

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 4 Sheets)

DP1248978

Plan of Subdivision of Lot 4 in DP1238103 covered by Subdivision Certificate No. SC2019-0006

Full name and address of owner of the land:

**Albatross Point Pty Ltd
14A William Street
RAYMOND TERRACE NSW 2324**

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 to Drain Sewage Variable Width (S4)	Lot 1	Richmond Valley Council
2	Easement to Drain Water Variable Width (W)	Lot 1	Richmond Valley Council
3	Positive Covenant	Lots 1-20	Richmond Valley Council
4	Easement for Aerodrome Emissions (B)	Lots 1-20 (ENTIRE LOT)	Lot 3 DP1217074

PART 2 (Terms)

1. Terms of Easement Firstly referred to in the above mentioned 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 drain 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 draining sewage or any pipe or pipes in replacement or in substitution therefor and where no such pipes exists, to lay, place and maintain a line of pipes of sufficient internal diameter beneath or upon the surface of the servient tenement and 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 an extent as may be necessary provided that the body in whose favour this easement is created will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement.

2 Terms of Easement Secondly referred to in the above mentioned Plan

Those terms set out in Part 3 of Schedule 4A of the Conveyancing Act 1919.



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3 Terms of Positive Covenant Thirdly referred to in the abovementioned Plan

Any application for a construction certificate for a dwelling on the subject Lot must address and provide for in that application the following acoustic measures:

- (1) Acoustic wall and ceiling insulation
- (2) Air-tight door and window seals.

The servient tenement will keep and maintain these items in good condition and in a proper state of repair to the satisfaction of Richmond Valley Council.

4 Terms of Easement for Aerodrome Emissions Fourthly referred to in the above mentioned Plan

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that person, from time to time and at all times to continue to operate the Evans Head memorial aerodrome and to emit noise and vibration in accordance with the conditions of any planning permit, licence or approval governing the operational parameters of the aerodrome across, above and through the land herein indicated as the servient tenement.

The owner of the lot burdened must not make, issue or commence (or allow to be made, issued or commenced on their behalf) any:

- a) Complaint or objection to any authority; or
- b) Claim,

in relation to any noise or vibration emitted from the land herein indicated as the dominant tenement in so far as the aerodrome is operating in accordance with any planning permit, licence or approval governing the operational parameters thereof.

Name of Person Empowered to Release Vary or Modify Easement **firstly** referred to in the Plan.:

Richmond Valley Council

Name of Person Empowered to Release Vary or Modify Easement **secondly** referred to in the Plan.

Richmond Valley Council

Name of Person Empowered to Release Vary or Modify Positive Covenant **thirdly** referred to in the Plan

Richmond Valley Council

Name of Person Empowered to Release Vary or Modify Restrictions on the Use of Land **fourthly** referred to in the Plan

Heritage Council of NSW



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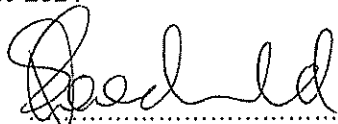
DP1248978

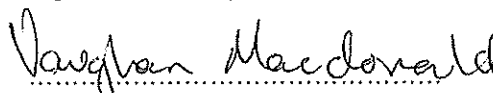
Plan of Subdivision of Lot 4 in DP1238103 covered by Subdivision Certificate No SC2019-0006

Full name and address of owner of the land:

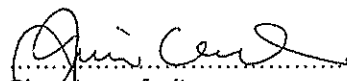
**Albatross Point Pty Ltd
14A William Street
RAYMOND TERRACE NSW 2324**

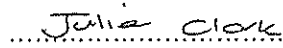
Richmond Valley Council by its authorised delegate
Pursuant to S377 of the Local Government Act 1919

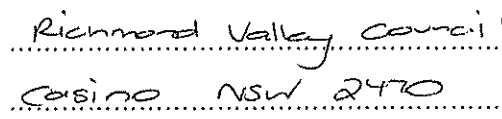

Signature of delegate


Name of delegate

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

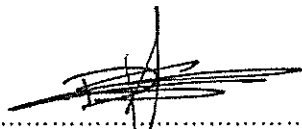

Signature of witness


Name of witness


Address of witness

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

Corporation: Albatross Point Pty Ltd (ACN 615 752 273)
Capacity:
Authority: section 127 of the Corporations Act 2001



Signature of authorised person:
Office held: Sole Director/Secretary

David Murray Sharpe
Name of authorised person

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**Albatross Point Pty Ltd
14A William Street
RAYMOND TERRACE NSW 2324**

Mortgagee under Mortgage No. AN 239802
Signed at East Maitland this 9 day of November
2018 for National Australia Bank Limited ABN 12 004 044 937
by Shane Hindle its duly
appointed Attorney under Power of Attorney No. 39 Book 4512
Attorney Signature, Level 2 Attorney [Signature]
Witness Signature [Signature]
Witness Name Karen La Fon
Witness Address 15 Mitchell Dr East Maitland NSW 2323

REGISTERED  03.12.2018

[Signature]