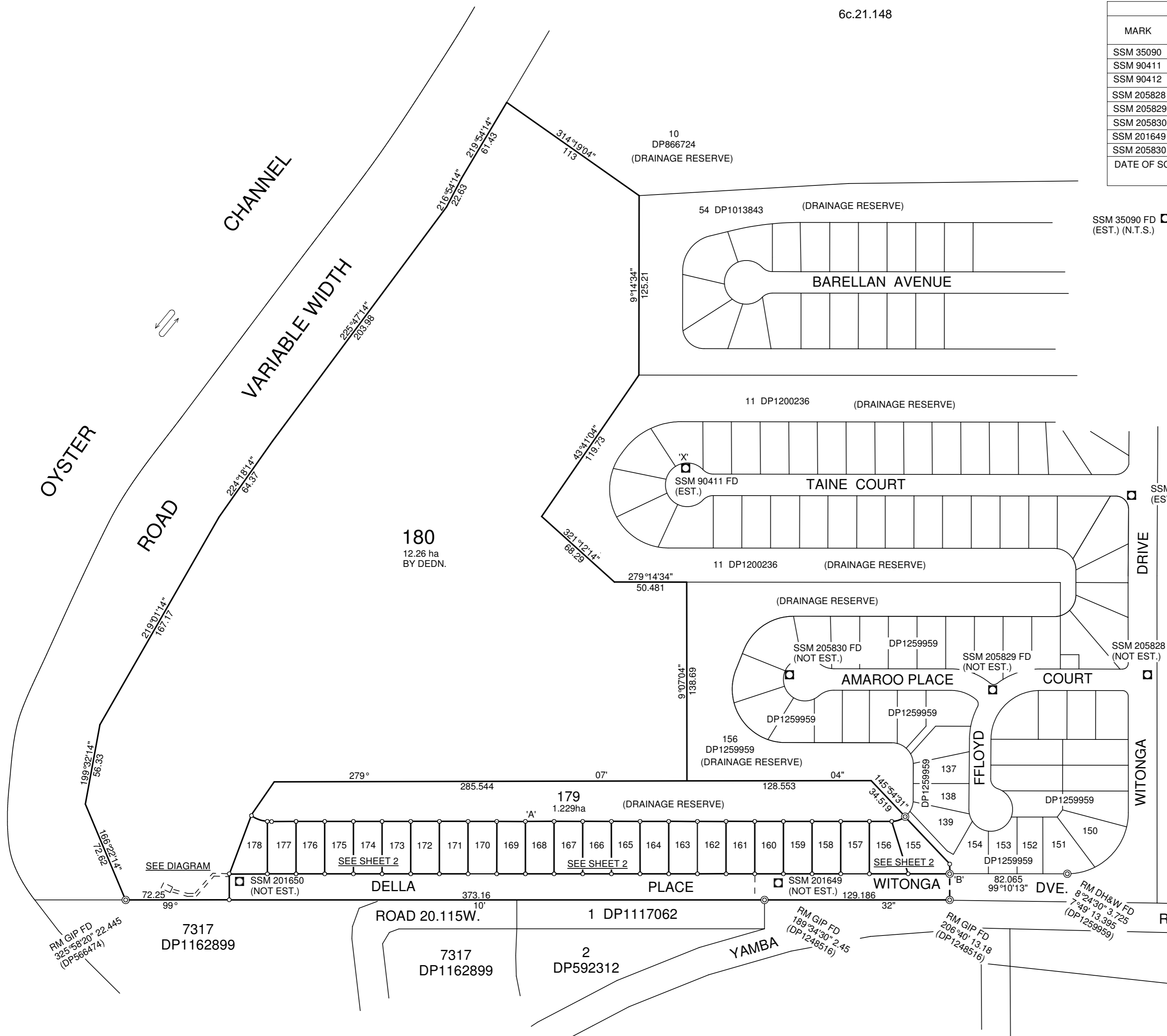


6c.21.148

MARK	MGA CO ORDINATES		CLASS	ORDER	PU	LU	METHOD	STATE
	EASTING	NORTHING						
SSM 35090	531286.311	6744987.019	B	2	N/A	N/A	FROM SCIMS	FOUND
SSM 90411	530924.101	6744845.646	B	2	N/A	N/A	FROM SCIMS	FOUND
SSM 90412	531228.007	6744777.323	B	2	N/A	N/A	FROM SCIMS	FOUND
SSM 205828	531219	6744652	U	U	N/A	N/A	FROM SCIMS	FOUND
SSM 205829	531111	6744659	U	U	N/A	N/A	FROM SCIMS	FOUND
SSM 205830	530972	6744692	U	U	N/A	N/A	FROM SCIMS	FOUND
SSM 201649	530567	6744613	U	U	N/A	N/A	CAD. TRAV.	PLACED
SSM 205830	530972	6744692	U	U	N/A	N/A	CAD. TRAV.	PLACED

DATE OF SCIMS COORDINATES: 19/8/2021 MGA ZONE: 56 MGA DATUM: GDA2020
COMBINED SCALE FACTOR 0.999606



SSM 35090 FD (EST.) (N.T.S.)

SSM 90411 TO SSM 35090 ('X' - 'Y')
68°40'44" 388.976 BY MGA GROUND
68°40'44" 388.985 BY SURVEY

SSM 90411 TO SSM 90412
102°40'13" 311.615 BY MGA GROUND
102°40'11" 311.617 BY SURVEY

SSM 90412 SSM 35090
15°32'17" 217.735 BY MGA GROUND
15°32'22" 217.74 BY SURVEY

SSM 90412 TO SSM 205858
184°05'43" 125.682
BY DP1259959 AND SURVEY

SSM 205828 TO 205829
273°36'22" 108.526
BY DP1259959 AND SURVEY

SSM 205829 TO SSM 205830
283°25'13" 142.129
BY DP1259959 AND SURVEY

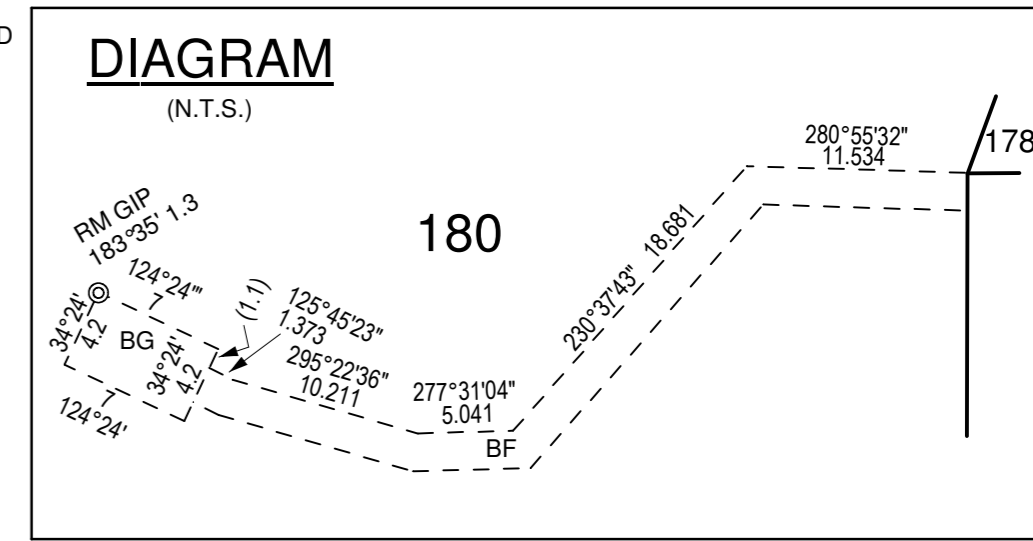
SSM 205830 TO SSM 201650
259°00'38" 413.563

SSM 201650 TO SSM 201649
99°10'19" 380.634

SSM 201649 TO SSM 205828
70°11'26" 294.179

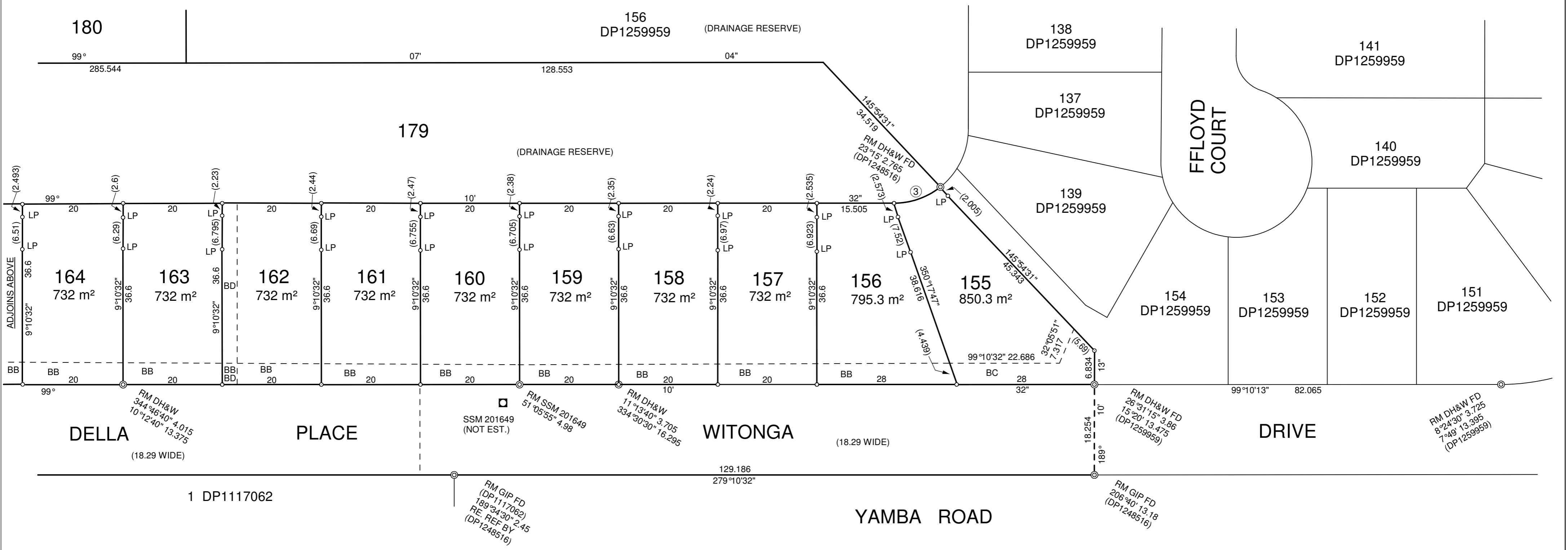
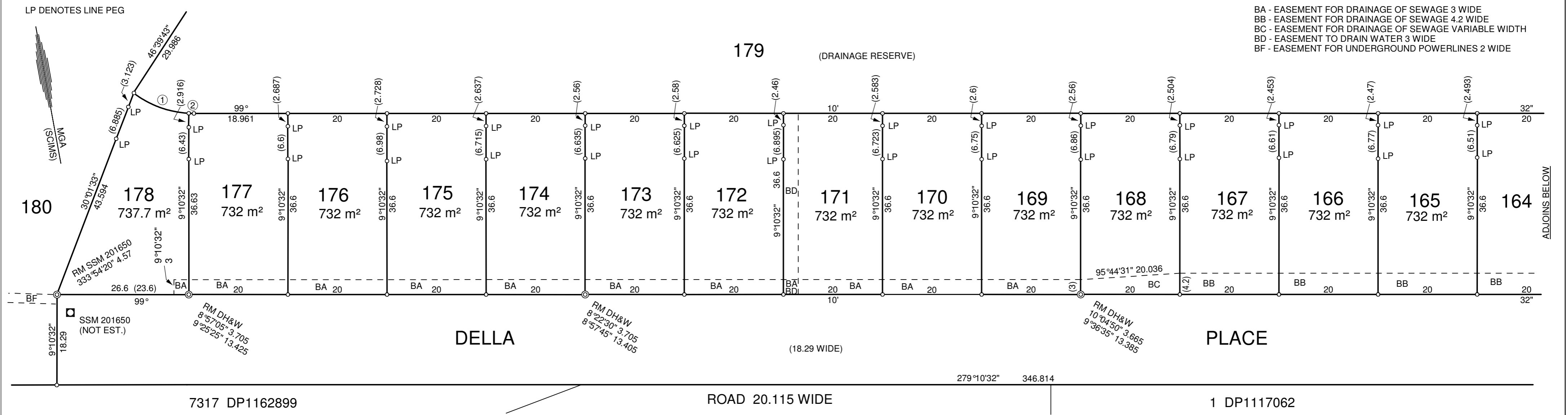
SSM 205830 TO CORNER 'A'
250°09'04" 210.714

SSM 205829 TO CORNER 'B'
202°19'37" 131.808



BF - EASEMENT FOR UNDERGROUND POWERLINES 2 WIDE
BG - EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE

Surveyor: ANTHONY JOHN DENNY	PLAN OF SUBDIVISION OF LOT 2 IN DP1248516	LGA: CLARENCE VALLEY	Registered
Date of Survey: 19/8/2021		Locality: YAMBA	
Surveyors Ref: 18/366_STAGE 2 (POLICY 4)		Reduction Ratio 1:2000 Lengths are in metres.	
			DP



CURVED BOUNDARIES

Number	Chord Bearing	Chord Distance	Arc Length	Radius
1	119°30'52"	11.821	12	20
2	100°45'02"	1.099	1.1	20
3	79°59'38"	9.969	10.163	15

Surveyor: ANTHONY JOHN DENNY Date of Survey: 19/8/2021 Surveyors Ref: 18/366_STAGE 2 (POLICY 4)	PLAN OF SUBDIVISION OF LOT 2 IN DP1248516	LGA: CLARENCE VALLEY Locality: YAMBA Reduction Ratio 1:550 Lengths are in metres.	Registered DP
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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)

Plan: Plan of Subdivision of **Lot 2 DP 1248516** covered by Subdivision Certificate No.

Full name and address of the owner of the land **Yamba Quays Pty Ltd ABN 18 629 899 716**
C/- PO Box 1478, Ballina NSW 2478

PART 1 (CREATION)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities
1.	Easement for drainage of water 3 wide (BD)	Lots 162 and 171	Clarence Valley Council
2	Easement for drainage of sewage 3 wide (BA)	Lots 169,170, 171, 172, 173, 174, 175, 176, 177 and 178	Clarence Valley Council
3	Easement for drainage of sewage 4.2 wide (BB)	Lots 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166 and 167	Clarence Valley Council
4	Easement for drainage of sewage variable width (BC)	Lots 155 and 168	Clarence Valley Council
5	Easement for Underground Powerlines 2 Wide (BF)	Lot 180	Essential Energy ABN 37 428 185 226
6	Easement for Multi-Purpose Electrical Installation 4.2 Wide (BG)	Lot 180	Essential Energy ABN 37 428 185 226
7	Restriction on the Use of land	Each lot except lots 179 and 180	Each other lot except Lots 179 and 180
8	Restriction on the use of land	Lots 155, 162, 163, 171, 172	Clarence Valley Council
9	Restriction on the use of land	All Lots except 179 and 180	Clarence Valley 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 2 of 8 sheets)

Plan: Plan of Subdivision of **Lot 2 DP 1248516** covered by Subdivision Certificate No.

Full name and address of the owner of the land **Yamba Quays Pty Ltd ABN 18 629 899 716**
C/-PO Box 1478, Ballina NSW 2478

Part 2 (TERMS)

1. Terms of Easement for Underground Powerlines 2 Wide fifthly referred to in the abovementioned plan

An Easement for Underground Powerlines the terms of which are set out in Part B of Memorandum AG 189384.

2. Terms of Easement for Multi-Purpose Electrical Installation 4.2 Wide sixthly referred to in the above mentioned Plan.

An Easement for Underground Powerlines the terms of which are set out in Part C of Memorandum AG 189384

3. Terms of Restrictions on the Use of Land seventhly referred to in the above mentioned Plan.

(a) General

- (i) No dwelling house erected on the subject land or any part of it shall have a floor space of less than 150 square metres (excluding carports and outbuildings).
- (ii) No separate garage, outbuildings or similar structure shall be erected upon the subject land unless the building or structure is of a similar or compatible design and of similar materials and colour as the principal building erected upon the subject land.
- (iii) No building shall consist of a kit dwelling or a dwelling incorporating pole construction.
- (iv) No temporary dwelling, caravan, privy, tent or substandard dwelling shall be placed or built on the subject land, nor shall the registered proprietor live in any portion of the dwelling house prior to its completion and approval by the Local Authority. No temporary dwelling or other improvements previously erected and moved from other land outside the Yamba Quays site shall be brought onto or kept on the subject land
- (v) Building works must be completed within 8 months of their commencement; incomplete building works must not be left longer than 2 months without substantial work being carried out on them.
- (vi) The registered proprietor, during any construction work, must take steps to ensure that no soil, building materials or gravel is washed onto the footpath, the kerb and channel, roadway and waterway.

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)

Plan: Plan of Subdivision of **Lot 2 DP 1248516** covered by Subdivision Certificate No.

Full name and address of the owner of the land **Yamba Quays Pty Ltd ABN 18 629 899 716**
C/- PO Box 1478, Ballina NSW 2478

- (vii) No part of the subject land shall be used for any industrial or manufacturing purposes, offensive or noisy trade or activity.
- (viii) No animals, livestock or poultry of any kind shall be raised, bred or kept upon the land or any part of it except dogs, cats or other household pets may be kept provided these are not kept, bred or maintained for any commercial purpose.

Building Materials, Design & Construction

- (b) (i) The registered proprietor shall ensure all work carried out on the land will have Local Authority approval prior to commencement of construction and all work or improvements are completed in a professional manner and in accordance with best trade practices. External walls of all dwellings, garages and other improvements shall be constructed of clay brick, rendered masonry with textured or painted finish, painted timber, painted fibre cement sheeting or materials approved in writing by the Developer. External paint colours should blend in with the natural environment.
- (ii) The dwelling house to be erected will be of architectural design and orientated to utilise the local climate.
- (iii) Roofs to be laid with quality ceramic roof tiles, colour bond or non-reflective material.
- (iv) The underside of high set homes are to incorporate undercroft skirting or screening (e.g. timber battens) to the full height of any undercroft area above ground level at the perimeter of the building.
- (v) No secondhand or sub-standard materials are to be used in the erection of any improvements.
- (vi) No damage shall be done to the turf, landscaping or driveway of any other Lot adjoining or not during construction of any dwelling or other structure on any Lot. No access to or from the rear of any Lot shall be taken during such construction.

(c) *Driveways, Landscaping and Fencing*

During the time of the dwelling house construction the registered proprietor shall:

- (i) Construct a good quality paved, concrete aggregate or coloured concrete vehicular driveway connecting the garages to the street;

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)

Plan: Plan of Subdivision of **Lot 2 DP 1248516** covered by Subdivision Certificate No.

Full name and address of the owner of the land **Yamba Quays Pty Ltd ABN 18 629 899 716**
C/-PO Box 1478, Ballina NSW 2478

- (ii) Attractively landscape all areas within public view including turfing the land and the footpath area adjoining the land;
- (iii) Remove all surplus soil and building materials from the site, construct any necessary drains and retaining walls and maintain the whole area of the lot and adjoining footpath in a neat and tidy condition;
- (iv) Ensure fencing is in keeping with the architectural design of the dwelling, with no side boundary fencing to be constructed forward of the building alignment (except for pool fencing). Fences are not to be constructed of corrugated iron, colour bond steel mesh, unrendered and unpainted concrete blocks or zincalume.

(d) Signs

- (i) The registered proprietor shall not erect any advertising signs on the land other than a sign advertising the land purchased or a builder's sign during the period of construction.

(e) Parking of Vehicles

- (i) To avoid detracting from the visual amenity of the neighbourhood trailers, caravans, recreation or commercial vehicles shall be parked to the rear of the dwelling.

(f) Excavation

- (i) The registered proprietor must obtain permission from the Local Authority for excavation and fill which alters the surface, level or shape of the land prior to commencing any earthworks.

(g) Care and Maintenance

- (i) The registered proprietor must keep the subject land and adjoining footpaths in a clean and tidy state and ensure that no rubbish accumulates on the land or that the grass is allowed to become excessively long and unsightly.
- (ii) The registered proprietor shall not cause or permit any damage to the road, footpath, channel and kerbing, verge and landscaping works, land adjoining the

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)

Plan: Plan of Subdivision of **Lot 2 DP 1248516** covered by Subdivision Certificate No.

Full name and address of the owner of the land **Yamba Quays Pty Ltd ABN 18 629 899 716**
C/-PO Box 1478, Ballina NSW 2478

subject land including the adjoining land's right of support and any other land in the Residential Development in which the land is situated.

(iii) All grass and other vegetation shall be regularly mown and maintained and the land shall be kept free of all rubbish, refuse or garbage and garbage or other waste shall not be kept on it except in sanitary containers.

(iv) All drainage systems in any revetment wall on or adjacent to any lot shall be kept clean and free of all obstructions or rubbish at all times. No building, boat ramp, pontoon or any other structure whatsoever shall be erected or constructed in such manners as may obstruct the functioning of such drainage system

(h) Developer's Landscaping Work

(i) The registered proprietor agrees to not object, impede or interfere with any landscaping or other works carried out in or on the footpath or other public places.

(i) Alterations to the Covenant

(i) The Developer shall have the right to make changes to any covenant herein by which any registered proprietor or Successor in title may be bound. In the event of any changes or variations of any covenants, the registered proprietor of any lot burdened will have no claim against the Developer as a result of any changes or variation of any covenants.

(j) Boundary Fencing

(i) No fence shall be erected on any lot hereby burdened to divide the same from any adjoining land or lot while such land or lot is owned by Yamba Quays Pty Ltd or their successors or assigns other than purchasers on sale without the consent of Yamba Quays Pty Ltd or their successors or assigns but such consent shall not be withheld and is deemed to be given for any such fence erected without expense to Yamba Quays Pty Ltd.

(k) (l) Default and Breach

(i) The registered proprietor grants to the Developer the right to remedy any breaches of these covenants and authorises the Developer to enter onto the land purchased

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)

Plan: Plan of Subdivision of **Lot 2 DP 1248516** covered by Subdivision Certificate No.

Full name and address of the owner of the land **Yamba Quays Pty Ltd ABN 18 629 899 716**
C/- PO Box 1478, Ballina NSW 2478

to remove any structure, article or vegetation contravening these covenants or to perform any other works necessary to comply with the covenants.

- (ii) The registered proprietor agrees to pay the cost of any works so carried out by the Developer, including any costs for storage, disposal or removal of material within fourteen (14) days of the date the Developer sends the registered proprietor a demand for payment in writing.

4. Terms of Restrictions on the Use of Land eighthly referred to in the abovementioned plan

No excavation or application of super imposed loads are permissible within 1.5 metres of all retaining walls in the land subject to this restriction. The registered proprietor must undertake further assessment and obtain certification by a suitably qualified geotechnical engineer for any proposed future excavation or application of super imposed loads within the land subject to this restriction. Details of this assessment and certification shall be submitted to and approved by Clarence Valley Council prior to the commencement of excavation works or the application of super imposed loads within the land subject to this restriction.

5. Terms of Restrictions on the Use of Land ninthly referred to in the above mentioned Plan.

The owner of Lots affected are required to maintain the revetment wall to the satisfaction of Clarence Valley Council

Name of person empowered to release, vary or modify Restriction or positive covenant fourthly referred to in the abovementioned plan:

Yamba Quays Pty Ltd whilst it remains the registered proprietor of any lot in the subdivision and after that Clarence Valley Council.

Certified correct for the purposes of the Real Property Act 1900
And executed on behalf of the company names below by the
Authorised person(s) whose signature(s) appear(s) below
Pursuant to the authority specified.

Company: YAMBA QUAYS PTY LTD
Authority: Section 127(1) of the Corporations Act 2001

Signature of authorised person:
Name of authorised person:
Office held:

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)

Plan: Plan of Subdivision of **Lot 2 DP 1248516** covered by Subdivision Certificate No.

Full name and address of the owner of the land

**Yamba Quays Pty Ltd ABN 18 629 899 716
C/- PO Box 1478, Ballina NSW 2478**

**Clarence Valley Council by its authorised delegate
Pursuant to Section 377 of the Local Government
Act 1993**

**I certify that I am an eligible witness and
that the delegate signed in my presence**

.....
Name of Authorised Officer

.....
Signature of Witness

.....
Signature of Authorised Officer

.....
Name of Witness

.....
Address

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)

Plan: Plan of Subdivision of **Lot 2 DP 1248516** covered by Subdivision Certificate No.

Full name and address of the owner of the land **Yamba Quays Pty Ltd ABN 18 629 899 716**
C/- PO Box 1478, Ballina NSW 2478

Executed by ESSENTIAL ENERGY
ABN 37 428 185 226 by its duly Appointed
Attorney Power of Attorney Book
No in the presence of:

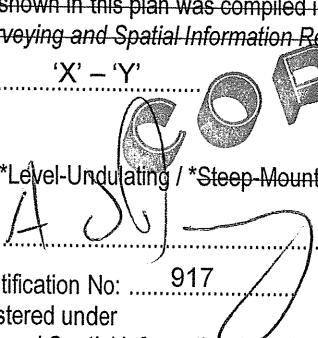
.....
Signature of witness

.....
Signature of Attorney

.....
Full Name of Witness

.....
Name and Title of Attorney

.....
Address

PLAN FORM 6 (2017)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 3 sheet(s)
<p style="text-align: right;">Office Use Only</p> <p>Registered:</p> <p>Title System:</p>	<p style="text-align: right;">Office Use Only</p>	
<p>PLAN OF SUBDIVISION OF LOT 2 IN DP1248516</p>	<p>LGA: CLARENCE VALLEY</p> <p>Locality: YAMBA</p> <p>Parish: YAMBA</p> <p>County: CLARENCE</p>	
<p style="text-align: center;">Survey Certificate</p> <p>I, ANTHONY JOHN DENNY</p> <p>of NEWTON DENNY CHAPELLE</p> <p>a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on, or</p> <p>*(b) The part of the land shown in the plan (excluding ** LOT 180) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on, ...19/8/2021. the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line: 'X' - 'Y'</p> <p>Type: Urban</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p>Signature:  Dated: 2/9/2021.....</p> <p>Surveyor Identification No: 917</p> <p>Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>*Strike out inappropriate words.</p> <p>**Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	
<p>Plans used in the preparation of survey/compilation:</p> <p>DP1248516</p> <p>DP1259959</p> <p style="text-align: center;">If space is insufficient continue on PLAN FORM 6A</p>	<p style="text-align: center;">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Registered Certifier, certify that the provisions of s.6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if inapplicable.</p>	
<p>Surveyor's Reference: 18/336_STAGE 2 (POLICY 4)</p>	<p>Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.</p> <p>IT IS INTENDED TO DEDICATE DELLA PLACE AND THE EXTENSION OF WITONGA DRIVE TO THE PUBLIC AS PUBLIC ROAD</p> <p>IT IS INTENDED TO CREATE LOT 17 AS A DRAINAGE RESERVE</p> <p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	

PLAN FORM 6A (2017)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 3 sheet(s)

Office Use Only

Office Use Only

Registered:

**PLAN OF SUBDIVISION OF LOT 2 IN
DP1248516**

- This sheet is for the provision of the following information as required:
- A schedule of lots and addresses - See 60(c) *SSI Regulation 2017*
 - Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
 - Signatures and seals- see 195D *Conveyancing Act 1919*
 - Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number:

Date of Endorsement:

LOT	SUB ADDRESS	ADDRESS	ROAD NAME	ROAD TYPE	LOCALITY
155		25	WITONGA	DRIVE	YAMBA
156		23	WITONGA	DRIVE	YAMBA
157		21	WITONGA	DRIVE	YAMBA
158		19	WITONGA	DRIVE	YAMBA
159		17	WITONGA	DRIVE	YAMBA
160		2	DELLA	PLACE	YAMBA
161		4	DELLA	PLACE	YAMBA
162		6	DELLA	PLACE	YAMBA
163		8	DELLA	PLACE	YAMBA
164		10	DELLA	PLACE	YAMBA
165		12	DELLA	PLACE	YAMBA
166		14	DELLA	PLACE	YAMBA
167		16	DELLA	PLACE	YAMBA
168		18	DELLA	PLACE	YAMBA
169		20	DELLA	PLACE	YAMBA
170		22	DELLA	PLACE	YAMBA
171		24	DELLA	PLACE	YAMBA
172		26	DELLA	PLACE	YAMBA
173		28	DELLA	PLACE	YAMBA
174		30	DELLA	PLACE	YAMBA
175		32	DELLA	PLACE	YAMBA
176		34	DELLA	PLACE	YAMBA
177		36	DELLA	PLACE	YAMBA
178		38	DELLA	PLACE	YAMBA
179		NA			
180		NA			

NA DENOTES STREET NUMBER NOT AVAILABLE AT THE DATE OF SURVEY

If space is insufficient use additional annexure sheet

Surveyor's Reference: 18/336_STAGE 2 (POLICY 4)

PLAN FORM 6A (2017)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 3 of 3 sheet(s)

Office Use Only

Office Use Only

Registered:

**PLAN OF SUBDIVISION OF LOT 2 IN
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- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number:

Date of Endorsement:

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, AS AMENDED
IT IS INTENDED TO CREATE:

1. EASEMENT TO DRAIN WATER 3 WIDE (BD)
2. EASEMENT FOR DRAINAGE OF SEWAGE 3 WIDE (BA)
3. EASEMENT FOR DRAINAGE OF SEWAGE 4.2 WIDE (BB)
4. EASEMENT FOR DRAINAGE OF SEWAGE VARIABLE WIDTH (BC)
5. EASEMENT FOR UNDERGROUND POWERLINES 2 WIDE (BF)
6. EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE (BG)
7. RESTRICTION ON THE USE OF LAND
8. RESTRICTION ON THE USE OF LAND
9. RESTRICTION ON THE USE OF LAND

If space is insufficient use additional annexure sheet

Surveyor's Reference: 18/336_STAGE 2 (POLICY 4)