

Instrument setting out terms of Easement 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 or released pursuant to section 88B Conveyancing Act 1919.



(Sheet 1 of ⁶~~5~~ sheets)

DP1233571 B

Plan of Subdivision of part of Lot 91 DP 1224813 covered by
Subdivision Certificate No. 03/17 Dated 17/5/17.

**Full name and address
of the owner of the land:**

**KPD Perricoota Pty Ltd ACN 102 668 388
of 47 Queen Street, Bendigo Victoria, 3550**

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 Water variable width | 103, 106 and 107 | Murray Shire Council River <i>R</i> |
| 2 | Easement to Drain Sewage 3 metres wide | 95 | Murray Shire Council River <i>R</i> |
| 3 | Easement for Underground Powerlines 2 metres wide & variable | 108 | Essential Energy |
| 4 | Restriction on use of land | Each and every lot excluding Lot 108 | Each and every other lot excluding Lot 108 |

Part 2 (Terms)

- TERMS OF EASEMENT FIRSTLY REFERRED TO IN ABOVEMENTIONED PLAN**
Easement to Drain Water (statutory meaning) Schedule 8 Part 3 Conveyancing Act 1919.
- TERMS OF EASEMENT SECONDLY REFERRED TO IN ABOVEMENTIONED PLAN**
Easement to Drain Sewage (statutory meaning) Schedule 8 Part 4 Conveyancing Act 1919.
- TERMS OF EASEMENT THIRDLY REFERRED TO IN ABOVEMENTIONED PLAN**
Easement for underground powerlines the terms of which are set out in Part B of Memorandum AG189384 as registered at the LPI.
- TERMS OF RESTRICTION FOURTHLY REFERRED TO IN ABOVEMENTIONED PLAN**
Terms of restriction on the use of land numbered 4 in the plan.

The Owner of a burdened lot shall not:

- erect or re-erect or allow to be erected or re-erected on the lot any building or part of a building which has previously been erected in another location nor use any

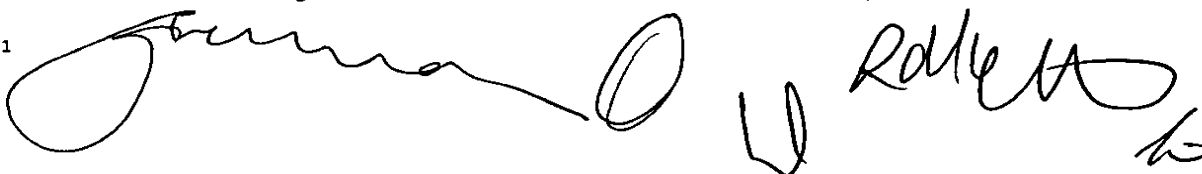
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second hand building materials (except in accordance with clause 2 in the construction of any building on the lot;

2. erect or cause or allow to be erected on the lot any building other than one private dwelling house (such expression to include any flat, unit or apartment) with outbuilding or garage in accordance with clauses 3, 4, and 4.4 respectively and such dwelling house shall:
 - 2.1 not be constructed without a garage being constructed at the same time and in accordance with clauses 4 or 4.4 respectively; and
 - 2.2 not have a floor area of less than 130 square metres within the outer walls thereof, calculated by excluding the area of all eaves, pergolas, verandahs and garages; and
 - 2.3 not be constructed using second hand external wall cladding unless such material is recycled timber and does not comprise more than ten per cent of the total external wall area; and
 - 2.4 not be roofed with any material other than non-reflective colorbond steel sheeting, concrete tiles, slate tiles or terracotta tiles;
 - 2.5 not be used as other than a private residence, unless it is a display home; and
 - 2.6 not include a carport; and
 - 2.7 not have the height of the floor level of all habitable rooms of the dwelling house less than 95.84 Australian Height Datum.
3. erect or cause or allow to be erected on the lot any outbuilding (other than a garage) which:
 - 3.1 has a floor area of more than 60 square metres or a height of more than 3.75 metres from the natural ground level;
 - 3.2 is constructed of materials which are in conformity with those authorised in clause 2 hereof (unless that outbuilding has a floor area of 10 square metres or less); and
 - 3.3 is not fully enclosed;
4. erect or cause or allow to be erected on the lot any garage which:
 - 4.1 has a floor area of more than 70 square metres or a height of more than 4.00 metres from the natural ground level;
 - 4.2 is not fully enclosed;
 - 4.3 is not constructed of the same materials used in the construction of a private dwelling house erected or to be erected on the lot; and

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- 4.4 is additional to any garage already erected on the lot;
5. use or cause or allow to be used any reflective material as external wall cladding or roofing on any building erected on the lot;
6. erect or cause or allow to be erected on the lot any fence (which expression shall include a wall or screen) forward of the front facade of the dwelling house which has been constructed on it unless:
- 6.1 such fence is constructed perpendicular to the street and of timber using three kiln dried hardwood horizontal rails and treated pine palings;
- 6.2 such fence does not exceed 1.2 metres in height from the natural ground level tapering up to not more than 1.8 metres in height from the natural ground level at a distance which is more than 5 metres from the title boundary abutting the street; and
- 6.3 if no dwelling house has been erected on the lot and the lot has frontage to a single street then such a fence may only be erected within 5 metres of the title boundary abutting the street; and
- 6.4 if no dwelling house has been erected on the lot and the lot has frontage to more than one street ("corner lot") then such a fence may only be erected within 5 metres of one of the title boundaries (excluding a splay corner) abutting a street; and
- 6.5 if a dwelling house has been erected on the lot and the lot is a corner lot then such a fence may only be erected forward of the front facade of the dwelling house;
7. if the burdened lot is lot 99 or lot 102, erect or cause or allow to be erected on the lot any fence on the northern title boundary of the lot which is greater in height than 2.0 metres from the natural ground level;
8. if the burdened lot is lot 92 or lot 93, erect or cause or allow to be erected any fence constructed of material other than plain wire ring lock and treated pine post, on the boundaries adjoining the neighbouring Perricoota Estate;
9. if the burdened lot is lot 101 or lot 105, erect or cause or allow to be erected any title boundary fence along a road reserve without the prior written approval of KPD Perricoota Pty Ltd;
10. erect or cause or allow to be erected on the lot any fence (other than a fence referred to in clauses 6.2 or 7 above) which is greater in height than 1.8 metres from the natural ground level;
11. erect or cause or allow to be erected on the lot any fence (other than a fence referred to in clause 8 above) which is constructed of any material other than timber using three kiln dried hardwood horizontal rails and treated pine palings;

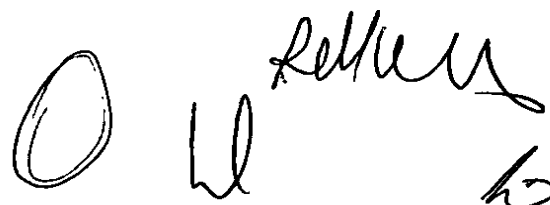
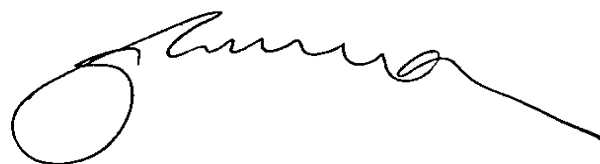
The block contains several handwritten signatures and initials. On the left, there is a large, flowing signature. To its right is a circular stamp or mark. Further right, there is another signature, and below it, the initials 'W' and 'H' are written. On the far right, there is a signature that appears to be 'Ratke' and some other initials.

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12. use or cause or allow to be used on the lot any outbuilding, mobile home, caravan, tent or other moveable accommodation for living or residential accommodation;
13. keep or cause or allow to be kept on the lot any animals or birds other than those permitted by local government authority or authorities for the time being;
14. use or cause or suffer the lot to be used for any of the following purposes:
 - 14.1 road transport terminal or depot;
 - 14.2 bus terminal or depot;
 - 14.3 displaying goods for hire or sale;
 - 14.4 panel beating or motor repair workshop;
 - 14.5 wood yard, boat yard, marina or marine depot;
 - 14.6 commercial storage;
 - 14.7 recreational motor cycling;
15. subdivide or allow to be subdivided the lot or any building erected or to be erected on the lot;
16. pending erection of a dwelling house on the lot, allow that lot to become a fire hazard or to be in a condition which has a detrimental affect on the amenity of the neighbourhood;



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Executed by KPD Perricoota Pty Ltd)
ACN 102 668 388 pursuant to Section 127 of the)
Corporations Act 2001 by being signed by those)
persons who are authorised to sign for the company:)

Director
Full Name Timothy John Robertson
Usual address 386 Margaret Street
Bendigo 3550

Director/Secretary
Full Name Gary John Costelloe
Usual address Level 1, 6 Riverside Quay
Southbank 3006

Executed by Bendigo and Adelaide Bank Ltd)
ABN 11 068 049 178 by being signed by its)
Attorneys)

who certify that they are the) Attorney

respectively for the time being of the)
Company under the Power of Attorney)
dated 9 April 2008 registered in)
Book 4542 Number 334 in the presence of -) Attorney

I certify that the attorney(s) signing opposite,
with whom I am personally acquainted or as
to whose identity I am otherwise satisfied,
signed this instrument in my presence.

Signature of witness.....

Name of witness.....

Address of witness.....

EXECUTED by
BENDIGO and ADELAIDE BANK LTD
ABN 11 068 049 178
by being signed by its Attorney
Kelly May Lawrence
who certify that they are the
LOAN SERVICES OFFICER
for the time being of the Company under Power
of Attorney dated 7 March 2016 registered in
Book 4707 Number 729 in the presence of:

I certify that the attorney(s) signing opposite,
with whom I am personally acquainted or as to
whose identity I am otherwise satisfied, signed
this instrument in my presence.

Sheree Alicia Thornton
Witness Name
114 Brisbane St
POWELL QLD 4305

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Murray River Council by its authorised delegate pursuant to
S337 Local Government Act 1993 Simon Arkinstall Director
of Environmental Services:

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

Name of witness: X CHRISTOPHER WILLIAM O'BRIEN
Address of witness: X 2/21 CULPA ST
MATHOURA NSW 2710

Executed by Essential Energy

by its duly appointed attorney under power of
attorney Book 4641 No. 640 in the presence of:
4643 330

Signature of witness

Name of witness

RAELENE MYERS
JP202504
35 Grant Street
Port Macquarie 2444

Address of witness

Signature of Witness

Signature of attorney

Tony Leahy
Manager Property, Fleet, Procurement & Logistics
Essential Energy

Name and title of attorney

Signature of attorney

Name and title of attorney

REGISTERED



21.8.2017