

SPECIAL CONDITIONS
ATTACHED TO CONTRACT FOR SALE OF LAND

32 Notice to Complete

- 32.1 If either party fails to complete by the completion date then the other party is entitled, at any time after the completion date, to serve a notice to complete making the time for completion essential.
- 32.2 Such a notice must give not less than 14 days notice after the day on which it is served.
- 32.3 A notice to complete of this duration is reasonable and sufficient to make the time for completion essential.
- 32.4 If the Purchaser does not complete this Contract by the completion date and, at that date the Vendor is ready, willing and able to complete, and if the Vendor issues a Notice to Complete, the sum of \$297.00 (inclusive of GST) incurred by the Vendor's Solicitor in the drafting and service of such Notice is to be paid by the Purchaser to the Vendor on completion, and the requirement for such payment is an essential term of this Contract.

33 Interest

33.1 If:

- the purchaser does not complete by the completion date; and
- the vendor is not in default

then the purchaser must pay to the vendor on completion, in addition to the balance of the price 10% interest on the balance of the price calculated at a daily rate from the day immediately after the completion date to the day on which this contract is completed.

- 33.2 This amount is a genuine pre-estimate of the vendor's loss of interest on the balance of the price and liability for rates and outgoings.

34 Alterations to contract

Clause 7.1.1 of this contract is deleted.

35 **Introduction of purchaser by estate agent**

- 35.1 The purchaser warrants that he was not introduced to the property or the vendor by any real estate agent other than the agent (if any) named on the front page of this contract.
- 35.2 If an estate agent, other than the agent (if any) named on the front page of this contract, recovers commission from the vendor by establishing that he introduced the purchaser to the property or to the vendor then the purchaser is liable to pay to the vendor the commission payable by the vendor and all legal costs incurred by the vendor (including legal costs ordered to be paid by the vendor) when contesting the claim for commission.

36 **Subsequent events**

If either party (or, if there is more than one, then any one of them) prior to completion:

- 36.1 being a natural person, dies or becomes mentally ill; or
- 36.2 being a company, resolves to go into liquidation or has a petition for winding up presented or enters into a scheme or arrangement with its creditors or has a liquidator, receiver, or official manager appointed

THEN either party may, at any time, rescind this contract.

37 **Purchaser accepts property as is**

The property and all inclusions are sold to the purchaser in their present state of repair, order and condition. The purchaser acknowledges having been given the opportunity of making a thorough inspection of the property and those improvements and agrees to accept them in their current state of repair, order and condition. The purchaser promises that no warranty, promise or representation has been made by the vendor or on behalf of the vendor in relation to these matters. The purchaser agrees that he will make no objection, requisition nor claim for compensation in relation to any of the matters referred to in this special condition nor will he require the vendor to carry out any repairs or work at all in relation to the property and the improvements.

38. **Release of Deposit**

The purchaser:

- 38.1 authorises the vendor to use all or part of the deposit as a deposit on a purchase by the vendor of a property and as duty on the Contract for the sale of land for that property;
- 38.2 authorises the stakeholder to release all or part of the deposit for those purposes; and

38.3 must give on request to the stakeholder a written authority to release all or part of the deposit.

RP65
1988



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See Copies A-J

REQUEST
REAL PROPERTY ACT, 1900

R	A 11 of 1	R
	\$ 48.50	D

DESCRIPTION OF
LAND
Note (a)

Torrens Title Reference	If part only, delete Whole and give details	Location
	WHOLE	

REGISTERED
DEALING
Note (b)

Type of Dealing	Registered Number	Torrens Title Reference
Section 88B Instrument	DP 793497 DP 801790 DP 810426 DP 810999	Identifiers 1-46/793497 ✓ Identifiers 201-218/801790 and 220-248/801790 Identifiers 314-343/810426 Identifiers 405-430/810999

REGISTERED
PROPRIETOR
Note (c)

DAVGLADE PTY. LIMITED A.C.N. 003574687
LEVEL 2, 74 BAY STREET, DOUBLE BAY

(The abovenamed applicant, being the registered proprietor of the ~~land described in the~~ abovementioned registered dealing, hereby requests the Registrar General to

amend each of the above Section 88B Instruments by deletion of the following words where they appear at the foot of each Instrument -
"name of person whose consent is required to release the restrictions as to user referred to in the abovementioned plan" and replace them with the following words -
"name of person or entity empowered to vary modify or release the restrictions as to user referred to in the abovementioned plan."

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OVER

Note (d)

DATE

EXECUTION
Note (e)

I hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

Signed in my presence by the applicant who is personally known to me.

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and Occupation of Witness

DAVGLADE Pty. Ltd.
by its Attorney NATHAN ALEXANDER DENOVAN,
pursuant to Power of Attorney register Book 3753
No. 552 and I have no notice of the revocation of
the said Power of Attorney.

Signature of Applicant

TO BE COMPLETED
BY LODGING PARTY

Notes (f) and (g)

OFFICE USE ONLY

LODGED BY GALLOWAY & CO.		LOCATION OF DOCUMENTS	
Phone: 222-1011 Fax: 222-0491 LTD, LTO, LTA, LTB, LTC, LTD, LTO, LTA, LTB, LTC		CT	OTHER
Ref. No. STAC FO: DAVGLADE			Herewith
Delivery Box Number			In L.T.O. with
			Produced by
Checked	Passed	REGISTERED - -19	
Signed	Extra Fee	Secondary Directions	
		Delivery Directions	

STACKS

THE LAW FIRM

ESTABLISHED 1931

RESIDENT PARTNERS

Bill Akhurst LL.B.
Geoff Connor LL.B.
Michael Laurence B.Ec. LL.B.

PARTNERS

Ray Slack LL.B. Notary Public
Maurie Slack LL.M.
Tim Slack LL.B.

YOUR REFERENCE:

OUR REFERENCE:

GJC:RBT:F91-0552

17 WHARF STREET
FORSTER NSW 2428

POSTAL : P.O. Box 265
DX : 7108 FORSTER
FAX : (065) 55 4909
PHONE : (065) 54 7766



26th February, 1992.

Mr Frank Ticehurst,
Senior Legal Officer,
Land Titles Office,
DX 17,
SYDNEY.

Dear Sir,

Re: Davglade Pty. Limited - Restrictions as to User Created by DP
793497, DP 801798, DP 810426 and DP 810999

We enclose documents as under for your consideration:-

1. RP65 Form of Request
2. Statutory Declaration of Roslyn Forrest
3. Statutory Declaration of Geoffrey Joseph Connor
4. Letter from Davglade Pty. Limited.

Yours faithfully,

For STACKS - THE LAW FIRM.

Enc.
0400G/64

FILM WITH APPLICATION

SYDNEY	TAREE	PORT MACQUARIE	WAUCHOPE	WINGHAM	PENRITH
229-231 Macquarie Street Sydney NSW 2000	207 Victoria Street Taree NSW 2430	43-47 Horton Street Port Macquarie NSW 2444	37 Cameron Street Wauchope NSW 2446	73 Isabella Street Wingham NSW 2429	76 Henry Street Penrith NSW 2750
POSTAL : Level 1	POSTAL : P.O. Box 234	POSTAL : P.O. Box 700	POSTAL : P.O. Box 420	POSTAL : P.O. Box 29	POSTAL : P.O. Box 637
DX : 144 Sydney	DX : 7006 Taree	DX : 7417 Port Macquarie	DX : 7504 Wauchope	DX : 7006 Taree	DX : 8034 Penrith
FAX : (02) 223 6323	FAX : (035) 52 6880	FAX : (065) 84 9645	FAX : (065) 85 1902	FAX : (065) 57 0225	FAX : (047) 21 5958
PHONE : (02) 223 6155	PHONE : (035) 52 1544	PHONE : (065) 83 8366	PHONE : (065) 85 1988	PHONE : (065) 53 4955	PHONE : (047) 31 4055



STATUTORY DECLARATION

I, **ROSLYN FORREST** of Level 15, 77 Castlereagh Street, Sydney New South Wales, solicitor do solemnly and sincerely declare as follows.

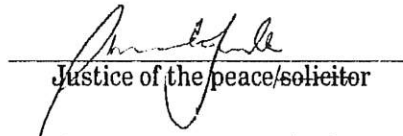
1. I am the solicitor for Davglade Pty Limited, the subdivider of certain lands at Forster being Deposited Plans 793497, 801790, 810426 and 810999 (the "Plans").
2. I prepared, on instructions from Davglade Pty Limited, the Section 88B Instruments registered with each of the Plans.
3. Prior to preparation of the Section 88B Instrument to be registered with Deposited Plan 793497 I was handed by Davglade Pty Limited a copy of another Section 88B Instrument affecting other lands in the Forster area. This had been supplied to Davglade Pty Limited by a local real estate agent familiar with the requirements of the relevant consent authority, Great Lakes Shire Council.
4. I was instructed to use that instrument as a basis for the restrictions as to user to be created when registering Deposited Plan 793497.
5. That instrument contained an endorsement at the foot of the final page: "name of person whose consent is required to release the restrictions as to user ...". I followed that format when preparing the Section 88B Instrument to be lodged with Deposited Plan 793497.
6. Use of that wording as opposed to wording usually used by my client when registering plans of subdivisions was a mistake on my part and on the part of Davglade Pty Limited.
7. The format of the Section 88B Instrument accompanying Deposited Plan 793497 was subsequently used when registering Section 88B Instruments for Deposited Plans 801790, 810426 and 810999.
8. It was the intention of Davglade Pty Limited at all times to retain for itself the right to release vary or modify the restrictions as to user created with registration of the Plans in accordance with the provisions of section 88(1)(c) of the Conveyancing Act 1919.
9. Davglade Pty Limited is a member of the Winten Group having common shareholdings and directorships with, inter alia, Winten Projects Pty Limited, a substantial subdivider of land.
10. Evidence of companies within this Group always retaining for themselves the power to release vary or modify restrictions as to user can be seen by inspecting the Section 88B Instruments registered with Deposited Plans 776615, 788350, 792241, 808577, 810673, 812376 and 815298. Further evidence can be supplied by reference to at least another fifteen plans.

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

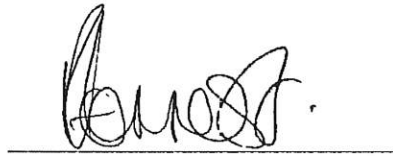
2.



Subscribed and declared
at SYDNEY
on 26 FEBRUARY 1997
before me:


Justice of the peace/solicitor

71 Castlereagh Street, Sydney
Address of witness



- STATUTORY DECLARATION -

I, GEOFFREY JOSEPH CONNOR of 17 Wharf Street, Forster in the State of New South Wales, Solicitor do solemnly and sincerely declare as follows:-

1. I am a Solicitor Partner of Stacks - The Law Firm of Forster.
 2. I acted for Neil Graham Garrard in regard to his sale of all that land in Folio Identifier 22/793497 together with the improvements erected thereon and being known as 15 Kentia Drive, Forster.
 3. On Survey being done of the above property it became apparent that the dwelling erected thereon did not comply with the restrictions as to user created by DP793497 as it was slightly under the floor area as required by the relevant restriction.
 4. Having become aware of this non-compliance, on behalf of my client I approached Davglade Pty. Limited, the original subdivider, requesting a variation of the restriction as to user created by registration of DP 793497.
 5. This request was readily assented to.
 6. I did then believe that Davglade Pty. Limited would be the only person whose consent would be required.
 7. It has now become apparent that the only reason that consent of anyone else other than Davglade Pty. Limited is required is due to a mistake in drafting the Instrument creating the restriction.
 8. This declarant could also have been guilty of making the mistake as I did not realise there would be any significant difference between the words "consent" and "empowered".
- And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1900 (as amended).

Subscribed and declared at *Forster*)
this *26th* day of *February*)
One thousand nine hundred and Ninety)
one before me)

.....*M. G. Connors J.P.*.....
0400G/63

DAVGLADE/P11

ACN 003 574 687

6th February, 1992

Mr. F. Ticehurst
Senior Legal Officer
Land Titles Office
Queens Square
SYDNEY NSW 2000

Dear Sir,

RESTRICTION ON THE USE OF LAND DP 793497

It has been brought to the attention of Davglade Pty Limited that there is a dispute over the interpretation of the party to release Restrictions on the Use of Land which have been created not only on DP793497 but on our other stages DP 801790 (Stage 2), DP 810426 (Stage 3) and DP 810999 (Stage 4).

On reading the statements at the end of each set of terms in Part 2 of the 88B Instruments, Davglade Pty Limited cannot see how the wording infers that each lot is required to consent to a release.

An interpretation which requires the consent of the benefitted lots in each deposited plan is contrary to Davglade's intention and would make the simplest releases a hideous nightmare.

Davglade has substantial holdings at South Forster for residential development and has developed some 154 lots to date and intends to continue development of its adjoining lands. It was and will continue to be Davglade's intention to be the sole party to release vary or modify the restrictions which burden the subject lots. It is inconceivable that Davglade intended to share the power to release, vary or modify with individual owners, mortgagees, caveators etc when its development program will stretch over a 10 year period.

We respectfully submit that the Land Titles Office reconsider its present interpretation to permit releases to proceed as intended.

Yours faithfully,
DAVGLADE PTY LTD

.....
DIRECTOR



WINTENN
5/4-8 WATERS ROAD
NEUTRAL BAY 2089
PC 1001 55
CAMMERAY NSW 2062
FAC SIMILE 904 25 17
TELEPHONE 909 3099

PROPERTY DEVELOPMENT
WINTENN PTY LTD
WINTENN PROPERTIES PTY LTD
WINTENN PROJECTS PTY LTD
INCORPORATED IN NSW



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 243/801790

SEARCH DATE	TIME	EDITION NO	DATE
30/4/2019	10:18 AM	7	23/10/2018

LAND

LOT 243 IN DEPOSITED PLAN 801790
AT FORSTER
LOCAL GOVERNMENT AREA MID-COAST
PARISH OF FORSTER COUNTY OF GLOUCESTER
TITLE DIAGRAM DP801790

FIRST SCHEDULE

FRANZ JOSEF VOGEL

(ND AN799922)

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP262684 RESTRICTION(S) ON THE USE OF LAND
T404111 VARIATION
- 3 DP793497 EASEMENT TO DRAIN WATER 3 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 4 DP801790 EASEMENT TO DRAIN SEWAGE 3 WIDE AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
AG805251 EASEMENT NOW VESTED IN MIDCOAST COUNTY COUNCIL
- 5 DP801790 RESTRICTION(S) ON THE USE OF LAND
E309513 REQUEST TO AMEND SEC 88B INSTRUMENT

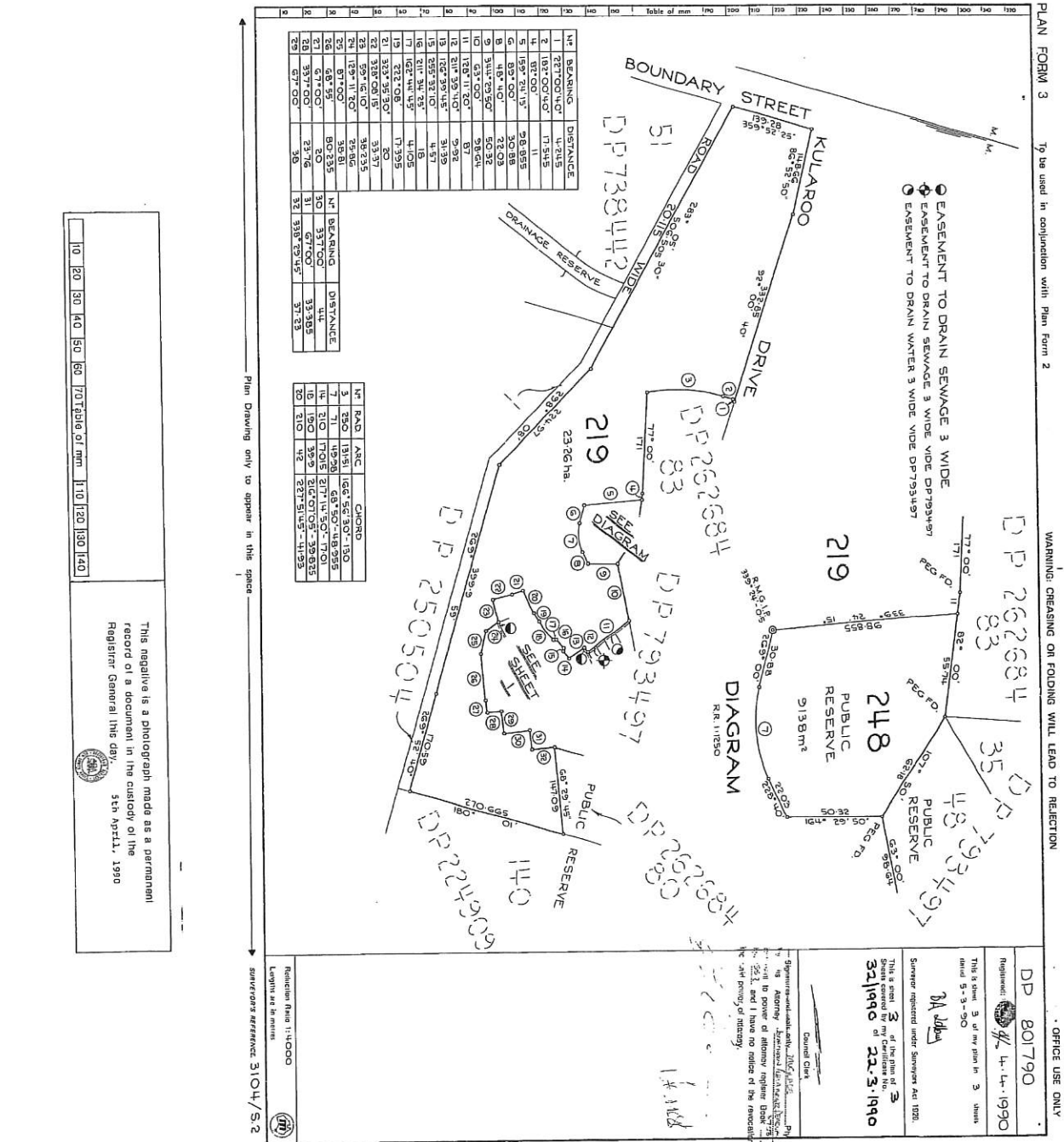
NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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Received: 30/04/2019 10:18:03



• OFFICE USE ONLY

DP793497
DP793497
DP793497
P.M. CONC. BLK. FG
(DP793497)

Year	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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9	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
10	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
11	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	20																	

Robert Edwin West Gregory Van Leer
 hereby certify that they are respectively the duly constituted
 attorneys for Elders Finance Limited under Power of
 Attorney registered No. 302 Book 3741 and that at the time
 of their executing this instrument they have no notice of the
 revocation or termination of the said Power of Attorney or of
 the powers and authorities conferred upon or delegated to them
 thereunder and under the authority of which they have executed

ELDERS FINANCE LIMITED
by its attorneys

by its attorneys
Dobson & Co.

For this Attorney Jonathan A. Parker Deno
358 and I have no notice of the revocation of
the said power of attorney.

Signatures and seals only

Council Clerk

This is sheet 2 of the plan of 3
Sheds covered by my Certificate No.
32/1990 of 22.3.1990

Surveyor registered under Surveyors Act 1928.

CC - BY - NC - ND

THIS IS GIVEN TO ME BY THE

Lactuca

1990

DF 801/30

DPH 2014 700

• OFFICE USE ONLY

- Plan Drawing only to appear in this space

SURVEYORS REFERENCE. 5104/5.0

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 5th April, 1950





INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO
USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING
ACT, 1919

Lengths are in metres

(Sheet 1 of 5 Sheets)

PART 1

Deposited
Plan No: DP801790

Subdivision covered by
Council's Certificate
No. 32/1990 of the 22nd
day of March 1990.

Full name and address of
Proprietor of the land:

Devglade Pty Limited
C/o Level 2
24 Bay Street
DOUBLE BAY NSW 2028

1. Identity of easement
firstly referred to in
above-mentioned Plan

Easement to Drain Sewage 3
wide.

Schedule of lots etc affected

Lots Burdened

Lots, name of road or
authority benefited

Lot 202
Lots 206-209 incl
Lots 215-218 incl
Lot 221
Lots 224-227 incl
Lot 232
Lot 235
Lot 237
Lot 243
Lot 244
Lot 245

Shire of Great Lakes


SBP515FJF/5 09020 JLS

REGISTERED  4411990

DP801790

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO
USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING
ACT, 1919

Lengths are in metres

(Sheet 2 of 5 Sheets)

PART 2

Identity of easement
secondly referred to
in above-mentioned Plan

Easement to Drain Water 3
wide

Schedule of lots etc affected

Lots Burdened

Lots, name of road or
authority benefited

Lot 202
Lot 206
Lot 207
Lot 208
Lot 209
Lot 215
Lot 216
Lot 217
Lot 218
Lot 221
Lot 224
Lot 225
Lot 232
Lot 237

Lot 201
Lot 201 and 202
Lots 201, 202 and 206
Lots 201, 202, 206, 207, 209
and 210
Lot 210
Lots 208, 209 and 210
Lots 217, 218, 220, 221, 222
and 223
Lots 218, 220, 221 and 222
Lots 220, 221 and 222
Lots 225 and 227
Lot 227
Lot 240
Lots 239 and 240

3. Identity of easement
thirdly referred to
in above-mentioned Plan

Right of Carriageway 3 wide

Schedule of lots etc affected

Lots Burdened

Lots, name of road or
authority benefited

Lot 223
Lot 224

Lot 224
Lot 223


SBP515FJF/6 09020 JLS

REGISTERED  4411990

AMENDMENTS AND/OR ADDITIONS MADE ON
PLAN IN THE LAND TITLES OFFICE

10 20 30 40 50 60 70 Table of mm 110 120 130 140

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record of a document in the custody of the
Registrar General this day.

13th April 1992





DP801790

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO
USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING
ACT, 1919

Lengths are in metres (Sheet 5 of 5 Sheets)

Davglade Pty Limited its successors or assigns for the
erection thereof.

(n) There shall not be excavated carried away or removed or
permitted to be excavated carried away or removed from
any lot burdened any earth, clay, stone, gravel, soil
or sand except so far as may be necessary for the
erection in accordance with the restrictions herein
contained of any dwelling or swimming pool or
for any purposes incidental and/or ancillary thereto.

(1) That no "for sale" sign, advertisement, boarding or
similar structure shall be erected or displayed on any
lot at any time prior to 31 December 1990 where the
registered proprietor of any such lot is any person or
corporation other than Davglade Pty Limited that
has received the written consent of Davglade Pty Limited.

NAME OF PERSON WHOSE CONSENT IS REQUIRED TO VARY, MODIFY OR
RESTRICTIONS AS TO USER FURTHER REFERRED TO IN THE
ABOVE MENTIONED PLAN:

Davglade Pty Limited

Easements to drain sewage and water approved.

DAUGLADDE

by its Attorney Shelagh Frances Deegan Py Ltd.
pursuant to power of attorney register Book 3752
No 255, and I have no notice of the revocation of
the said power of attorney.

Council clerk.

[Signature]

Gregory Van Lee SBF5115PC/9 09020 JLS

Robert Edwin Vill and
hereby certify that they are respectively the duly constituted
attorneys for Elders Finance Limited under Power of
Attorney No 255, and I have no notice of the revocation of
the said power of attorney. They have no notice of the
revocation or termination of said Power of Attorney or of
any other instrument affecting the validity of this instrument
and under the authority of which they have executed
this instrument.

By its attorney

[Signature]

REGISTERED 24.4.1990

AMENDMENTS AND/OR ADDITIONS MADE ON
PLAN IN THE LAND TITLES OFFICE

10 20 30 40 50 60 70 Table of mm 110 120 130 140

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record of a document in the custody of the
Registrar General this day.

13th April 1992



Form: 01TY
Release: 1.2
www.lpma.nsw.gov.au

**TRANSFER OF
EASEMENT IN GROSS**



New South Wales
Section 88A Conveyancing Act 19

AG805251J

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY

Office of State Revenue use only	NEW SOUTH WALES DUTY 27-01-2012 0006556177-013 SECTION 277-ORIGINAL NO DUTY PAYABLE
----------------------------------	--

(A) TORRENS TITLE

SEE ANNEXURE "A" HERETO
extra fee \$99.50 assessed - 20 + title c

(B) EASEMENT IN GROSS

Number DP801790	Description SEE ANNEXURE "A" HERETO
--------------------	--

(C) LODGED BY

Document Collection Box 392c	Name, Address or DX, Telephone, and Customer Account Number if any 392 C SYDNEY LEGAL AGENTS LLP: 128005 Y Reference: MIDCOAST : DP801790	CODE TY
---------------------------------	---	-------------------

(D) TRANSFEROR

COUNCIL OF THE SHIRE OF GREAT LAKES

(E) TRANSFEREE

MIDCOAST COUNTY COUNCIL

(F) The transferor acknowledges receipt of the consideration of \$ and transfers to the transferee the abovementioned easement in gross.

DATE 19/01/2012

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

Certified correct for the purposes of the Real Property Act 1900 by an authorised officer of the transferor.

Signature of witness:

Full name of witness:

LEONIE PAULINE COOKE

Address of witness:

BREESE PARADE FORSTER

Signature of authorised officer:

Full name of authorised officer:

GLENN HANDFORD

Position of authorised officer:

GENERAL MANAGER

I certify that the person signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this transfer in my presence.

Certified correct for the purposes of the Real Property Act 1900 by an authorised officer of the transferee.

Signature of witness:

Full name of witness:

JESSICA PARROTT

Address of witness:

16 BREESE PARADE
FORSTER NSW 2428

Signature of authorised officer:

Full name of authorised officer:

ANTHONY JOHN SUMMERS

Position of authorised officer:

PROPERTY & LEGAL MANAGER

ANNEXURE "A" TO TRANSFER OF EASEMENTS IN GROSS

Easement in Gross: **DP801790**
Transferor: **Council of the Shire of Great Lakes**
Transferee: **MidCoast County Council**

Dated: 19/01/2012

PARTS (A) & (B)

DP801790 Easement to Drain Sewage Variable Width

223/801790

224/801790

245/801790

Easement to Drain Sewage 3 Wide

202/801790 ✓

206-209 (inclusive) DP801790 ✓

215-218 (inclusive) DP801790 ✓

221/801790

224-227 (inclusive) DP801790 ✓

232/801790

235/801790

237/801790

243/801790 ✓

244/801790

245/801790

PART (G) - EXECUTION

Transferor

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

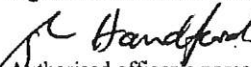
Signature of witness: 

Name of witness: **LEONIE PAULINE COOK**

Address of witness: **BREESE PARADE, FORSTER**

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of authorised officer:



Authorised officer's name: **GLENN HANDFORD**

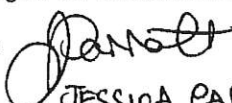
Authority of officer: **GENERAL MANAGER**

Signing on behalf of:

COUNCIL OF THE SHIRE OF GREAT LAKES

Transferee

I certify that the person(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: **JESSICA PARROTT**

Address of witness: **16 BREESE PARADE
FORSTER NSW 2428**

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of authorised officer:



**ANTHONY JOHN SUMMERS
PROPERTY & LEGAL MANAGER
MIDCOAST COUNTY COUNCIL**



DP793497

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO
BE GRANTED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING
ACT, 1919

Lengths are in metres

(Sheet 5 of 5 Sheets)

sign, advertisement, hoarding or structure has received
the written consent of Davydale Pty Limited.

OR ENTITY EMPOWERED TO VARY, MODIFY OR
NAME OF PERSON WHOSE CONSENT IS REQUIRED TO VARY, MODIFY OR
RESTRICTIONS AS TO USER FOURTHLY REFERRED TO IN THE

ABOVEMENTIONED PLAN:

Davydale Pty Limited

Easements to drain sewage and water
approved.

Council Clerk.

by its Attorney,
No. 552, and I have no notice of the revocation of
this said power of attorney.

Robert Edwin Will and Gregory Van Laar
heretofore jointly and severally, the duly constituted
Attorneys of the said Davydale Pty Limited, of the
first part, do hereby certify that they are respectively the duly constituted
Attorneys of the said Davydale Pty Limited, of the
first part, and have no notice of the
revocation of this said power of attorney.

EDERS FINANCE LIMITED

by its attorney

Robert Edwin Will

SBE50655R 23109 AK4

REGISTERED



1-12-1989

AMENDMENTS AND/OR ADDITIONS MADE ON
PLAN IN THE LAND TITLES OFFICE

10 20 30 40 50 60 70 Table of mm 110 120 130 140

This negative is a photograph made as a permanent
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Registrar General this day.

13th April 1992



INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO
USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING
ACT, 1919

(Sheet 3 of 5 Sheets)

subdivision covered by
Council's Certificate No 96
of day of November 1989.

- Terms of Restriction as to User fourthly referred to in
abovementioned Plan:

(a) No more than one main dwelling shall be erected or permitted to remain on any lot bordered nor shall any existing dwelling be permitted to be converted to a dwelling other than the TYPE PROVIDED HEREIN, that this restriction shall not prevent use of any part of any such building as self-contained residential quarters within the main dwelling.

(b) No building shall be erected or permitted to remain on any lot burdened of second hand materials or with external walls of materials other than brick, stone, glass or timber or any combination of the same PROVIDED that timber shall not be used in external walls except as infill panels or gables in conjunction with all or any of the other materials in this covenant in relation to the and the proportion shall not exceed 2% thereof PROVIDED that nothing in this covenant contained shall preclude or prohibit a building having the inner frame work of its external walls constructed of timber or other materials with an external brick face or veneer.

(c) No garage or carport shall be erected or permitted to remain on any lot burdened unless it is attached to the main dwelling.

(d) No main building shall be erected or permitted to remain on any lot burdened unless it has a minimum internal living area of 130 square metres excluding any attached garage, carport or patio.

SBF5065RF 23109 AK4

861-71-148

AMENDMENTS AND/OR ADDITIONS MADE ON
PLAN IN THE LAND TITLES OFFICE

10	20	30	40	50	60	70	Table of mm	110.	120.	130	140
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INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO
USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING
ACT, 1919

(Sheet 4 of 5 Sheets)

- (e) No main building shall be erected or permitted to remain on any lot burdened unless the same shall be connected to the sewer.

(2) No fence shall be erected or permitted to remain along the street frontage of any lot bounded or along the side boundary in front of the building alignment and otherwise no boundary fence shall be piling (unless lapped and capped) or exceed 1.524 meters in height. For the purpose of this covenant "street frontage" shall mean the street frontage to which the lot has a permitted vehicular access.

(5) No fencing shall be erected on any lot to divide it from any adjoining lot of which Dayvades PLY Limited or its successors and assigns other than Purchasers on the said premises shall be entitled to erect or cause to be erected. Dayvades PLY Limited or its successors or assigns but such consent shall not be withheld if such fences erected without expense to Dayvades PLY Limited its successors or assigns and in accordance with the following conditions:-

(a) That the erection of such fences shall be subject to the consent of the Council of the County of Glamorgan and that such consent shall have been deemed to have been given by Dayvades PLY Limited its successors or assigns for the erection thereof.

(b) There shall not be excavated carried away or removed or permitted to be excavated carried away or removed from any lot bidden any earth, clay, stone, gravel, soil or sand except so far as may be necessary for the erection in accordance with the restrictions herein contained of any dwelling or swimming pool thereon or for any purposes incidental and/or ancillary thereto.

(4) That no "for sale" sign, advertisement, hoarding or similar structure shall be erected or displayed on any lot at any time prior to 31 December 1990 where the registered proprietor of any such lot is any person or corporation other than Davigade Pty Limited unless that

SBF5065RF 23109 AK4

1-12-1989

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day,

13th April 1992

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO
USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING
ACT, 1919

Lengths are in metres (Sheet 1 of 5 Sheets)

Deposited
Plan No: DP793497

PART 1

Subdivision covered by
Council's Certificate
No. 96 of the sixth
day of November 1989.

Full name and address of
Proprietor of the land:

Dryglade Pty Limited
24 Bay Street
DOUGLE BAY NSW 2028

1. Identity of easement
firstly referred to in
above-mentioned Plan

Easement to Drain Sewage 3
wide.

Schedule of lots etc affected

Land Burdened

Lots 1-7 incl
Lot 15-17 incl
Lots 25-28 incl
Lots 34-36 incl
Lots 40-41
Lots 45-46 incl
Lot 49

Lot's name or road or
authority benefited

Council of the Shire of Great
Lakes

2. Identity of easement
secondly referred to in
above-mentioned Plan

Easement to Drain Sewage of
variable width

Schedule of lots etc affected

Land Burdened
Lots 8 and 9

Lot's name or road or
authority benefited
Council of the Shire of Great
Lakes.

SBF5065RF 24109 JLS

REGISTERED 1-12-1989

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO
USER INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING
ACT, 1919

Lengths are in metres

(Sheet 2 of 5 Sheets)

3. Identity of easement
thirdly referred to in
above-mentioned Plan

Easement to Drain Water 3
wide.

Schedule of lots etc affected

Land Burdened

Lot 2
Lot 3
Lot 4
Lot 5
Lot 6
Lot 7
Lot 8
Lot 25
Lot 26
Lot 27
Lot 28
Lot 30
Lot 31
Lot 32
Lot 33
Lot 36
Lot 40
Lot 41
Lot 44
Lot 45

Lot's name or road or
authority benefited

Lot 1
Lots 1 and 2
Lots 1-3 incl
Lots 1-4 incl
Lots 1-5 incl
Lots 1-6 incl
Lot 24
Lots 24 and 49
Lots 24, 25 and 49
Lots 24-26 incl and 49
Lots 24-27 incl and 49
Lot 29 and 30
Lots 29-31 incl
Lots 29-32 incl
Lots 29-33 incl
Lots 43-46 incl and Council
of the Shire of Great Lakes
Lots 41 and 42
Lot 43
Lots 43, 44, 46 and Council
of the Shire of Great Lakes

4. Identity of easement
fourthly referred to in
above-mentioned Plan

Restriction as to User

Schedule of lots etc affected

Land Burdened

Each Lot except Lots 47, 48
and 49

Lot's Benefitted

Every other Lot except Lots
47, 48 and 49

SBF5065RF 24109 AKG

REGISTERED 1-12-1989

AMENDMENTS AND/OR ADDITIONS MADE ON
PLAN IN THE LAND TITLES OFFICE

10 20 30 40 50 60 70 Table of mm 110 120 130 140

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record of a document in the custody of the
Registrar General this day, 13th April 1992



RESTAURANT SETTING GWT INTERESTS CULATED
TRANSFERRED TO SECTION MR. SCHWARTZMAN ACT
1982, LONDON WHITE
DP262684
8/18/2/1982

10 20 30 40 50 60 70 Table of mm 110 120 130 140

FRAMES

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 25th May, 1988