





4. (R) RESTRICTION ON THE USE OF LAND 3 WIDE
5. (R) RESTRICTION ON THE USE OF LAND 5 WIDE
6. (R) RESTRICTION ON THE USE OF LAND 1 WIDE
7. (R) RESTRICTION ON THE USE OF LAND 0.5 WIDE
8. (R) EASEMENT FOR CONSTRUCTION AND MAINTENANCE 0.9 WIDE
10. (S) EASEMENT FOR SEWER MAIN 2.4 WIDE

Pt 598

Surveyor: ANTHONY R ALSTEDBROOK  
Date of Survey: 22/2/22  
Surveyor's Ref: 24087 SL

PLAN OF:  
SUBDIVISION OF LOTS  
573-575 INC.  
DP 1154415

LOC: SHOALHAVEN  
LOCALITY: VINCENIA  
Subdivision No: 1154415  
Lengths are in metres. Reduction Ratio: 1: 400

Registered

Registered

Registered

## DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of ? Sheet(s)

\*OFFICE USE ONLY

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

IT IS INTENDED TO DEDICATE ROAD, ROAD, ROAD, ROAD ROAD, ROAD AND THE EXTENSION OF HALLORAN STREET TO THE PUBLIC AS PUBLIC ROAD

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

1. RESTRICTION ON THE USE OF LAND
2. RESTRICTION ON THE USE OF LAND
3. RESTRICTION ON THE USE OF LAND
4. RESTRICTION ON THE USE OF LAND  
3 WIDE
5. RESTRICTION ON THE USE OF LAND  
5 WIDE
6. RESTRICTION ON THE USE OF LAND  
1 WIDE

CONT. SHEET 2

Use PLAN FORM 6A  
for additional certificates, signatures, seals and statements

## Crown Lands NSW/Western Lands Office Approval

I.....in approving this plan certify  
(Authorised Officer)  
that all necessary approvals in regard to the allocation of the land shown  
herein have been given  
Signature:.....  
Date:.....  
File Number:.....  
Office:.....

## Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed SUBDIVISION set out herein  
(insert 'subdivision' or 'new road')

\* Authorised Person/General Manager/Accredited Certifier

Consent Authority: .....  
Date of Endorsement: .....  
Accreditation no: .....  
Subdivision Certificate no: .....  
File no:

\* Delete whichever is inapplicable.

Registered: \*

Title System:

Purpose:

PLAN OF

**SUBDIVISION OF  
LOTS 573-575 INCL.  
DP 1154415**

LGA: SHOALHAVEN

Locality: VINCENTIA

Parish: BHERWERRE

County: ST VINCENT

Surveying and Spatial Information Regulation, 2006

I, ANTHONY R AULSEBROOK  
of ALLEN, PRICE & ASSOCIATES  
a surveyor registered under the *Surveying and Spatial Information Act, 2002*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveying and Spatial Information Regulation, 2006* and was completed on:  
?

The survey relates to  
LOTS 575-597 INCL & ROADS  
(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature Dated:  
Surveyor registered under the *Surveying and Spatial Information Act, 2002*

Datum Line:  
Type: ~~Urban~~/Rural

Plans used in the preparation of survey/compilation  
DP 1154415

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 24087 SL

## DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 Sheet(s)

PLAN OF

SUBDIVISION OF  
LOTS 573-575 INCL.  
DP 1154415

\*

Registered:

\*

\*OFFICE USE ONLY

Subdivision Certificate No:

Date of Endorsement:

CONT. FROM SHEET 1

7. RESTRICTION ON THE USE OF LAND 0.5 WIDE
8. EASEMENT FOR CONSTRUCTION AND  
MAINTENANCE ACCESS 0.9 WIDE
9. RESTRICTION ON THE USE OF LAND
10. EASEMENT FOR SEWER MAIN 2.4 WIDE

AS SET OUT IN THE ACCOMPANYING  
INSTRUMENT APPROVED BY THE  
COUNCIL OF THE CITY OF SHOALHAVEN

EXECUTED BY STOCKLAND DEVELOPMENT PTY LIMITED

SURVEYOR'S REFERENCE: 24087 SL

**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 of the Conveyancing Act, 1919.**

Measurements are in metres

Sheet 1 of 9 sheets

Plan

Subdivision of Lot 573-575 inclusive  
DP 1154415 covered by Subdivision  
Certificate No.

Full name and address  
of owner of land

**Stockland Development Pty Limited**  
133 Castlereagh Street  
SYDNEY NSW 2000

**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	Restriction on the Use of Land	575-597 incl.	Shoalhaven City Council
2	Restriction on the Use of Land	575-597 incl.	Shoalhaven City Council
3	Restriction on the Use of Land	575-597 incl.	Shoalhaven City Council
4	Restriction on the Use of Land 3 wide R1	575, 581, 582, 586, 587, 590, 591, 592 & 595	Shoalhaven City Council
5	Restriction on the Use of Land 5 wide R2	575-586 incl. & 588-597 incl.	Shoalhaven City Council
6	Restriction on the Use of Land 1 wide R3	582, 586, 587, 588, 591, 596 & 597	Shoalhaven City Council
7	Restriction on the Use of Land 0.5 wide R4	575-581 incl. & 583-585 incl.	Shoalhaven City Council
8	Easement for Construction and Maintenance Access 0.9 wide C	575 576 577 578 579 580	576 577 578 579 580 581

Approved by the Council of the City of Shoalhaven

.....dated.....

Plan

Subdivision of Lot 573-575 inclusive  
DP 1154415 covered by Subdivision  
Certificate No.

**PART 1 (Creation) cont.**

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
8	Easement for Construction and Maintenance Access 0.9 wide C	582 583 584 585 589	583 584 585 586 588
9	Restriction on the Use of Land	575-597 incl.	Shoalhaven City Council
10	Easement for Sewer Main 2.4 wide	575-592 incl. & 597	Shoalhaven City Council

**PART 2 (Terms)****Terms of Restriction on the Use of Land numbered 1 in the plan**

- 1) In these restrictions on the use of the land numbered 3 in the abovementioned plan (which shall include the statement at the completion hereof stipulating the party by whom and with whose consent the said restrictions as to user may be released, varied or modified) unless something in the subject matter or context is inconsistent therewith, the following expressions have the meaning attributed thereto in this restriction, that is to say:-

<b>“Articulation zone”</b>	means area within the main building line setback incorporating a porch, verandah, pergola or balcony.
<b>“Building line”</b>	means a line on an allotment past which building cannot take place. Exceptions are items permitted in the articulation zone such as a porch, pergola, verandah or balcony.
<b>“Design Essentials”</b>	means the document of design controls prepared by Stockland from time to time, also referred to as the Design Guidelines.

Approved by the Council of the City of Shoalhaven

.....dated.....

Plan

Subdivision of Lot 573-575 inclusive  
DP 1154415 covered by Subdivision  
Certificate No.

**PART 2 (Terms) cont.**

**“Primary building line”** means distance between the primary property boundary & dwelling incorporating the articulation zone.

**“Prohibited Item”** means any plant, machinery and/or other equipment, including but without limiting the generality thereof any caravan, box trailer, boat trailer, car trailer, motor vehicle or any part thereof BUT shall not include any motor car, motor station wagon and/or utility that is properly registered for use on a public road.

**“Secondary building line”** means distance between the secondary property boundary & dwelling incorporating the relevant articulation zone described in the Design Essentials.

**“The Local Council”** means the Council of the City of Shoalhaven

**“The Prohibited Area”** means:-  
(a) in the case of a lot which faces only one (1) public road, that area between the primary building line of the main building erected thereon to the lot boundary, with minimum distance stipulated in the Design Essentials documentation.  
(b) in the case of a lot which faces more than one (1) public road, that area between the front building line of the main building erected facing the primary building line and the secondary building line to the secondary street frontage and any other area of the lot that is not screened from public view.

**“Stockland”** means Stockland Development Pty Limited.

- 2) No Prohibited Item shall be permitted to remain on any part of the Prohibited Area of the lot burdened for a period exceeding fourteen (14) consecutive days without being moved from the lot burdened. Any Prohibited Item that is removed from the lot burdened for a period of less than seven (7) consecutive days shall be deemed to have remained on the lot burdened for the period during which it was removed.
- 3) No builders toilet or site shed shall be erected or permitted to remain on any part of the Prohibited Area of the lot burdened after construction of the building on the lot burdened.
- 4) No structure of a temporary character or nature which is intended for habitation, including, but without limiting the generality thereof, any basement, tent, shed, shack, garage, trailer, camper or caravan, shall be erected or permitted to remain on the lot burdened.

Approved by the Council of the City of Shoalhaven

.....dated.....

Plan

Subdivision of Lot 573-575 inclusive  
DP 1154415 covered by Subdivision  
Certificate No.

**PART 2 (Terms) cont.**

- 5) No earth, stone, gravel or trees shall be removed or excavated from any lot burdened except where such removal or excavation is necessary for the erection of a building on the relevant lot burdened or to facilitate all reasonable landscaping of the burdened lot and no lot shall be permitted to be, appear or remain in an excavated or quarried state.
- 6) No fuel storage tanks (except any such tank or tanks used for oil heating purposes) shall be placed upon or permitted to remain on the lot burdened.
- 7) No noxious, noisome or offensive occupation, trade, business, manufacturing or home industry shall be conducted or carried out on the lot burdened.
- 8) No commercial or boarding kennels shall be constructed or permitted to remain on the lot burdened.
- 9) No advertisement hoarding sign or matter of any description shall be erected or displayed on the lot burdened without the prior written consent of Stockland unless otherwise approved by Shoalhaven City Council BUT nothing in this restriction shall prevent the proprietor of any lot burdened from displaying not more than one (1) sign on the lot burdened advertising the fact that the relevant lot burdened is for sale IF:-
  - (a) any such sign does not exceed nine hundred millimetres (900mm) in width and nine hundred millimetres (900mm) in height; and
  - (b) any such sign is painted and/or decorated in its entirety by a professional signwriter.
- 10) No motor truck, lorry or semi-trailer with a load carrying capacity exceeding two point five (2.5) tonnes shall be parked or permitted to remain on the lot burdened unless the same is used in connection with the erection of a Dwelling on the relevant lot burdened.
- 11) No building shall be permitted to be constructed on the lot burdened nor shall the construction of any building be permitted to continue on the lot burdened in the event, for any reason whatsoever, that any object or thing generated by the construction of the building on the lot burdened, including but without limiting the generality thereof any spoil or builder's rubbish, is deposited or permitted to remain on any lot adjoining the lot burdened.
- 12) No building shall be permitted to be constructed on the lot burdened nor shall the construction of any building be permitted to continue on the lot burdened:-
  - (a) unless the lot burdened is maintained in a clean and tidy condition as is practicable having regard to the nature of the construction being carried out; and
  - (b) unless all rubbish or refuse generated by such construction works is collected and removed from the lot burdened not less than once every four (4) weeks.
- 13) No clothes line shall be erected or permitted to remain on the lot burdened that is within public view.

Approved by the Council of the City of Shoalhaven

.....dated.....



Plan

Subdivision of Lot 573-575 inclusive  
DP 1154415 covered by Subdivision  
Certificate No.

**PART 2 (Terms) cont.**

- 14) No radio masts and/or antennas shall be erected or permitted to remain on the lot burdened unless the same are not visible from any public road and/or place.
- 15) No satellite dishes, television masts and/or antennas shall be erected or permitted to remain on the lot burdened unless the same are erected at or near the rear of the main building erected on the lot burdened.
- 16) No dividing fence shall be erected on the lot burdened unless it is erected without expense to Stockland, its successors and assigns other than purchasers on sale.
- 17) No building shall be erected on the lot burdened that is intended or used for a commercial use.
- 18) No building, apart from the main building erected on the lot burdened, shall be erected or permitted to remain on the lot burdened unless:-
  - (a) that building or those buildings are not visible from any public road and/or place; and
  - (b) that building or those buildings are of a design which compliments the main building erected on the lot burdened and are constructed of the same or similar materials to those used in the main building erected on the lot burdened; or
  - (c) it is a garden shed which is visible from a public road and/or place where:-
    - (i) all care has been taken to ensure that the same is as least obvious as possible.
    - (ii) The same is constructed of metal which has been treated by the process commonly known as "colour bonding" or any other similar factory pre-coated process.
- 19) No building shall be erected or permitted other than for residential use.
- 20) No building erected on any lot burdened shall be used for the purposes of the display of an exhibition home or for the promotion or sale of homes without the prior written consent of Stockland Development Pty Limited.
- 21) There shall be no further subdivision or consolidation of any lot burdened without the prior written consent of Stockland Development Pty Limited whilst ever Stockland Development Pty Limited owns any one of the lots burdened.

**Name of person or Authority empowered to release, vary or modify restriction numbered 1  
in the plan**

Stockland Development Pty Limited whilst ever it owns any lot or any part of a lot in the plan  
which these restrictions burden and thereafter Shoalhaven City Council

Approved by the Council of the City of Shoalhaven

.....dated.....

Plan

Subdivision of Lot 573-575 inclusive  
DP 1154415 covered by Subdivision  
Certificate No.

**PART 2 (Terms) cont.**

**Terms of Restriction on the Use of Land numbered 2 in the plan**

No building shall be erected on any lot unless the building is constructed on pier and beam footings to safe and uniform strata or alternatively on footings or slab designed and certified by a chartered professional engineer prior to the issue of a construction certificate for the proposed building.

**Name of person or Authority empowered to release, vary or modify restriction numbered 2 in the plan**

Shoalhaven City Council

**Terms of Restriction on the Use of Land numbered 3 in the plan**

- 1) No dwelling may be erected or commenced nor permitted to remain on the lot burdened unless:
  - (a) the dwelling, to be erected, external materials, colours and finishes including roofing materials and bricks of the dwelling and landscaping have been designed in accordance with the "Design Essentials for Bayswood" published by Stockland from time to time, and
  - (b) the plans, elevations and a schedule of external materials, colours and finishes including roof materials and bricks have been submitted to and approved in writing by Stockland. Approval by Stockland must be obtained before application is made to any relevant authority.
- 2) No building is to be erected or permitted to remain on the lot burdened unless the roof water drainage is connected to a minimum size 3 kilolitre water tank.

**Name of person or Authority empowered to release, vary or modify restriction numbered 3 in the plan**

Stockland Development Pty Limited whilst ever it owns any lot or any part of a lot in the plan and for a period of three (3) years thereafter and thereafter Shoalhaven City Council

**Restriction on the Use of Land 3 wide numbered 4 in the plan**

- 1) No building shall be erected or permitted to remain on the part of any lot burdened with the exception of porches, balconies, verandahs, decks, pergolas and other similar structures which may encroach up to a maximum of 1.5 metres from the restriction line as shown on the plan in a direction towards the road frontage of the lot burdened; and

Approved by the Council of the City of Shoalhaven

.....dated.....

Plan

Subdivision of Lot 573-575 inclusive  
DP 1154415 covered by Subdivision  
Certificate No.

**PART 2 (Terms) cont.**

- 2) No trees shall be removed from the part of the lot burdened unless approved in writing by Shoalhaven City Council.

**Name of person or Authority empowered to release, vary or modify restrictions numbered 4 in the plan**

Shoalhaven City Council

**Terms of Restriction on the Use of Land 5 wide numbered 5 in the plan**

- 1) No building shall be erected or permitted to remain on the part of any lot burdened with the exception of porches, balconies, verandahs, decks, pergolas and other similar structures which may encroach up to a maximum of 2.5 metres from the restriction line as shown on the plan in a direction towards the road frontage of the lot burdened; and
- 2) No trees shall be removed from the part of the lot burdened unless approved in writing by Shoalhaven City Council.

**Name of person or Authority empowered to release, vary or modify restrictions numbered 5 in the plan**

Shoalhaven City Council

**Terms of Restriction on the Use of Land 1 wide numbered 6 in the plan and Restriction on the Use of Land 0.5 wide numbered 7 in the plan**

- 1) No wall of any building shall be erected or permitted to remain on the part of any lot burdened; and
- 2) No trees shall be removed from the part of the lot burdened unless approved in writing by Stockland Development Pty Limited or Shoalhaven City Council.

**Name of person or Authority empowered to release, vary or modify restrictions numbered 6 & 7 in the plan**

Shoalhaven City Council

Approved by the Council of the City of Shoalhaven

.....dated.....

Plan

Subdivision of Lot 573-575 inclusive  
DP 1154415 covered by Subdivision  
Certificate No.

**PART 2 (Terms) cont.**

**Terms of Easement for Construction & Maintenance Access 0.9 wide numbered 8 in the plan**

- 1) The owner of the lot benefited may:
  - (a) Use the lot burdened for the purpose of carrying out any necessary work on the lot benefited which cannot otherwise reasonably be carried out including the construction of a dwelling upon the lot benefited; and
  - (b) Do anything reasonably necessary for that purpose, including:
    - entering the lot burdened; and
    - taking anything on to the lot burdened; and
  - (c) May erect structures wholly upon the lot benefited up to the common boundary between this easement and the property boundary of the lot benefited.
- 2) In exercising those powers the owner of the lot benefited must:
  - (a) ensure all work on the lot benefited is done properly and carried out as quickly as practicable, and
  - (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
  - (c) cause as little damage as is practicable to the lot burdened and any improvement on it, and
  - (d) restore the lot burdened as nearly as is practicable to its former condition, and
  - (e) make good any collateral damage.

**Name of person or Authority empowered to release, vary or modify easement numbered 8 in the plan**

Shoalhaven City Council

**Terms of Restriction on the Use of Land numbered 9 in the plan in the plan**

- 1) The planting of plant species listed on the Shoalhaven City Council's Noxious and Environmental Weeds lists or Weeds Australia NSW weeds list ([www.weeds.org.au](http://www.weeds.org.au)) is prohibited for the life of the development.
- 2) No keeping of cats is permitted to protect native fauna and flora of the locality.

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

Shoalhaven City Council

Approved by the Council of the City of Shoalhaven

.....dated.....

Plan

Subdivision of Lot 573-575 inclusive  
DP 1154415 covered by Subdivision  
Certificate No.

**PART 2 (Terms) cont.**

**Terms of Easement for Sewer Main 2.5 wide numbered 10 in the plan**

- 1) The Council of the City of Shoalhaven may:
  - (b) Drain or pump sewage, sullage and other fluid wastes in pipes through each lot burdened, but only within the site of this easement, and
  - (c) Do anything reasonably necessary for that purpose, including:
    - entering the lot burdened, with or without vehicles, and
    - taking anything on to the lot burdened, including machinery and materials, and
    - using any existing line of pipes, and
    - carrying out works, such as constructing, placing, replacing, repairing or maintaining pipes and equipment.
- 2) In exercising those powers, the Council of the City of Shoalhaven must:
  - (a) ensure all work is done properly, and
  - (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
  - (c) cause as little damage as is practicable to the lot burdened and any improvement on it, and
  - (d) restore the lot burdened as nearly as is practicable to its former condition, and
  - (e) make good any collateral damage.

**Name of person or Authority empowered to release, vary or modify easements numbered 10 in the plan**

Shoalhaven City Council

Executed by **STOCKLAND DEVELOPMENT PTY LIMITED**

Approved by the Council of the City of Shoalhaven

.....dated.....