

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 6 sheets)

Plan: **DP1292924**

Plan of Plan of Subdivision of lot 51 in DP1250587 covered by Subdivision Certificate No *SC 2023/0007*

Full name and address of the owner of the land:

AJ Bulk Haulage Pty Ltd ACN 128 534 207
19 Kennedys Lane, Tyagarah, NSW 2481

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 variable width	Lots 101& 102	Richmond Valley Council
2.	Right of Carriageway variable width	Lot 117	Richmond Valley Council
3.	Right of Carriageway 20 wide	Lot 117	Richmond Valley Council
4.	Easement for Multi-Purpose Electrical Installation 4.2 wide	Lot 108	Essential Energy
5.	Restriction on the Use of Land (Access)	Lots 101,108,109 & 110	Richmond Valley Council
6.	Restriction on the Use of Land (Native vegetation)	Lots 105, 106, 111,112, 113, 115 & 116	Richmond Valley Council
7.	Restriction on the Use of Land (sewage)	Lots 101 to 116 inclusive	Richmond Valley Council
8.	Easement for access and to Allow Structure to remain variable width	Part Lot 108	Lot 117
9.	Restriction on the Use of Land	Lots 101 to 116 inclusive	Each other lot

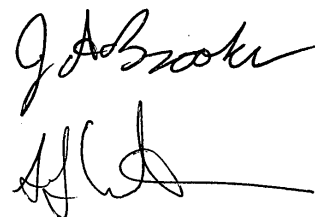
Part 2 (Terms)

1. Terms of easement, profit à prendre, restriction, or positive covenant numbered 1 in the plan.

(a) The Authority Benefited has the authority to:

- (i) Run water in pipes contained within the Easement Site on the Burdened Lots; and
- (ii) Undertake anything deemed necessary by the Authority Benefited for that purpose, including:

A. Entering the Lot Burdened; and



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B. Taking anything onto the Lot Burdened; and

C. Carrying out works such as construction, replacement, maintenance and/or repair of pipes, channels, ditches and equipment.

(b) In exercising those powers, the Authority Benefited must:

(i) Ensure all work is appropriately undertaken; and

(ii) Cause as little disturbance as practicable; and

(iii) Restore the Lot Burdened as close to its former condition as practicable.

(c) The Owner of the Lot Burdened must not erect, construct or place any structure, footing, overhang, trees, shrubs or gardens within the Easement Site.

Name of person empowered to release, vary or modify restriction or positive covenant numbered 1 in the plan.

Richmond Valley Council

2. Terms of easement, profit à prendre, restriction, or positive covenant numbered 4 in the plan.

Easement for Multi-Purpose Electrical Installation on the terms set out in Part C of registered memorandum AG189384

Name of person empowered to release, vary or modify restriction or positive covenant numbered 4 in the plan.

Essential Energy

3. Terms of easement, profit à prendre, restriction, or positive covenant numbered 5 in the plan.

The Owner of the Lot Burdened may not gain access to or egress from the Lot Burdened via Reardons Lane

Name of person empowered to release, vary or modify restriction or positive covenant numbered 5 in the plan

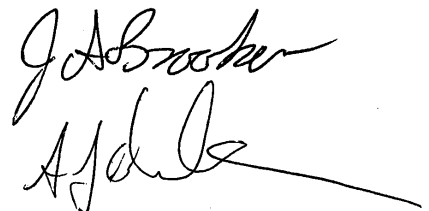
Richmond Valley Council

4. Terms of easement, profit à prendre, restriction, or positive covenant numbered 6 in the plan.

The Owner of the Lot Burdened may not remove any of the mature vegetation on the Lot Burdened which is identified in the as constructed site survey plan entitled 'Trees 01', unless approved by the Authority Benefited.

Name of person empowered to release, vary or modify restriction or positive covenant numbered 6 in the plan

Richmond Valley Council



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5. Terms of easement, profit à prendre, restriction, or positive covenant numbered 7 in the plan.

Prior to occupation of any dwelling or structure requiring the disposal of household wastewater on the Lot Burdened, an onsite sewage management system must be installed that provides for the secondary treatment of wastewater.

Name of person empowered to release, vary or modify restriction or positive covenant numbered 7 in the plan

Richmond Valley Council

6. Terms of easement, profit à prendre, restriction, or positive covenant numbered 8 in the plan.

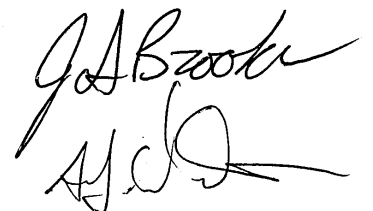
The Owner of the Lot Burdened must allow the Owner of the Lot Benefited and any contractors it engages access to the Easement Site to erect, install, repair and maintain the landscaping and signage on the Easement Site as a gateway to the estate and must not remove or otherwise disturb the signage or landscaping.

Name of person empowered to release, vary or modify restriction or positive covenant numbered 8 in the plan

The Owner of the Lot Benefited

7. Terms of easement, profit à prendre, restriction, or positive covenant numbered 9 in the plan.

- (a) No fence shall be erected on any Lot Burdened to divide the same from any other Lot unless such fence is erected without expense to AJ Bulk Haulage Pty Ltd.
- (b) No building may be erected or permitted to remain on any Lot Burdened:
 - (i) Where the building is constructed of other than new materials at the time of construction;
 - (ii) Having a roof of unpainted corrugated iron, fibre cement sheeting, fibre glass, aluminium or other reflective material provided that factory pre-coloured profiled metal decking with approved surface coating such a colourbond may be permitted.
- (c) No main building erected on any Lot Burdened may be used or permitted to be used for any purpose other than as a single private dwelling.
- (d) No dwelling may be erected or permitted to remain erected on any Lot Burdened with a floor area, measured externally, of less than one hundred and fifty (150) square metres including the area of any enclosed garage but excluding eaves, carports and covered porches.
- (e) No tent, mobile home nor any other form of temporary dwelling may be erected or brought onto or remain on the Lot Burdened.
- (f) No private garage or out buildings may be erected or permitted to remain on the Lot Burdened except concurrently with the erection of any dwelling, the construction of which must proceed expeditiously.
- (g) No existing dwelling may be moved onto or re-erected on any Lot Burdened.
- (h) The Owner must not allow the grass on the Lot Burdened to become overgrown or permit any rubbish or debris to accumulate on the Lot Burdened.



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Name of person empowered to release, vary or modify restriction or positive covenant numbered 9 in the plan

The Owner of the Lot Benefited

8. Interpretation

For the purposes of this Instrument:

Authorised User means each person or authority authorised to use an Easement Site by the owner of the Lot Benefited or the Authority Benefited.

Authority Benefited means the authority benefited by an easement, restriction on use of land or positive covenant.

Easement Site means the area affected by the easement or restriction on use as delineated in the Plan.

Lot means a lot in the Plan.

Lot Benefited means the Lot benefited by the easement or restriction on use.

Lot Burdened means the Lot burdened by the easement or restriction on use.

Owner means the registered proprietor or person having exclusive possession from time to time of the Lot Benefited or the Lot Burdened, as the case may be.

Plan means the plan lodged for registration at Land Registry Services NSW with this instrument.

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the corporation named below by the authorised person(s) whose signature(s) appears(s) below pursuant to the authority specified.

Corporation: AJ Bulk Haulage Pty Ltd ACN 128 534 207
Capacity:
Authority: section 127 of the Corporations Act 2001

Signature of authorised person:



Name of authorised person: *Jason Brooker*
Office held: Director

Signature of authorised person:



Name of authorised person: *Andrew Johnston*
Office held: Director

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

Richmond Valley Council by its authorised delegate
pursuant to s.377 Local Government Act 1993

Signature of witness: *Jill Clark*

Signature of delegate: *Vaughan Macdonald*

Name of witness: *Jill Clark*

Name of delegate: *Vaughan Macdonald*

Address of witness: *Richmond Valley
Council*

EXECUTED BY PERPETUAL CORPORATE TRUST LIMITED:

Perpetual Corporate Trust Limited ACN 000 341 533
by its Attorney pursuant to Power of Attorney dated
18 September 2014 Registered No. 134 Book 4676
Who states that he/she has received no notice of
revocation of the Power of Attorney.

Attorney Name: *[Signature]*
Position: *Vanessa Milosev
Senior Custody Manager*

Witness

[Signature]
Senay Sevgi
Client Service Officer

[Signature]
[Signature]

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EXECUTED BY ESSENTIAL ENERGY

by its duly appointed attorneys under power of attorney Book ~~4641~~ No. ~~640~~ in the presence of: *MB* *MB* *MB*

MB
.....

Signature of Witness

Melinda White
.....

Name of Witness

8 Miller Street

Port Macquere

MB
.....
Signature of Attorney

Melissa Rice, Acting Head of Legal
.....
Name of Attorney

.....
Signature of Attorney

.....
Name of Attorney

REGISTERED:  21/03/2023