

PLANNING AND NATURAL SYSTEMS

ATTACHMENT C

**DA 194/2017 - DUAL OCCUPANCY,
2A FIG TREE COURT, FORSTER**

DCU MEETING

8 MARCH 2017

PLAN FORM 2

SIGNATURE AND SEALS ONLY

Signature and seal area with 'ENGINEER' and 'PROFESSIONAL' text.

Legal notice text: 'I hereby certify that the person... is a duly Licensed Professional Engineer...'.

Subdivision Certificate information: 'SUBDIVISION 3016.105'.

Warning text: 'WARNING: Electronic Document Supplied by LPI NSW for your Internal Use Only'.

- 5 EASEMENT FOR DRAINAGE OF SEWAGE VARIABLE WIDTH.
1 EASEMENT FOR DRAINAGE OF SEWAGE 3 WIDE
2 RESTRICTIONS ON THE USE OF LAND 5 WIDE
3 POWER RETICULATION EASEMENT FOR SUBSTATION PURPOSES 3.8 WIDE

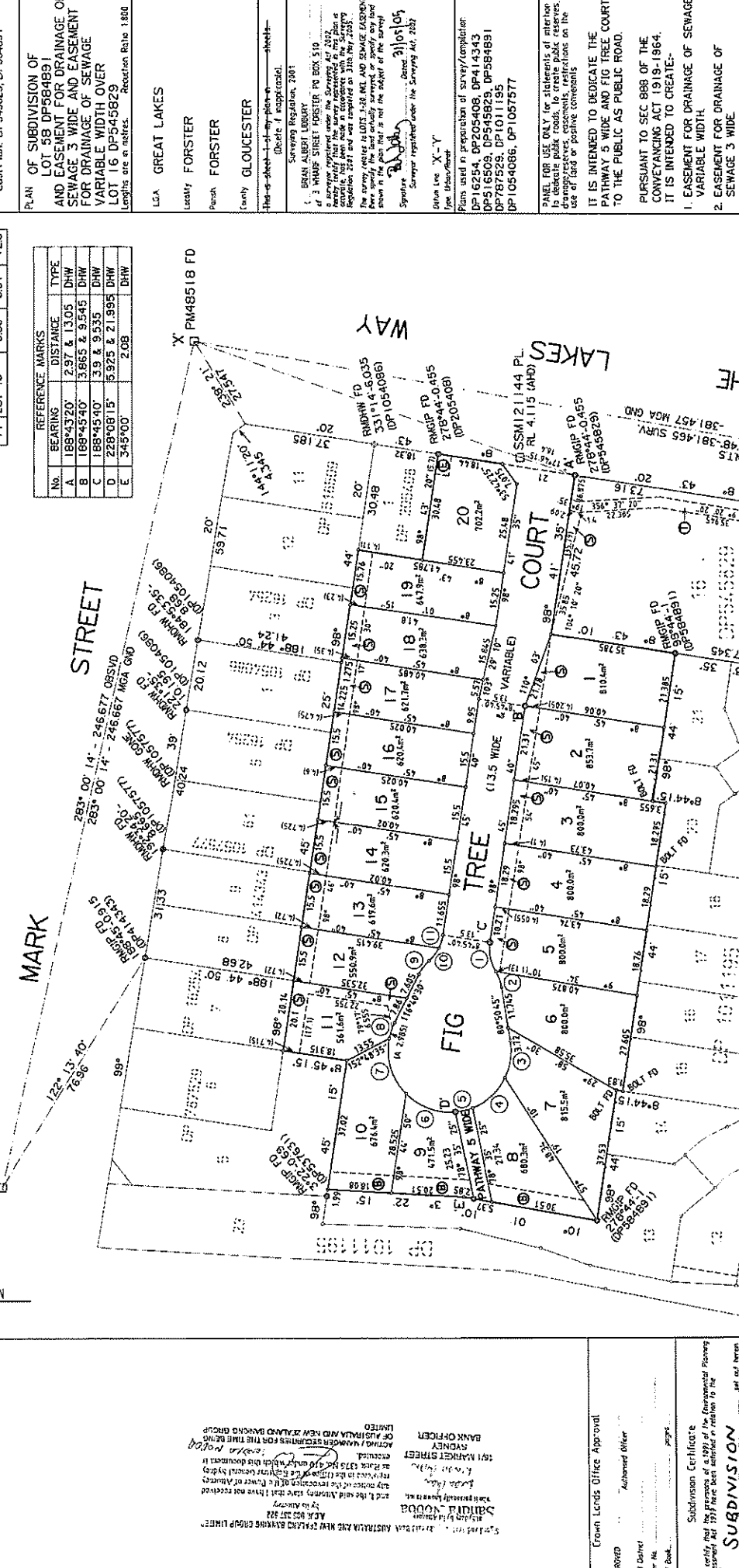
Table with columns: MARK, MGA CO-ORDINATES, ZONE, CLASS ORDER, AHD, CLASS.

Source: LAND & PROPERTY INFORMATION. DATE 14-04-2005 COMBINED SCALE FACTOR 0.999625

PM48518 - SSM121144 199*3042'-98.33 OBSVD
SSM 21144 - PMI5029 186*42'15"-284.958 OBSVD

PM15074 FD

PM48518 FD



REFERENCE MARKS table with columns: No., BEARING, DISTANCE, TYPE.

Table with columns: Line, Bearing, Distance, Arc, Radius.

DP1082985
TORRENS
SUBDIVISION
Last Plan: DP545829, DP584881

PLAN OF SUBDIVISION OF LOT 58 DP584881 AND EASEMENT FOR DRAINAGE OF SEWAGE 3 WIDE AND EASEMENT FOR DRAINAGE OF SEWAGE VARIABLE WIDTH OVER LOT 16 DP545829.

PLAN FOR USE ONLY for statements of interior or exterior... IT IS INTENDED TO DEDICATE THE PATHWAY 5 WIDE AND FIG TREE COURT TO THE PUBLIC AS PUBLIC ROAD.

WARNING: Electronic Document Supplied by LPI NSW for your Internal Use Only.

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

DP1082985

(Sheet 1 of 8 Sheets)

PART 1

Subdivision covered by Council
Clerk's Certificate No.

Full Name and address of
Proprietor of the land

Polrate Pty Limited (ACN 078 453 684)
of 5 Tulloch Road, Tuncurry 2428

1. Identity of easement or
restriction firstly referred to
in the Plan:

Easement for drainage of sewage
variable width

Schedule of Lots etc. affected

Lots Burdened

Lots, name or road or authority
benefitted

Lots 1-5 inclusive
Lots 11-19 inclusive and
Lot 16 DP545829

MidCoast County Council

2. Identity of easement or
restriction secondly referred to
in the Plan:

Easement for drainage of sewage
3 wide

Schedule of Lots etc. affected

Lots Burdened

Lots, name or road or authority
benefitted

Lot 16 DP 545829

MidCoast County Council

3. Identity of easement or
restriction thirdly referred to
in the Plan:

Restriction(s) on the use of land

Schedule of Lots etc. affected

Lots Burdened

Lots, name or road or authority
benefitted

Lots 1-20 inclusive

Great Lakes Council

MSH *DA*

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

(Sheet 2 of 8 Sheets)

4. Identity of easement or restriction fourthly referred to in the Plan: Restriction(s) on the use of land 5 wide and shown in the Plan as B

Schedule of Lots etc. affected

<u>Lots Burdened</u>	<u>Lots, name or road or authority benefitted</u>
Lots 8, 9, 10	Great Lakes Council

5. Identity of easement or restriction fifthly referred to in the Plan: Restriction(s) on the use of land

Schedule of Lots etc. affected

<u>Lots Burdened</u>	<u>Lots, name or road or authority benefitted</u>
Each lot	Every other lot

6. Identity of easement or restriction sixthly referred to in the Plan: Restriction(s) on the use of land

Schedule of Lots etc. affected

<u>Lots Burdened</u>	<u>Lots, name or road or authority benefitted</u>
Lots 1-20 inclusive	Great Lakes Council

7. Identity of easement or restriction seventhly referred to in the Plan: Restrictions on the use of land

MAH DR

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Schedule of Lots etc. affected

<u>Lots Burdened</u>	<u>Lots, name or road or authority benefitted</u>
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Lot 20	Great Lakes Council
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8. Identity of easement or restriction eighthly referred to in the Plan: Power Reticulation Easement for substation purposes 3.8 wide

Schedule of Lots etc. affected

<u>Lots Burdened</u>	<u>Lots, name or road or authority benefitted</u>
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Lot 20	Country Energy (ABN 37428185226)
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PART 2

- Terms of restrictions on the use of land thirdly referred to in the plan:
 - No building shall be erected or permitted to remain on any lot burdened unless, to the satisfaction of Great Lakes Council, it has been provided with an on-site storm water infiltration/detention system together with a piped overflow/surcharge path to Council's drainage network ensuring that developed flow from the site for the 20% storm event is equal to or less than the undeveloped flow from the 20% storm event.
 - No building shall be erected or permitted to remain on any lot burdened unless, to the satisfaction of Great lakes Council, it has been provided with a minimum capacity 5,000 litre water tank for water re-use and fitted with an approved first flush device.
- Terms of restrictions on the use of land 5 wide and shown in the Plan as B fourthly referred to in the plan:
 - No dwellings are to be erected in the area noted "B" on the plan, (which denotes as "Inner Protection Area" as defined in "Planning for Bushfire Protection" guidelines as prepared by Planning NSW and NSW Rural Fire Service).
 - No landscaping is to remain in the area noted "B" on the plan unless it is maintained by regular maintenance to maintain the area as an "Inner Protection Area".

MM *DL*

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- (c) No dwelling is to be constructed or remain on land unless its construction is in accordance with *Level 1* construction standard as defined in "AS3959 - Construction of Buildings in Bushfire Areas".
3. Terms of restrictions on the use of land fifthly referred to in the plan:
- (a) No Development Application or Building Application shall be made in respect of any building or structure proposed to be erected upon, or any landscaping proposed to be constructed upon, any lot hereby burdened and no building or structure shall be erected upon and no landscaping shall be constructed upon any such lot unless detailed plans and specifications in respect of such building, structure and landscaping prepared by or on behalf of and at the expense of the registered proprietor for the time being of such lot are the subject of approval in writing by Polrate Pty Limited (ACN 078 453 684) which may be refused or given subject to conditions.
- (b) No dwelling other than a single occupancy dwelling shall be constructed upon any lot hereby burdened, and no application for multiple occupancy of any lot hereby burdened, shall be made without the prior approval in writing by Polrate Pty Limited (ACN 078 453 684) which may be refused or given subject to conditions.
- (c) No building or structure shall be erected or permitted to remain on any lot hereby burdened other than a building or structure constructed of new and first quality materials.
- (d) No existing or pre-manufactured building or any part of either shall be erected or relocated to any lot hereby burdened.
- (e) No roof of any building erected upon any lot hereby burdened shall be of any material other than concrete or teracotta tiles, and no such roof shall have a pitch of less than 22 degrees to the horizontal or more than 28.5 degrees to the horizontal. The roof pitch across any such building shall be uniform.
- (f) Any building to be erected upon any lot hereby burdened must have along every external wall an eave to the roof which shall be of minimum overhang 450mm for at least fifty percent of the length of that wall.
- (g) No external wall of any building erected on any lot hereby burdened shall be of any material other than brick, stone, rendered concrete block, glass or timber or any combination of the same, but timber shall not be used in any external wall except as infill panels in conjunction with the other materials specified herein such that in any wall the proportion of timber used in relation to the total external area of the wall shall not exceed twenty-five percent thereof, provided always that nothing in this covenant contained shall preclude or prohibit a building having the inner framework of its external walls constructed of timber or steel with an external brick face or veneer.

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- (h) No dwelling shall be erected or permitted to remain on any lot hereby burdened unless such dwelling has a minimum internal living area including any garage but excluding the area occupied by any wall of two hundred and four (204) square metres in the case of a single dwelling, or one hundred and forty eight (148) square metres in the case of an attached dwelling.
- (i) No garage, studio, store-room or other building other than a lightweight garden shed or lawn locker shall be constructed upon any lot hereby burdened unless it shall be constructed at the same time, under the same roof and as part of the same structure as the dwelling which it services and shall be a minimum six (6) metres wide and six (6) metres long. Any garage permitted to be erected shall have contemporary slimline or sectional garage door or doors. Roller doors must not be installed.
- (j) No driveway or paving shall be constructed upon any lot hereby burdened unless it is of coloured, stencilled or stamped coloured concrete or faux brick or pebblecrete. No uncoloured concrete driveway shall be constructed or permitted to remain in place. No dwelling to be constructed upon the lot hereby burdened may be occupied until all driveways and paving servicing the dwelling are completed. The total area of all driveways and paving between the building alignment of any such lot and the street must not exceed 40% of the total area of any such lot between the building alignment and the street.
- (k) No turf on any lot hereby burdened shall be sown as seed. All turf to be installed on any such lot shall be in the form of commercially-manufactured couch or buffalo rolls and together with any garden bed or other vegetation shall extend to cover at least 60% of the area any such lot between the building alignment and the street.
- (l) No dwelling shall be erected or permitted to remain on any lot burdened unless it is connected to the sewer of MidCoast Water.
- (m) There shall not be carried away or removed from any lot hereby burdened any clay, stone, earth, stone, gravel, soil or sand except to the extent necessary for the construction subject to any restrictions herein contained of any dwelling or swimming pool or for any purpose ancillary thereto.
- (n) No change shall be made to the natural ground level of any lot hereby burdened which exceed 500mm except with the consent in writing of Polrate Pty Limited (ACN 078 453 684).
- (o) No swimming pool is to be erected upon any lot hereby burdened unless such pool is essentially and substantially below ground.

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- (p) No swimming pool, spa or air conditioning equipment shall be installed or permitted to remain or operate upon any lot hereby burdened unless such equipment is of such a nature, and is situated in such a location, and operates in such a way, as to minimise all visual and acoustic impacts upon the occupier of any lot hereby benefitted.
- (q) No garden shed or lawn locker shall be erected upon any lot hereby burdened unless such shed or locker is made from Colorbond or similar lightweight metal in non-reflective subdued colours and is screened from public view and from the view of any lot hereby benefitted.
- (r) No caravan, campervan, motor home, trailer, boat, plant, implement or unregistered vehicle shall be parked or kept on the roadway to which any lot hereby burdened has a frontage, or parked, kept or stored on any such lot without adequate screening from the roadway and from every lot hereby benefitted.
- (s) No motor truck or lorry or semi-trailer with a loading capacity exceeding 3 tonnes tare weight (other than vehicles being used for the time being in connection with the construction of a dwelling or deliveries thereto) shall be parked or kept on the roadway to which any lot hereby burdened has a frontage, or parked, kept or stored on any such lot.
- (t) No rubbish bin, waste container, clothes hoist or washing line shall be erected upon any lot hereby burdened unless it is screened from public view and from the view of any lot hereby benefitted.
- (u) No television antenna, radio aerial or satellite dish shall be installed upon any lot hereby burdened until all possible measures have been taken to screen or remove such antenna, aerial or dish from the public view and from the view of any lot hereby benefitted.
- (v) No "for sale" sign, advertisement or hoarding or similar structure shall be erected or displayed upon or adjacent to any lot hereby burdened prior to registration of the Plan of Subdivision without the consent in writing of Polrate Pty Limited (ACN 078 453 684), but this restriction shall not apply in the case of a lot upon which a dwelling has been erected.
- (w) No fence shall be erected along the street frontage or along the side boundary of any lot hereby burdened if such fence protrudes beyond the building alignment with respect to such lot. The street frontage of any lot shall be deemed to be the frontage to which there is a permitted vehicular access.
- (x) No boundary fence shall be constructed to any lot hereby burdened unless such fence is constructed of colourbond material of the colour "Terrace" to a height of 1.8 metres.

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- (y) For the benefit of any adjoining land owned by Polrate Pty Limited (ACN 078 453 684), but only during the ownership thereof by Polrate Pty Limited (ACN 078 453 684) or its successors and assigns other than transferees on sale, no fence shall be erected on any lot hereby burdened to divide the same from any adjoining lot without the consent of Polrate Pty Limited (ACN 078 453 684) but such consent shall not be withheld if such fence is erected without expense to Polrate Pty Limited (ACN 078 453 684), and in favour of any person dealing with the transferee such consent shall be deemed to have been given in respect of every such fence for the time being erected.

4. Terms of restrictions on the use of the land sixthly referred to in the plan:

- (a) No topsoil to be excavated as part of any building construction commencement without a representative of the Forster Local Aboriginal Land Council being present to monitor such works.
- (b) No dwelling is to be constructed unless the ground floor level of the habitable section of any dwelling erected on the lot is constructed to the height as shown:

Lot 1,18,19	4.4m AHD
Lot 2,3,15,16	4.55m AHD
Lot 4,14,17	4.45m AHD
Lot 5,13	4.35m AHD
Lot 6,7,8,9,10,11,12	4.3m AHD
Lot 20	4.5m AHD

5. Terms of restrictions on the use of land seventhly referred to in the plan:

- Vehicles must not* ~~Vehicle~~ *access from Figtree Court is restricted to the existing standard vehicular gutter crossing adjacent to the western boundary of Lot 20.* *except by*
- (a) ~~Vehicle~~ access from Figtree Court is restricted to the existing standard vehicular gutter crossing adjacent to the western boundary of Lot 20.

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

The terms of the easements are in accordance with Country Energy's standard recitals in Part C of Memorandum registered as AA 26009 at Land and Property Information New South Wales (Multi-purpose installations).

Name of persons empowered to release, vary or modify restrictions thirdly, fourthly, sixthly and seventhly referred to in the plan:

Great Lakes Council

AMENDMENTS MADE IN LPI NSW AT SURVEYORS REQUEST

HM OK

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**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
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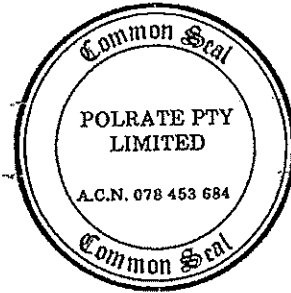
Name of persons empowered to release, vary or modify restrictions fifthly referred to in the plan:

Polrate Pty Limited (ACN 078 453 684) until 5 years from the registration of the Plan of Subdivision or until Polrate Pty Limited (ACN 078 453 684) shall no longer be in existence, whichever is the sooner, and thereafter the persons for the time being registered as the proprietors of the land in the Plan of Subdivision having common boundaries with the lot burdened.

Name of persons empowered to release, vary or modify restrictions eighthly referred to in the plan:

Country Energy

Signed for and on behalf of
Polrate Pty Limited
(ACN 078 453 684)



[Signature]

.....
Director

[Signature]

.....
Director

~~Signed for and on behalf of
ANZ Banking Group Limited
by its duly appointed
attorney under power of attorney
registered Book _____ No _____~~

AUSTRALIA AND NEW ZEALAND
BANKING GROUP LIMITED
ACN 005 357 522
BY ITS ATTORNEY UNDER POWER
OF ATTORNEY BOOK 4376 410

[Signature] SANDRA NOBOA

[Signature]
LINDA CHAN

.....
Attorney

Signed for and on behalf of
Great Lakes Council by its
duly authorised officer

[Signature]

~~Signed for and on behalf of
Country Energy by its duly
authorised officer~~



[Handwritten initials]