AK	115° 02' - 4 91.0 14	D.M.A. V.S.

STATE CO-ORDINATION MARK CONNECTIONS

FROM	TO	BEARING	DISTANCE	BY
SSM-00021	SSM-00020	215° 54'	72.651	BY ME
SSM-00021	SSM-00022	215° 54'	72.656	BY ME
SSM-00020	SSM-00026	281° 15' 58"	396.263	BY ME
SSM-00020	SSM-00027	281° 15' 58"	396.263	BY ME
SSM-00020	SSM-0235	281° 15' 58"	396.263	BY ME
SSM-00020	SSM-00029	281° 15' 58"	396.263	BY ME
SSM-0235	SSM-00021	163° 37' 8"	129.725	BY ME
SSM-0235	SSM-00026	163° 37' 8"	129.725	BY ME
SSM-0235	SSM-00027	163° 37' 8"	129.725	BY ME
SSM-0235	SSM-00029	163° 37' 8"	129.725	BY ME
SSM-00026	SSM-00027	163° 37' 8"	129.725	BY ME
SSM-00026	SSM-00029	163° 37' 8"	129.725	BY ME
SSM-00027	SSM-00029	163° 37' 8"	129.725	BY ME
SSM-00029	SSM-00021	163° 37' 8"	129.725	BY ME
SSM-00029	SSM-00026	163° 37' 8"	129.725	BY ME
SSM-00029	SSM-00027	163° 37' 8"	129.725	BY ME
SSM-00029	SSM-00029	163° 37' 8"	129.725	BY ME



Plan Drawing only to appear in this space

SURVEYOR'S REFERENCE: 45092CL DWG.WIDE

Reduction Ratio 1:2000

PLAN FORM 3

To be used in conjunction with Plan Form 2

WARNING CREASING OR FOLDING WILL LEAD TO REJECTION

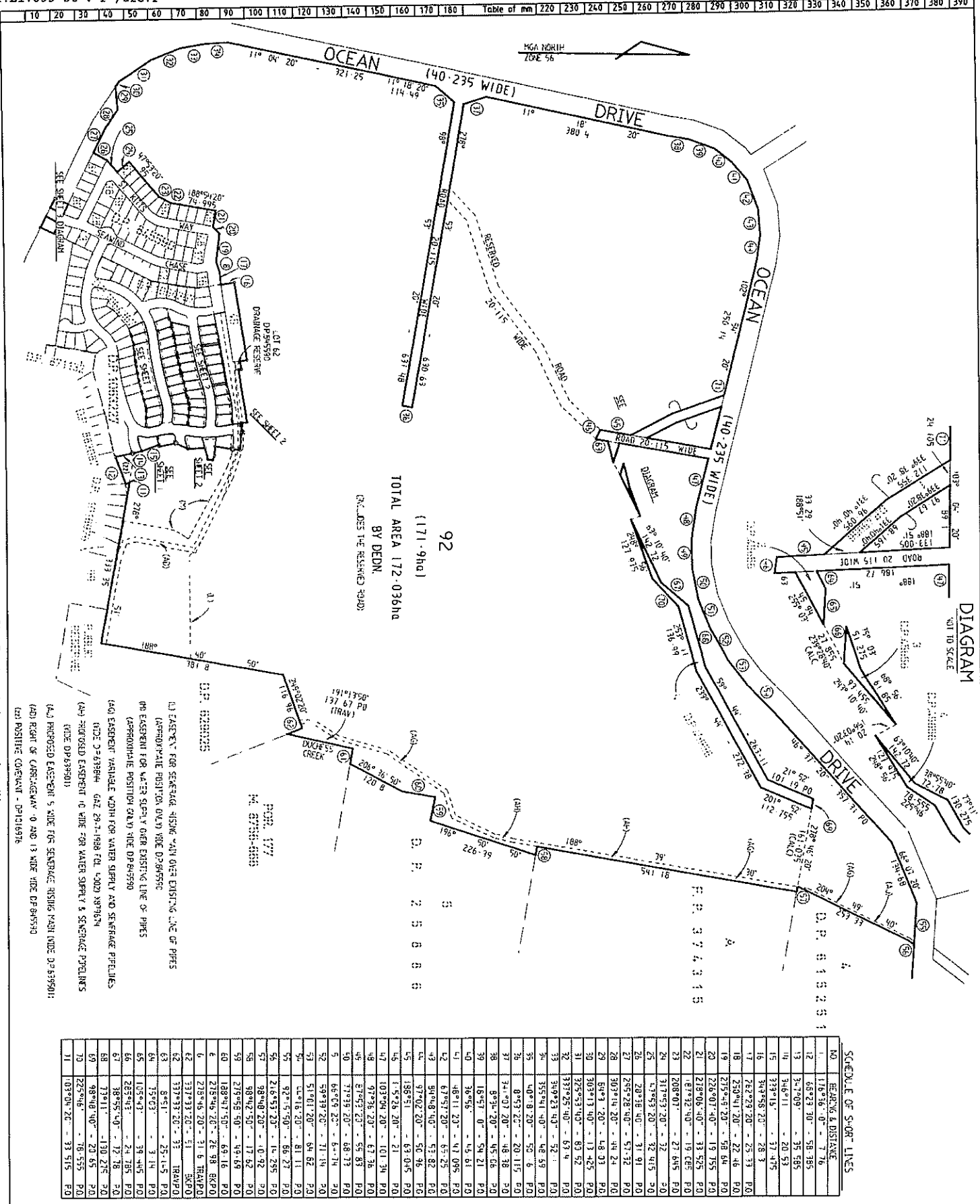


DIAGRAM
 NOT TO SCALE

TOTAL AREA 172.036ha
 (171.9ha)
 92
 BY DEON
 (EXCLUDES THE RESERVED ROAD)

SCHEDULE OF SIGHT LINES

NO	BEARING & DISTANCE
1	116°36' 00" - 7.76
2	168°23' 30" - 58.385
3	3°1' 09" - 35.585
4	346°11' - 20.53
5	333°15' - 37.475
6	344°56' 23" - 25.33
7	262°23' 20" - 25.33
8	230°41' 20" - 22.46
9	215°04' 20" - 58.64
10	226°07' 40" - 19.175
11	219°06' 40" - 19.085
12	181°32' 40" - 19.085
13	208°07' - 27.645
14	317°03' 20" - 32
15	43°53' 20" - 32.415
16	20°36' 40" - 31.91
17	285°28' 40" - 57.32
18	309°14' 20" - 44.24
19	60°3' 20" - 48.31
20	303°13' 40" - 13.425
21	325°53' 40" - 80.52
22	333°02' 40" - 67.4
23	349°23' 40" - 52.1
24	355°41' 40" - 48.69
25	40°13' 20" - 52.6
26	8°53' 22" - 20.115
27	341°07' 20" - 48.38
28	8°51' 20" - 45.66
29	165°47' 0" - 58.21
30	48°11' 20" - 41.085
31	67°51' 20" - 67.25
32	90°08' 40" - 97.82
33	97°02' 20" - 56.96
34	186°51' - 63.045
35	1°52' 20" - 21
36	103°04' 20" - 101.39
37	97°26' 20" - 47.36
38	87°23' 20" - 65.83
39	87°23' 20" - 65.83
40	77°49' 20" - 68.73
41	77°49' 20" - 68.73
42	66°09' 20" - 64.74
43	59°39' 20" - 71.14
44	51°01' 20" - 64.62
45	54°16' 20" - 81.11
46	92°15' 50" - 66.27
47	216°53' 20" - 14.295
48	98°48' 20" - 10.92
49	98°42' 50" - 17.62
50	219°42' 50" - 14.69
51	188°47' 50" - 69.16
52	215°46' 20" - 31.6
53	215°46' 20" - 31.6
54	337°33' 28" - 51
55	337°33' 28" - 51
56	8°51' - 25.145
57	105°43' - 31.14
58	285°43' - 24.445
59	38°55' 40" - 12.78
60	13°11' - 130.275
61	98°48' 40" - 20.65
62	225°46' - 16.515
63	03°04' 20" - 33.515

- (A) EASTERN FOR SEWERAGE RISING MAIN OVER EXISTING LINE OF PIPES
- (APPROPRIATE POSITION ONLY) VIDE DP645555C
- (B) EASEMENT FOR WATER SUPPLY OVER EXISTING LINE OF PIPES
- (APPROPRIATE POSITION ONLY) VIDE DP645555D
- (C) EASEMENT VARIABLE WIDTH FOR WATER SUPPLY AND SEWERAGE PRELINES
- (VIDE DP639984H - GAZ 29.1.1988 FOR ROAD WAP9767M)
- (D) PROPOSED EASEMENT 6 M WIDE FOR WATER SUPPLY & SEWERAGE PRELINES
- (VIDE DP639980I)
- (E) PROPOSED EASEMENT 5 M WIDE FOR SEWERAGE RISING MAIN VIDE DP639980I
- (F) RIGHT OF CARRIAGEWAY 0 AND 13 M WIDE VIDE DP645555D
- (G) POSITIVE COVENANT - DP10161976

Plan Drawing only to appear in this space

DP1078055

Registered
 6.2.5.2005

This is sheet 4 of my plan in L sheets dated

Surveyor registered under Surveyors Act 1923

This is sheet 4 of the plan of 6 sheets covered by my certificate No. 13492-006502 of 23.2.2005

Michael James Annand
 Surveyor
 13492-006502

For use where space is insufficient in any point on Plan Form 2

Reduction Ratio 1:5000

SURVEYORS REFERENCE:AS92L DWG:5098

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 1 of 8 Sheets)

DP1078055

Plan of subdivision of land comprised in Certificate of Title Folio Identifier 44/1064367 and creation of easements over 43/1064367 covered by Hastings Council Subdivision Certificate No. *13-1992-0065-02*
OF 23-2-2005

Full Name and Address of Registered Proprietor

ST VINCENT'S FOUNDATION PTY LIMITED
ACN 083 730 778 having its registered office at 75
Magellan Street, LISMORE NSW 2480

PART 1

1. Identity of easement or restriction firstly referred to in abovementioned plan:

Easement to drain water 1.5 wide

Schedule of Lots affected

<u>Lots burdened</u>	<u>Lots or Authority benefited</u>
49	Lots 1 to 5 in DP1063227
56	92
71	84, 85, 86 and 87
80	81, 82 and 83
81	82 and 83
82	83
85	84
86	84 and 85
87	84, 85 and 86
89	88
90	88 and 89



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 2 of 8 Sheets)

Plan:

Plan of subdivision of land comprised in Certificate of Title Folio Identifier 44/1064367 and creation of easements over 43/1064367 covered by Hastings Council Subdivision Certificate No. 13-1992-0065-02 OF 23-2-2005

DP1078055

PART 1 (continued)

2. Identity of easement or restriction secondly referred to in abovementioned plan:

Restriction on the use of land

Schedule of Lots affected

Lots burdened

Lots or Authority benefited

44 to 90 inclusive

Each other of 44 to 90 inclusive

3. Identity of easement or restriction thirdly referred to in abovementioned plan:

Restriction on the use of land 3 wide

Schedule of Lots affected

Lots burdened

Lots or Authority benefited

Lot 43 DP 1064367, 44 to 55 and 59 to 90 inclusive

Hastings Council

4. Identity of easement or restriction fourthly referred to in abovementioned plan:

Restriction on the use of land 4 wide

Schedule of Lots affected

Lots burdened

Lots or Authority benefited

Lot 43 DP 1064367 and 44 to 90 inclusive

Hastings Council



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 3 of 8 Sheets)

DP1078055

Plan of subdivision of land comprised in Certificate of Title Folio Identifier 44/1064367 and creation of easements over 43/1064367 covered by Hastings Council Subdivision Certificate No. *13-1992-0065-02*

of 23-2-2005.

PART 1 (continued)

5. Identity of easement or restriction fifthly referred to in abovementioned plan:

Restriction on the use of land

Schedule of Lots affected

Lots burdened

58 to 68 inclusive

Lots or Authority benefited

Hastings Council

6. Identity of easement or restriction sixthly referred to in abovementioned plan:

Positive covenant

Schedule of Lots affected

Lots burdened

Lot 43 DP1064367 and 59 to 68 inclusive

Lots or Authority benefited

St. Vincent's Foundation Pty Ltd



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 4 of 8 Sheets)

DP1078055

Plan of subdivision of land comprised in Certificate of Title Folio Identifier 44/1064367 and creation of easements over 43/1064367 covered by Hastings Council Subdivision Certificate No. *13-1992-0065-02*

PART 1A *OF 23-2-2005*

1. Identity of easement or restriction to be released and firstly referred to in abovementioned plan: Part of easement for water supply over existing line of pipes (approximate position only) vide DP845590 designated (E) in DP1078055

Schedule of Lots affected

Lot burdened

Lot or Authority benefited

44/1064367

Hastings Council

2. Identity of easement or restriction to be released and secondly referred to in abovementioned plan: Part of right of carriageway 10 & 13 wide vide DP845590 designated (H) in DP1078055

Schedule of Lots affected

Lot burdened

Lot or Authority benefited

44/1064367

Hastings Council

PART 2

1. Terms of restriction on the use of land secondly referred to in the abovementioned plan:
- (a) No building shall be erected on the land unless wholly constructed of new or substantially new material at the time of such construction or placement and



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 5 of 8 Sheets)

DP1078055

Plan of subdivision of land comprised in Certificate of Title Folio Identifier 44/1064367 and creation of easements over 43/1064367 covered by Hastings Council Subdivision Certificate No. *13-1992-0065-02*
DF 23-2-2005.

PART 2 (continued)

the external face of the walls of that building comprise at least 75% brick, brick veneer, stone, glass, masonry block coated with a trowelled texture finish or flat fibre cement sheets coated with a trowelled texture finish.

- (b) No building erected on the land shall have a roof of any material other than concrete tiles, clay tiles, slate or steel prepainted by manufacturer.
- (c) No main building shall be constructed or be permitted to remain on each Lot burdened with an overall floor area of less than one hundred and fifty (150) square metres excluding any garage, carport or courtyard.
- (d) No garage or outbuilding shall be erected or permitted to remain on each Lot burdened except until after or concurrently with the erection of a main building.
- (e) No paling fence shall be constructed or be permitted to remain on each Lot burdened unless constructed of sound materials in a proper and workmanlike manner and unless lapped and capped.
- (f) No advertisement hoarding sign or advertising matter of any description other than a sign advertising that the said Lot is for sale or lease shall be erected or displayed on each Lot burdened.
- (g) No fence shall be constructed on any Lot to divide that Lot from land owned by St Vincent's Foundation Pty Limited without the consent of St. Vincent's Foundation Pty Limited provided that consent shall not be withheld if such fence is constructed without expense to St Vincent's Foundation Pty. Limited.



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 6 of 8 Sheets)

DP1078055

Plan of subdivision of land comprised in Certificate of Title Folio Identifier 44/1064367 and creation of easements over 43/1064367 covered by Hastings Council Subdivision Certificate No. *13-1992-0065.02*
OF 23-2-2005.

PART 2 (continued)

- (h) No more than one main building shall be erected or be permitted to remain erected on each Lot burdened and no further subdivision of each Lot burdened shall occur except by strata subdivision registered under the Strata Schemes (freehold Development) Act, 1973 (or its successor). This restriction will not prevent the adjustment of boundaries of each Lot burdened.
- (i) No motor vehicles in excess of three (3) tonnes in weight (unladen) shall be permitted to be or remain upon the said land hereby burdened except during building operations for the loading and unloading of materials and/or equipment. This restriction shall not prevent a vehicle in excess of three (3) tonnes in weight (unladen) from standing on the land during loading or unloading of household items or landscape items. Caravans must be stored behind gates and not at the front of the property.
- (j) No building previously constructed shall be moved to any Lot.
2. Terms of restriction on the use of land thirdly referred to in the abovementioned plan:
No building shall be erected or remain erected in the area marked 'B'.
3. Terms of restriction on the use of land fourthly referred to in the abovementioned plan:
No building shall be erected or remain erected in the area marked 'C'.



Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 7 of 8 Sheets)

DP1078055

Plan of subdivision of land comprised in Certificate of Title Folio Identifier 44/1064367 and creation of easements over 43/1064367 covered by Hastings Council Subdivision Certificate No. *13-1992-0065-02*
OF 23-2-2005

PART 2 (continued)

4. Terms of restriction on the use of land fifthly referred to in abovementioned plan:

No building shall be erected on each Lot burdened having a floor level of any habitable room at a height less than RL 6.2m AHD.

5. Terms of the positive covenant sixthly referred to in abovementioned plan:

The fence erected along the northern boundary of each lot burdened shall be maintained and when necessary, replaced in its present form, as at 1 March 2005, maintaining or replacing by the same material, type, form, height and colour.

Name of person or authority empowered to release, vary or modify the restriction on the use of land secondly referred to in the abovementioned plan:

St. Vincent's Foundation Pty Limited

Name of person or authority empowered to release, vary or modify the restriction on the use of land fifthly referred to in the abovementioned plan:

Hastings Council

Name of person or authority empowered to release, vary or modify restriction on the use of land sixthly referred to in the abovementioned plan:

Hastings Council



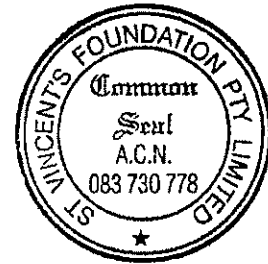
Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 8 of 8 Sheets)

DP1078055

Plan of subdivision of land comprised in Certificate of Title Folio Identifier 44/1064367 and creation of easements over 43/1064367 covered by Hastings Council Subdivision Certificate No. *13-1992-0065-02* of *23-2-2005*.

The Common Seal of ST. VINCENT'S)
FOUNDATION PTY LIMITED ACN)
082 730 778 was hereunto affixed by)
authority of the Board of Directors and in)
the presence of:-)



[Signature]
.....
Secretary - *GREGORY BERNARD ISAAC*

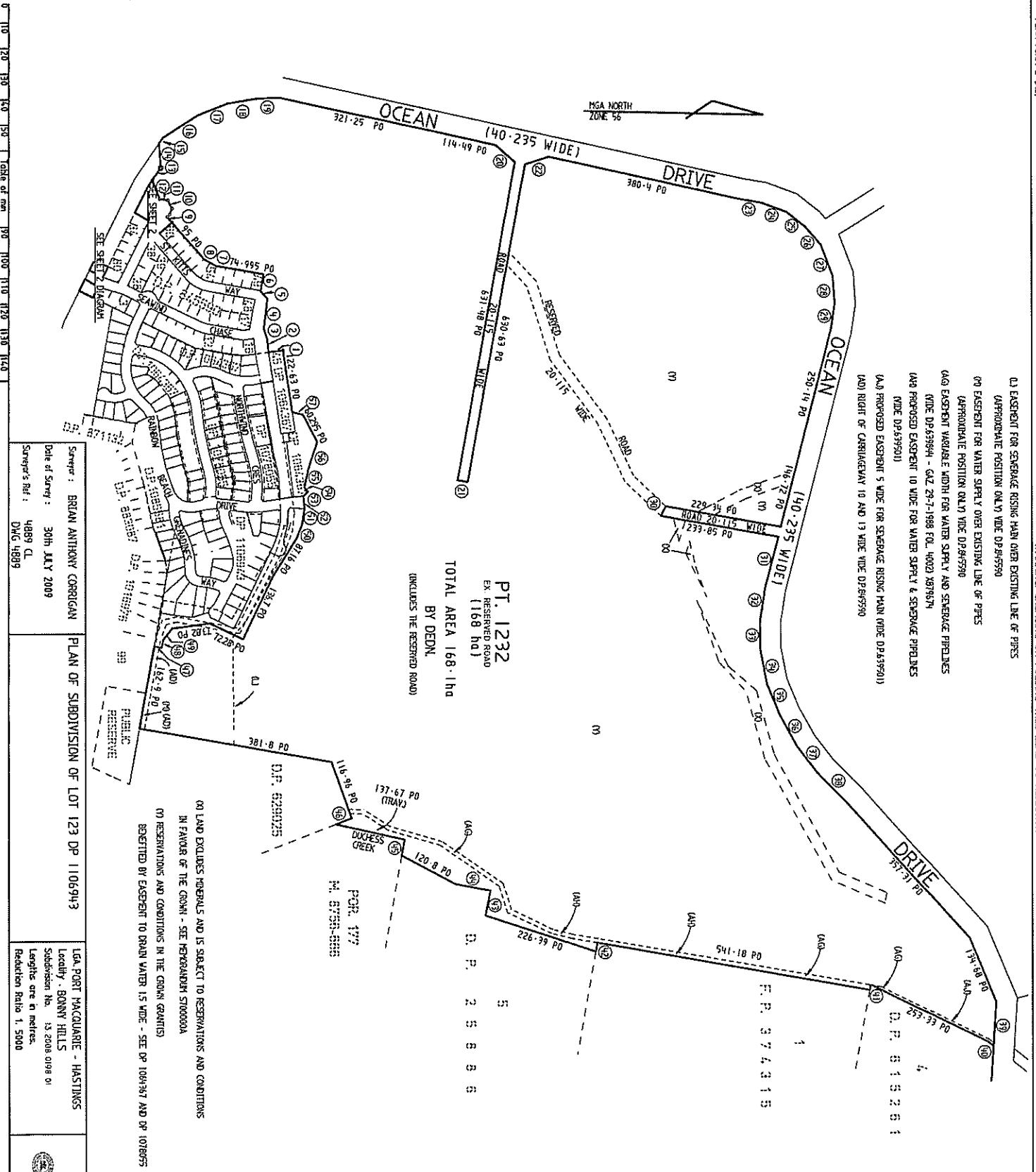
[Signature]
.....
Director - *Peter Francis LIDDY*

This is the instrument setting out terms of the easements and restrictions to be created and released relating to subdivision covered by Subdivision Certificate No. and dated

[Signature]
.....
General Manager of the Hastings Council
AUTHORISED PERSON

REGISTERED  *2-5-2005*

- (L) EXISTENT FOR SEWERAGE RISING MAIN OVER EXISTING LINE OF PIPES
- (LAP) APPROXIMATE POSITION ONLY WIDE DP:849590
- (W) EXISTENT FOR WATER SUPPLY OVER EXISTING LINE OF PIPES
- (WAP) APPROXIMATE POSITION ONLY WIDE DP:849590
- (AW) EXISTENT VARIABLE WIDTH FOR WATER SUPPLY AND SEWERAGE PIPELINES
- (WIDE DP:839944 - GALZ 28-7-1988 FOL. H4023 X8767M)
- (AW) PROPOSED EXISTENT 10 WIDE FOR WATER SUPPLY & SEWERAGE PIPELINES
- (WIDE DP:839520)
- (LAD) PROPOSED EXISTENT 5 WIDE FOR SEWERAGE RISING MAIN (WIDE DP:849590)
- (LAD) RIGHT OF CARRIAGEWAY 10 AND 13 WIDE WIDE DP:849590



PT. 1232
 EX RESERVED ROAD
 (1168 hd)
 TOTAL AREA 168.1ha
 BY DEED.
 (INCLUDES THE RESERVED ROAD)

(N) LAND EXCLUDES HEREBY AND IS SUBJECT TO RESERVATIONS AND CONDITIONS
 IN FAVOR OF THE CROWN - SEE MEMORANDUM SUBMITTED
 (O) RESERVATIONS AND CONDITIONS IN THE CROWN GRANTS
 SUBMITTED BY EXHIBIT TO DRAIN WATER 15 WIDE - SEE DP 1064367 AND DP 1078955

SCHEDULE OF SHORT LINES

NO.	BEARING & DISTANCE
1	20.3 PO
2	25.33 PO
3	22.46 PO
4	56.64 PO
5	19.755 PO
6	32.525 PO
7	19.005 PO
8	27.895 PO
9	47.53.20" - 14.82
10	61.58.40" - 18.515
11	7.19" - 15.055
12	56.48.28" - 39.325
13	30.37.18.28" - 29.645
14	48.03 PO
15	13.425 PO
16	80.52 PO
17	63.4 PO
18	52.11 PO
19	48.49 PO
20	50.15 PO
21	20.115 PO
22	48.38 PO
23	45.06 PO
24	54.21 PO
25	46.61 PO
26	47.095 PO
27	65.25 PO
28	53.82 PO
29	50.96 PO
30	21 PO
31	101.34 PO
32	67.36 PO
33	55.83 PO
34	48.73 PO
35	64.74 PO
36	71.14 PO
37	64.82 PO
38	81.11 PO
39	86.27 PO
40	14.225 PO
41	10.82 PO
42	17.62 PO
43	49.69 PO
44	69.16 PO
45	26.98 BK PD
46	31.6. TRAY PO
47	51 BK PD
48	33.1 TRAY PO
49	14.915 PO
50	15 PO
51	28.565 PO
52	29.28 PO
53	30.55 PO
54	25 PO
55	12.37 PO
56	11.57 PO
57	35.49 PO
58	56.2 PO
59	21.575 PO

Surveyor: BRIAN ANTHONY CORRIGAN
 Date of Survey: 30th JULY 2009
 Surveyor's Ref: 4889 CL
 DWG 4889

PLAN OF SUBDIVISION OF LOT 123 DP 1106943

LOCAL PORT ACQUAIRE - HASTINGS
 Locality: BONNY HILLS
 Subdivision No. 13 2008 0198
 Lengths are in metres.
 Reduction Ratio 1:5000



DP 1142133

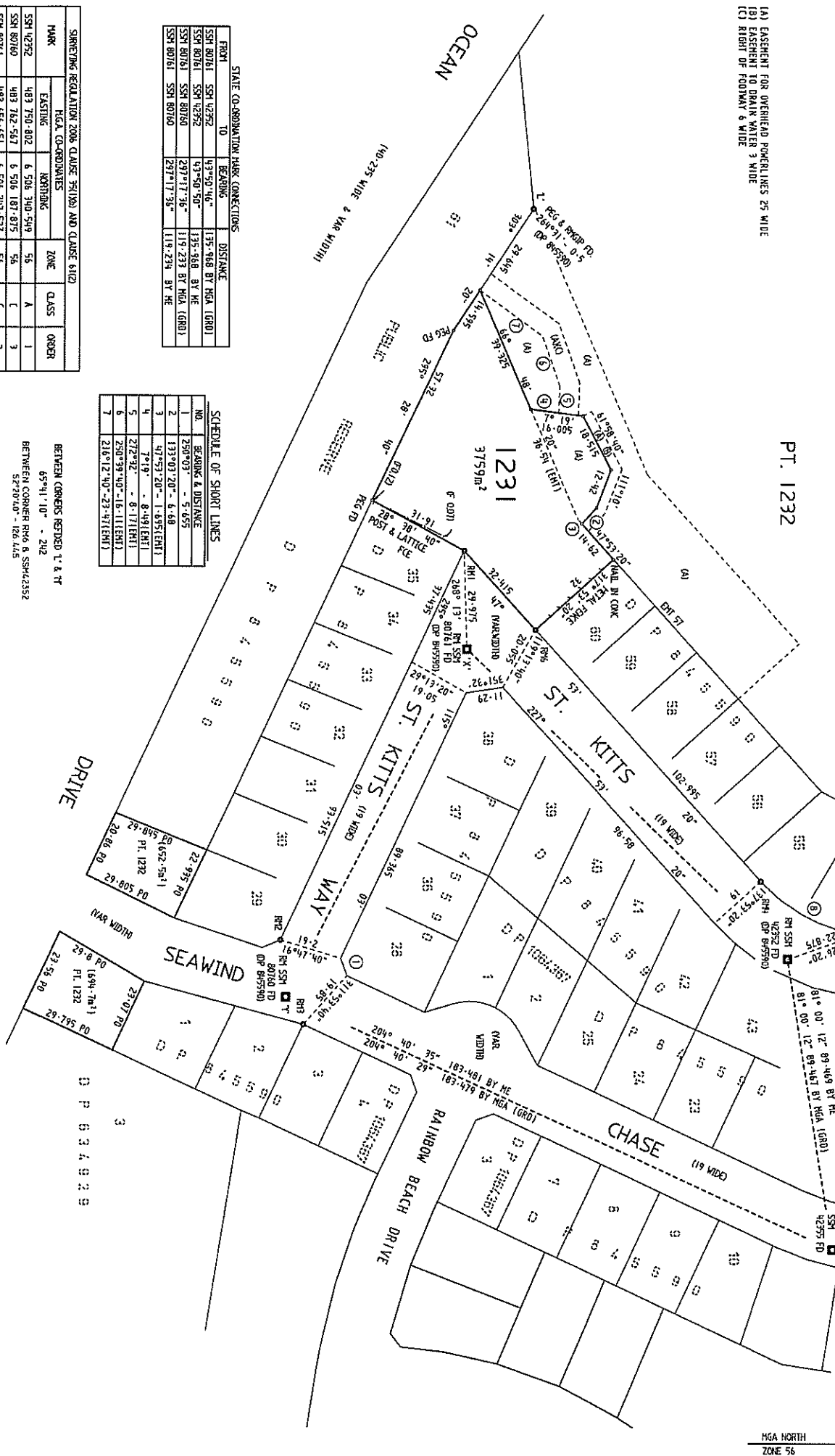
SCHEDULE OF REFERENCE MARKS

CORNER	BEARING & DISTANCE	FROM
RN1	227°55' - 1	CONV BULK ED DP 885590 0.4 DEEP
RN2	196°47'40" - 6.39 12.75	ORANGE ED DP 885590
RN3	57°18' - 9.915	SSM 80760 ED DP 885590
RN4	317°57'20" - 5.415 13.63	ORANGE ED DP 885590
RN5	278°47'40" - 5.365 13.595	ORANGE ED DP 885590
RN6	304°08' - 21.63	SSM 80761 ED

SCHEDULE OF CURVED BOUNDARIES

NO	ARC	CURVD	PAULUS
8	34°46'57"	208°20'30"	33.791 50.5

- (A) EASEMENT FOR OVERHEAD POWERLINES 25' WIDE
- (B) EASEMENT TO DRAIN WATER 3' WIDE
- (C) RIGHT OF FOOTWAY 8' WIDE



STATE CO-ORDINATION MARK CONNECTIONS

FROM	TO	BEARING	DISTANCE
SSM 80761	SSM 42352	43°50'46"	135.868 BY HGA (ORD)
SSM 80761	SSM 42352	43°50'50"	135.368 BY HE
SSM 80761	SSM 80760	297°17'36"	119.233 BY HGA (ORD)
SSM 80761	SSM 80760	297°17'36"	119.234 BY HE

SCHEDULE OF SHORT LINES

NO	BEARING & DISTANCE
1	250°07' - 5.655
2	133°03'20" - 6.68
3	47°53'20" - 1.695 (ESENT)
4	37°18' - 8.49 (ESENT)
5	272°42' - 8.71 (ESENT)
6	250°39'40" - 1.6 (ESENT)
7	216°12'40" - 23.47 (ESENT)

SUBDIVISION REGULATION 2006 CLAUSE 7(1)(D) AND CLAUSE 8(1)(D)

MARK	HGA CO-ORDINATES	ZONE	CLASS	ORDER
SSM 42352	NORTHING			
SSM 42352	483 750 802	6 508 390 519	56	A
SSM 80760	483 762 517	6 506 187 875	56	C
SSM 80761	483 656 651	6 506 202 527	56	C
SSM 42355	483 839 133	6 506 351 534	56	B
				Z

BETWEEN CORNERS REFERRED TO & R'F
 65°41' 10" - 242
 BETWEEN CORNER R46 & SSM42352
 52°20'48" - 126.425

Surveyor: BRIAN ANTHONY CORRIGAN
 Date of Survey: 30th JULY 2009
 Surveyor's Ref: 4889 CL
 DVC 48891

PLAN OF SUBDIVISION OF LOT 123 DP 11069143

LGA: PORT MACQUARIE - HASTINGS
 Locality: BONNY HILLS
 Subdivision No. 13 2006 0/98 0/
 Lengths are in metres.
 Reduction Ratio 1: 800

Registered
 26.5.2010
 DP 1142133

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)


SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.



DP1142133 S

IT IS INTENDED:

1. PURSUANT TO SEC. 88B OF THE CONVEYANCING ACT, 1919 TO CREATE:
 - i) EASEMENT FOR OVERHEAD POWERLINES 25 WIDE
 - ii) EASEMENT TO DRAIN WATER 3 WIDE
 - iii) RIGHT OF FOOTWAY 6 WIDE

Registered:  26.5.2010
 Title System: TORRENS
 Purpose: SUBDIVISION

PLAN OF
 SUBDIVISION OF LOT 123 DP 1106943

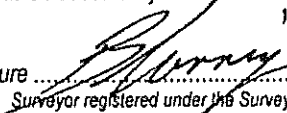
LGA: PORT MACQUARIE – HASTINGS
 Locality: BONNY HILLS
 Parish: QUEENS LAKE
 County: MACQUARIE

Surveying Regulation, 2006

I, **BRIAN ANTHONY CORRIGAN** of **LUKE AND COMPANY (NSW) PTY. LTD.** a surveyor registered under the *Surveying Act, 2002*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveying Regulation, 2006* and was completed on: **30TH JULY 2009**

The survey relates to

LOT 1231
LOT 1232 HAS BEEN COMPILED
 (specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature:  Dated: **16/09/09**
 Surveyor registered under the *Surveying Act, 2002*

Datum Line: 'X' – 'Y'
 Type: Urban/Rural

Plans used in the preparation of survey/compilation
 DP845590, DP1106943, DP1064367.

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 4889 CL DWG 48891.

* OFFICE USE ONLY

Use PLAN FORM 6A

for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I.....in approving this plan certify
 (Authorised Officer)
 that all necessary approvals in regard to the allocation of the land shown herein have been given
 Signature:.....
 Date:.....
 File Number:.....
 Office:.....

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed.....SUBDIVISION..... set out herein
 (insert 'subdivision' or 'new road')



* Authorised Person/General Manager/Accredited Certifier

Consent Authority: **PORT MACQUARIE HASTINGS**
 Date of Endorsement: **18 - FEBRUARY 2010**
 Accreditation no:
 Subdivision Certificate no: **13 2008 0198 01**
 File no: **DA 2008/0198**

* Delete whichever is inapplicable.

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF

SUBDIVISION OF LOT 123 DP1106943

DP1142133

*

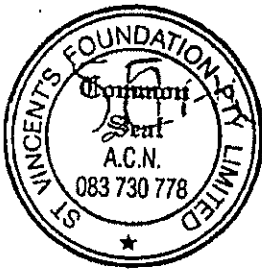
Registered:

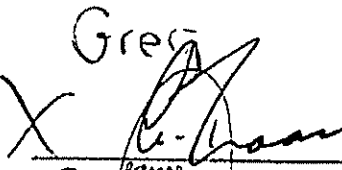
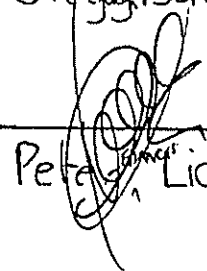


26.5.2010

*

Subdivision Certificate No: 13.2008.0198-01 Date of Endorsement: 18 FEBRUARY 2010



Greg
X 
Gregory Isaac - Secretary

Peter Liddy - Director

* OFFICE USE ONLY

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 1 of 3 Sheets)



DP1142133 B

Full Name and Address
of Registered Proprietor

Plan of subdivision of land comprised in
Certificates of Title Folio Identifiers 123/1106943
covered by Port Macquarie-Hastings Council
Subdivision Certificate No. 13.2008.0198.01
18 - FEB - 2010

ST VINCENT'S FOUNDATION PTY LIMITED
ACN 083 730 778 having its registered office at
75 Magellan Street, LISMORE NSW 2480

PART 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement or restriction on the use of land to be created and referred to in the plan	Burdened Lots	Benefited Lots or Prescribed Authorities
1	Easement for Overhead Powerlines 25 Wide	1231, 1232	Country Energy
2	Easement to Drain Water 3 Wide	1232	1231
3	Right of Footway 6 Wide	1232	Port Macquarie Hastings Council

PART 2 (Terms)

TERMS OF EASEMENT, PROFIT A PRENDRE, RESTRICTION OR POSITIVE COVENANT FIRSTLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Easement for Overhead Powerlines the terms of which are set out in Part A of Memorandum AA26009 lodged with the Land Titles Office.

TERMS OF EASEMENT, PROFIT A PRENDRE, RESTRICTION OR POSITIVE COVENANT THIRDLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Port Macquarie-Hastings Council, every person authorised by it and the public as Council invitees, from time to time, and at all times shall have the full and free right to go, pass and

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 2 of 3 Sheets)

DP1142133

Plan of subdivision of land comprised in Certificates of Title Folio Identifiers 123/1106943 covered by Port Macquarie-Hastings Council Subdivision Certificate No. 13-2008-0198-01
18-FEB-2010

Full Name and Address of Registered Proprietor

ST VINCENT'S FOUNDATION PTY LIMITED
ACN 083 730 778 having its registered office at
75 Magellan Street, LISMORE NSW 2480

repass on foot or by bicycle at all times and for all purposes without animals or vehicles over the land indicated herein as the servient tenement.

PART 2 (Continued)

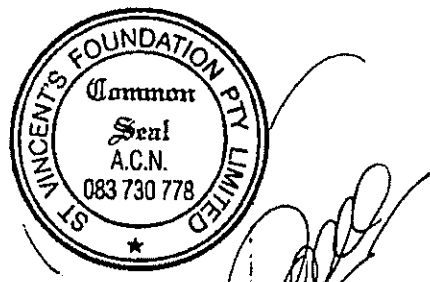
Name of person empowered to release, vary or modify easements **firstly** referred to in the abovementioned plan.

Country Energy Pty Ltd (ABN 37 428 185 226)

Name of person empowered to release, vary or modify easements **second and thirdly** referred to in the abovementioned plan.

Port Macquarie-Hastings Council

The Common Seal of ST. VINCENT'S)
FOUNDATION PTY LIMITED ACN)
083 730 778 was hereunto affixed by)
authority of the Board of Directors and in)
the presence of:)



.....
Secretary - *Gregory Bernard Kae*

.....
Director - *Peter Francis Lloyd*

This is the instrument setting out terms of the easements and restrictions to be created and released relating to subdivision covered by Subdivision Certificate No. and dated

.....

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 3 of 3 Sheets)

DP1142133

Plan of subdivision of land comprised in
Certificates of Title Folio Identifiers 123/1106943
covered by Port Macquarie-Hastings Council
Subdivision Certificate No. 13.2008.0198.01
18-FEB-2010

Full Name and Address
of Registered Proprietor

ST VINCENT'S FOUNDATION PTY LIMITED
ACN 083 730 778 having its registered office at
75 Magellan Street, LISMORE NSW 2480

M S J
.....(Title)
for Port Macquarie-Hastings Council
AUTHORISED PERSON

Witness



PLANNING CERTIFICATE under Section 10.7 *Environmental Planning and Assessment Act 1979*

Hannigans
43 Woodburn Street
EVANS HEAD NSW 2473

Certificate number:	190034	Date of Issue:	11/01/2019
Applicant's reference:	E18179D:ST:V.F	Certificate fee:	\$53.00
Property Number:	68223		

DESCRIPTION OF PROPERTY

Title: **LOT: 48 DP: 1230717**
Property: **1350 Ocean Drive LAKE CATHIE NSW 2445**

Land to which certificate relates

The land to which this certificate relates, being the lot described in the corresponding application, is shown in Council's records as being situated at the street or road address described above. The information contained in this certificate relates only to the lot described on this certificate. Where the street or road address comprises more than one lot in one or more deposited plans or strata plans, separate planning certificates for the other lots are obtainable upon application. Those certificates may contain different information than is contained in this certificate.

SECTION 10.7 SUBSECTION (2) DETAILS

In accordance with section 10.7 subsection (2) of the *Environmental Planning and Assessment Act 1979* and Schedule 4 of the *Environmental Planning and Assessment Regulation 2000*, at the date of this certificate the following information is provided in respect of the prescribed matters to be included in a planning certificate.

1. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

Text and maps of Port Macquarie-Hastings Local Environmental Plan 2011 can be downloaded from the NSW Government website – <https://www.legislation.nsw.gov.au/#/view/EPI/2011/84>

(1) THE FOLLOWING ENVIRONMENTAL PLANNING INSTRUMENTS APPLY TO THE LAND:

(a) Local Environmental Plan:

Port Macquarie-Hastings Local Environmental Plan 2011.

(b) State environmental policies that may apply to the land, subject to the provisions of those policies:

SEPP No. 21 - Caravan Parks

SEPP No. 30 - Intensive Agriculture

SEPP No. 33 - Hazardous and Offensive Development

SEPP No. 36 - Manufactured Home Estates

SEPP No. 44 - Koala Habitat Protection

SEPP No. 50 - Canal Estate Development

SEPP No. 55 - Remediation of Land

Property: LOT: 48 DP: 1230717, 1350 Ocean Drive LAKE CATHIE NSW 2445
Certificate No.: 190034
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SEPP No. 62 - Sustainable Aquaculture
SEPP No. 64 - Advertising and Signage
SEPP No. 65 Design Quality of Residential Apartment Development
SEPP (Affordable Rental Housing) 2009
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Educational Establishments and Child Care Facilities) 2017
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Integration and Repeals) 2016
SEPP (Mining, Petroleum Production and Extraction Industries) 2007
SEPP (Miscellaneous Consent Provisions) 2007
SEPP (Rural Lands) 2008
SEPP (State and Regional Development) 2011
SEPP (State Significant Precincts) 2005

(c) State environmental policies that apply to specific land, including the land to which this certificate relates:

SEPP (Vegetation in Non-Rural Areas) 2017.

SEPP (Coastal Management) 2018.

Any enquiries regarding State Environmental Planning Policies and Regional Environmental Plans should be directed to the Department of Planning on (02) 9228 6111 or see their Website – <http://www.planning.nsw.gov.au/>. The Policies and the Plans may be viewed and downloaded from the NSW Government website – <https://www.legislation.nsw.gov.au/#/browse/inForce/EPIS/S>

(2) RELEVANT PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

The following proposed environmental planning instruments that apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified Council that the making of the proposed instrument has been deferred indefinitely or has not been approved):

Proposed new SEPP - Remediation of Land – Refer [Planning NSW Policy and Legislation](#)

Proposed amendments to the Standard Instrument LEP – Bulky Goods Premises – Refer [Planning NSW Draft Plans and Policies](#)

Proposed SEPP – Environment – Refer [Planning NSW Policy and Legislation](#)

Improved the regulation of manufactured homes and estates, caravan parks and camping grounds – Refer [Planning NSW Policy and Legislation](#)

Draft amendment to State Environmental Planning Policy 44 – Koala Habitat Protection – Refer [Planning NSW Policy and Legislation](#)

Proposed new SEPP – Primary Production and Rural Development SEPP – Refer [Planning NSW Policy and Legislation](#)

Repeal of Operational SEPPs – Refer [Planning NSW Policy and Legislation](#)

Proposed amendments to the Mining SEPP – Refer [Planning NSW Policy and Legislation](#)

Housekeeping amendments to the Codes SEPP – Refer [Planning NSW Policy and Legislation](#)

There are no Council exhibited draft LEPs applicable.

(3) NAMES OF RELEVANT DEVELOPMENT CONTROL PLANS

The Development Control Plan that applies to the carrying out of development on the land and applies to all land within the Port Macquarie-Hastings Council area:

Port Macquarie-Hastings Development Control Plan 2013

The plan can be downloaded from Council's website – <http://www.pmhc.nsw.gov.au/dcp>

Property: LOT: 48 DP: 1230717, 1350 Ocean Drive LAKE CATHIE NSW 2445
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Date of Issue: 11/01/2019

2. ZONING AND LAND USE UNDER RELEVANT LOCAL ENVIRONMENTAL PLANS

(a-e) The relevant zone, and associated development control provisions and minimum land dimensions for the erection of a dwelling-house under the above local environmental plan are:

ZONE R1 GENERAL RESIDENTIAL - the objectives of the zone are set out in Item 1 of the Land Use Table (refer to the LEP on the NSW Government website). In the following items development is:

Item 2. Permitted without consent - Home occupations.

Item 3. Permitted with consent - Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4.

Item 4. Prohibited - Agriculture; Airstrips; Air transport facilities; Amusement centres; Animal boarding or training establishments; Backpackers accommodation; Boat building and repair facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water storage facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

The demolition of a building or work may be carried out only with consent. Note: If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without consent.

No minimum land area for the erection of a dwelling house in this Zone on the subject land is specified in the plan.

ZONE RE1 PUBLIC RECREATION - the objectives of the zone are set out in Item 1 of the Land Use Table (refer to the LEP on the NSW Government website). In the following items development is:

Item 2 Permitted without consent Nil.

Item 3. Permitted with consent - Advertising structures; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Recreation areas; Recreation facilities (indoor); recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures.

Item 4. Prohibited - Any development not specified in item 2 or 3.

The demolition of a building or work may be carried out only with consent. Note: If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without consent.

No minimum land area for the erection of a dwelling house in this Zone on the subject land is specified in the plan.

ZONE E2 ENVIRONMENTAL CONSERVATION - the objectives of the zone are set out in Item 1 of the Land Use Table (refer to the LEP on the NSW Government website). In the following items development is:

Item 2 Permitted without consent - Nil

Property: LOT: 48 DP: 1230717, 1350 Ocean Drive LAKE CATHIE NSW 2445
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Item 3 Permitted with consent - Environmental facilities; Environmental protection works; Recreation areas; Research stations; Roads.

Item 4 Prohibited - Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The demolition of a building or work may be carried out only with consent. Note: If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without consent.

No minimum land area for the erection of a dwelling house in this Zone on the subject land is specified in the plan.

ZONE E3 ENVIRONMENTAL MANAGEMENT - the objectives of the zone are set out in Item 1 of the Land Use Table (refer to the LEP on the NSW Government website). In the following items development is:

Item 2 Permitted without consent - Home occupations.

Item 3 Permitted with consent - Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Home-based child care; Home businesses; Horticulture; Information and education facilities; Kiosks; Places of public worship; Recreation areas; Research stations; Roads; Water recreation structures.

Item 4 Prohibited - Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

Minimum land area for the erection of a dwelling house in Zone E3 on the subject land is that area specified for that lot in the Lot Size Map adopted by the plan, unless other criteria are satisfied.

The demolition of a building or work may be carried out only with consent. Note: If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without consent.

ZONE R3 MEDIUM DENSITY RESIDENTIAL - the objectives of the zone are set out in Item 1 of the Land Use Table (refer to the LEP on the NSW Government website). In the following items development is:

Item 2. Permitted without consent - Home occupations.

Item 3. Permitted with consent - Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Seniors housing; Any other development not specified in item 2 or 4.

Item 4. Prohibited - Agriculture; Airstrips; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Dual occupancies; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port Facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers dwellings; Semi-detached dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste and resource management facilities; Wharf or boating facilities; Wholesale supplies.

The demolition of a building or work may be carried out only with consent. Note: If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without consent.

No minimum land area for the erection of a dwelling house in this Zone on the subject land is specified in the plan.

Property: LOT: 48 DP: 1230717, 1350 Ocean Drive LAKE CATHIE NSW 2445
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ZONE B2 LOCAL CENTRE - the objectives of the zone are set out in Item 1 of the Land Use Table (refer to the LEP on the NSW Government website). In the following items development is:

Item 2. Permitted without consent - Home occupations.

Item 3. Permitted with consent - Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4.

Item 4. Prohibited - Agriculture; Airstrips; Air transport facilities; Animal Boarding or Training Establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial Retail Outlets, Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies.

The demolition of a building or work may be carried out only with consent. Note: If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without consent.

No minimum land area for the erection of a dwelling house in this Zone on the subject land is specified in the plan.

ZONE B4 MIXED USE - the objectives of the zone are set out in Item 1 of the Land Use Table (refer to the LEP on the NSW Government website). In the following items development is:

Item 2 Permitted without consent - Home occupations.

Item 3. Permitted with consent - Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; High technology industries; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4.

Item 4. Prohibited - Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Car parks; Cemeteries; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Research stations. Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wharf or boating facilities

The demolition of a building or work may be carried out only with consent. Note: If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as exempt development, the Act enables it to be carried out without consent.

No minimum land area for the erection of a dwelling house in this Zone on the subject land is specified in the plan.

The above provisions relating to development permitted without or only with consent are subject to other provisions of the LEP.

Other provisions of the LEP which apply to the land:

There are no special provisions that apply.

- (f) **Does the land include or comprise 'critical habitat' under the provisions of an environmental planning instrument or proposed environmental planning instrument**

Property: LOT: 48 DP: 1230717, 1350 Ocean Drive LAKE CATHIE NSW 2445
Certificate No.: 190034
Date of Issue: 11/01/2019

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applying to the land? No

- (g) Is the land located within a conservation area under the provisions of an environmental planning instrument or proposed environmental planning instrument applying to the land?

No.

- (h) Is there a heritage item situated on the land under the provisions of an environmental planning instrument or proposed environmental planning instrument applying to the land?

No.

3. COMPLYING DEVELOPMENT

Could complying development be carried out under each of the codes for complying development (the Codes SEPP) because of the provisions of clauses 1.17A (c) and (d) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008?

Part 3 Housing Code,
Part 3A Rural Housing Code,
Part 3B Low Rise Medium Density Housing Code,
Part 3C Greenfield Housing Code,
Part 4 Housing Alterations Code,
Part 4A General Development Code,
Part 5 Commercial and Industrial Alterations Code,
Part 5A Commercial and Industrial (New Buildings and Additions) Code,
Part 5B Container Recycling Facilities Code,
Part 6 Subdivisions Code,
Part 7 Demolition Code,
Part 8 Fire Safety Code.

No, for the reason that the land is identified on an Acid Sulfate Soils Map as being Class 1 or Class 2 (see also clause 1(a) of this Certificate). This restriction applies only to the General Housing Code and the Rural Housing Code. However, the Rural Housing Code allows complying development to be carried out only on that part of the lot which is not subject to a restriction referred to in clause 1.19 of the Codes SEPP.

No, for the reason that the land is identified as an environmentally sensitive area and is land to which State Environmental Planning Policy (Coastal Management) 2018 - Coastal Wetlands and Littoral Rainforests Area Map applies, or is land identified as being within 100 metres ("the proximity area") of coastal wetlands or littoral rainforest. This applies for all Codes as indicated above.

No, for the reason that the land is excluded land identified by an environmental planning instrument, namely, as being within a buffer area (road noise/Acoustic Map). This applies only to the General Housing Code and the Rural Housing Code. However, the Rural Housing Code allows complying development to be carried out only on that part of the lot which is not subject to a restriction referred to in clause 1.19 of the Codes SEPP.

No, for the reason that the land is excluded land identified by an environmental planning instrument, namely, as being within an ecologically sensitive area (Koala Habitat Map). This applies only to the General Housing Code and the Rural Housing Code. However, the Rural Housing Code allows complying development to be carried out only on that part of the lot which is not subject to a restriction referred to in clause 1.19 of the Codes SEPP.

Note: Where restrictions do not apply above and where the land is identified in this certificate as being a bushfire prone or flood control lot, the Housing Code, the Greenfield Housing Code, the Low Rise Medium Density Housing Code and the Rural Housing Code list special provisions for development. For specific requirements reference should be made to Clauses 3.36B, 3B.4, 3C.5 and 3A.37 - Development Standards for Bush Fire Prone Land, and Clauses 3.36C, 3B.5, 3C.6 and 3A.38 - Development Standards for Flood Control Lots under the Codes SEPP at www.legislation.nsw.gov.au.

4, 4A Repealed

4B. ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES

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Has Council made or levied an annual charge under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act), to which the owner, or any previous owner, of the land has consented in writing to the land being subject to annual charges?

No.

5. MINE SUBSIDENCE

Is the land proclaimed to be a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*?

No.

6. ROAD WIDENING AND ROAD REALIGNMENT

Is the land affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the *Roads Act 1993*; or
- (b) any environmental planning instrument; or
- (c) any resolution of the council?

No - the land is not so affected.

7. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES RESTRICTING DEVELOPMENT DUE TO RISKS OR HAZARDS

Is the land affected by a policy:

- (a) adopted by the Council; or
- (b) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)?

Port Macquarie-Hastings Council Contaminated Land Policy 2017 - Yes.

Council is aware that the lands to which this certificate relates is or has the potential to be affected by land contamination. Contact Council's Environmental Health Officer to ascertain whether further information is available.

7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

Is the land or part of the land subject to flood related development controls?

The land or any part of the land is not identified on the Flood Planning Map supporting the local environmental plan. The land is therefore not subject to flood related development controls.

8. LAND RESERVED FOR ACQUISITION

Does an environmental planning instrument or proposed environmental planning instrument or draft environmental planning instrument applying to the land provide for the acquisition of the land by a public authority, as referred to in section 27 of the *Act*?

No such provision applies.

9. NAMES OF RELEVANT CONTRIBUTION PLANS

***Contributions Plans* applying to the land:**

(a) Apply to all land within the Port Macquarie-Hastings Council area:

- *Port Macquarie-Hastings Contributions Plan 1993.*
- *Hastings S94 Major Council Roads Contributions Plans.*
- *Hastings S94 Administration Levy Contributions Plan.*
- *Port Macquarie-Hastings Community, Cultural and Emergency Services Contributions Plan 2005.*
- *Port Macquarie-Hastings Administration Building Contributions Plan 2007.*
- *Port Macquarie-Hastings Council S94A Levy Contributions Plan 2007*

(b) Apply to specific land, including the land to which this certificate applies:

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Local Roads Contributions Plan Area 13 (Thrumster), Area 14 (Bonny Hills) and Area 15 (Camden Haven).

Port Macquarie-Hastings Open Space Contributions Plan 2018.

9A. BIODIVERSITY CERTIFIED LAND

Is the land biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*)? No.

10. BIODIVERSITY STEWARDSHIP SITES

Is the land a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*, but only to the extent that Council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage.

No.

10A. NATIVE VEGETATION CLEARING SET ASIDES

Does the land contain a set aside area under section 60ZC of the *Local Land Services Act 2013*, but only to the extent that Council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section)?

No.

11. BUSH FIRE PRONE LAND

Is the land bush fire prone land?

Some of the land is bush fire prone land (as defined in the Act). For further information on the extent of affectation, please refer to the NSW Planning Portal at: www.planningportal.nsw.gov.au/find-a-property

12. PROPERTY VEGETATION PLANS

Does a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* (and that continues in force) apply to the land? (but only to the extent that Council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

No.

13. TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

Has an order been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land, but only to the extent that Council has been so notified of the order?

No.

14. DIRECTIONS UNDER PART 3A

Is there a direction in force under section 75P (2) (cl) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect?

No.

15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING

Under the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, is there a valid site compatibility certificate (seniors housing), but only to the extent that Council has been so notified of the certificate, in respect of proposed development on the land?

No, there is no current Site Compatibility Certificate for this parcel.

16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE, SCHOOLS OR TAFE ESTABLISHMENTS

Is there a valid site compatibility certificate (infrastructure), or site compatibility certificate

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(schools or TAFE establishments) but only to the extent that Council has been so notified of the certificate, in respect of proposed development on the land?

No, there is no current Site Compatibility Certificate for this parcel.

17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

Is there a valid site compatibility certificate (affordable rental housing), but only to the extent that Council has been so notified of the certificate, in respect of proposed development on the land?

No, there is no current Site Compatibility Certificate for this parcel.

18. PAPER SUBDIVISION INFORMATION

Is there an adopted development plan that applies to the land or that is proposed to be subject to a consent ballot?

No.

19. SITE VERIFICATION CERTIFICATES

Is there a current site verification certificate, but only to the extent that Council has been so notified of the certificate, in respect of the land?

No.

20. LOOSE-FILL ASBESTOS INSULATION

Is the land including any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) listed on the register that is required to be maintained under that Division, but only to the extent that Council has been so notified?

No.

21. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS

(1) Is there any affected building notice of which Council is aware is in force in respect of the land?

No.

(2) (a) Is there any building product rectification order of which Council is aware is in force in respect of the land?

No.

(b) Is there any notice of intention to make a building product rectification order of which Council is aware has been given in respect of the land and is outstanding?

No.

(3) In this clause:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

22. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

The following matters are prescribed by section 59(2) of the [Contaminated Land Management Act 1997](#):

(a) Is the land to which this certificate relates significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*?

No.

(b) Is the land to which this certificate relates subject to a management order within the meaning of the *Contaminated Land Management Act 1997*?

No.

Planning Certificate (Section 10.7, Environmental Planning and Assessment Act 1979)

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- (c) Is the land to which this certificate relates the subject of an approved voluntary management proposal within the meaning of the *Contaminated Land Management Act 1997*?
No.
- (d) Is the land to which the certificate relates subject to an ongoing maintenance order within the meaning of the *Contaminated Land Management Act 1997*?
No.
- (e) Is the land to which this certificate relates the subject of a site audit statement within the meaning of the *Contaminated Land Management Act 1997* that has been provided to Council?
No.

Note: If Council is otherwise aware of potential contamination of the land this will be noted under Item 7 of this Planning Certificate above.

INFORMATION PROVIDED PURSUANT TO SECTION 10.7 SUBSECTION (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following additional information is furnished in respect of the land pursuant to subsection (5), and is subject to subsection (6).

A. PRESERVATION OF TREES OR VEGETATION

Broadly, provisions relating to the preservation of trees or vegetation on private land are contained within either:

- [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#)
- Part 5A of the [Local Land Services Act 2013](#).

B. GENERAL

Clause 7.1 Acid Sulfate Soils (part Class 2) - Pursuant to S.10.7 subsection (5) of the Act, part of the subject land is shown as being Class 2 land on the acid sulfate soils map. Development consent is required for the carrying out of any works on that part of the subject land being works below the ground surface or works by which the watertable is likely to be lowered.

Clause 7.1 Acid Sulfate Soils (Class 3) - Pursuant to S.10.7 subsection (5) of the Act, part of the subject land is shown as being Class 3 land on the acid sulfate soils map. Development consent is required for the carrying out of any works on the subject land being works more than 1 metre below the natural ground surface or works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

Clause 7.1 Acid Sulfate Soils (part Class 4) - Pursuant to S.10.7 subsection (5) of the Act, part of the subject land is shown as being Class 4 land on the acid sulfate soils map. A person must not, without development consent, carry out any works on that part of the subject land being works more than 2 metres below the natural ground surface or works by which the watertable is likely to be lowered more than 2 metre below the natural ground.

Clause 7.1 Acid Sulfate Soils (Class 5) - Pursuant to S.10.7 subsection (5) of the Act, part of the subject land is shown as being Class 5 land on the acid sulfate soils map. Development consent is required for the carrying out of any works on the subject land below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

Pursuant to S.10.7 subsection (5) of the Act, all or part of the land is identified on the Koala Habitat Area Map adopted by the local environmental plan as Koala Habitat Area.

Pursuant to S.10.7 subsection (5) of the Act, all or part of the land is identified on the Acoustic Controls Map adopted by the local environmental plan as land subject to Acoustic Controls.

C. COASTAL HAZARDS

No, the land is not identified on the Coastal Erosion Risk Map of the Port Macquarie-Hastings Local Environmental Plan 2011.

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Please note: Council retains an electronic version of the original of this Certificate. Where this Certificate refers to information displayed on Council's website or the NSW Government website, it includes information displayed on those websites on the date this Certificate is issued, with the exception that it may not include information added or altered on those websites during the date of issue of this Certificate.