

T-- EASEMENT TO DRAIN SEWAGE 4 WIDE
 U-- EASEMENT TO DRAIN WATER 4 WIDE
 V-- RESTRICTION ON USE OF LAND
 (BUILDING EXCLUSION ZONE)
 W-- RIGHT OF CARRIAGEWAY 3.5M WIDE
 (DP1201687) TO BE RELEASED

NB:- Pool fencing will be an aluminium fence indicated by the dotted line around the outer edge of the pool.
 The triangular shape on the side of the pool is a very shallow (500mm) wading section of the pool.

LEGEND

- SITE BOUNDARY
- SIGNIFICANT VEGETATION
- VEGETATION FOR REMOVAL/PRUNING/RELOCATION
- BUILDING ENVELOPE

NOTE:
 This preliminary layout has been completed in accordance with the instructions provided by Mayne Investments. In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a detailed survey & engineering plans. Accordingly, the conclusions reached within this report may be modified by the author upon the completion of the final design plans & site inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this report.

REV	DATE	AMENDMENT
A	29.01.18	
B	17.08.18	BUILDING ENVELOPES
C	20.10.18	REV. BUILDING ENVELOPE, TREE FOR REMOVAL/RELOCATION
D		
E		

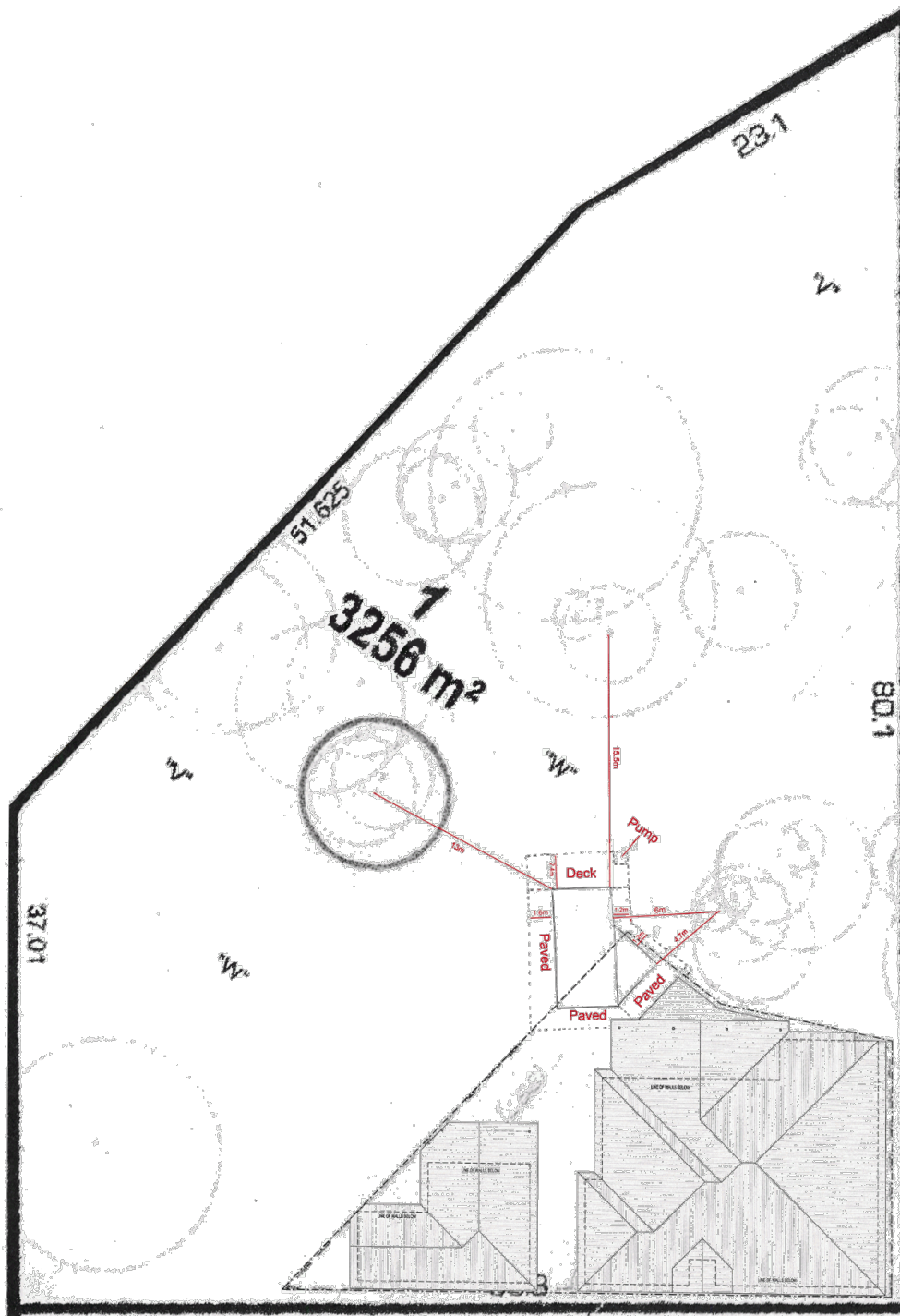
SOURCE PLAN: N/A

BALLINA SHIRE COUNCIL
 This is the plan/document to which

development consent No: 2015/307 relates,
 as determined by Council on 23/2/16
 GENERAL MANAGER per:

Newton Denny Chapelle
 Surveyors Planners Engineers
 Email: office@newtondennychapelle.com.au
 License: 01 (Environmental Services) 2009/0001
 License: 100 (Survey) 20/01/11 5820/0001
 APN: 86 890 046 499

PLAN 3 - PROPOSED SUBDIVISION & BUILDING ENVELOPES
 CLIENT: MAYNE INVESTMENTS
 REV C
 LOCATION: LOTS 3, DP1201687
 BULLINAH CRES
 EAST BALLINA NSW
 DATE: 27.10.15
 SCALE: 1:500 @ A3
 REF: 14/057
 DRAWN: N/A



8.2 **DA 2017/364 - 29 Bullinah Crescent, East Ballina.DOC**

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ePlan

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 1919¹

DP1229585

(Sheet 1 of 5 Sheets)

Plan: Plan of Subdivision of Lot 63 in DP1201687 covered by Subdivision Certificate No. 39/2016
 Dated 18.01.2017

Full name and address of owner of the land: North Angels Beach Development (Ballina) Pty Ltd (ACN 102 629 461) C/- Office 1, Level 1, 47-59 Ashmore Road, Bundall, QLD, 4217

Full name and address of Registered Mortgagee: Perpetual Nominees Limited (ACN 000 733 700) as Mortgagee exercising power of sale pursuant to Registered Mortgage No. 9295085 and A1862547
 Level 12/123 Pitt Street, Sydney, NSW 2001

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. ²	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Restriction on the Use of Land	1, 2 & 3	Each other lot & Ballina Shire Council
2	Restriction on the Use of Land	1, 2 & 3	Ballina Shire Council
3	Restriction on the Use of Land	1, 2 & 3	Ballina Shire Council
4	Restriction on the Use of Land	1, 2 & 3	Ballina Shire Council
5	Easement to Drain Water Variable Width	2	1 & 3
6	Easement to Drain Sewage Variable Width	2	Ballina Shire Council
7	Right of Carriageway 6 Wide	2	1

PART 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement or profit à prendre to be released and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s),bodies or Prescribed Authorities:
1	Right of Carriageway 3.5 wide (DP1201687)	63/1201687	Ballina Shire Council

PART 2 (Terms)

1. Terms of Restriction on the Use of Land Firstly Referred to in the Plan

No structure shall be erected on the Lot burdened other than in the building envelope marked "BE" for that Lot.

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DP1229585

(Sheet 2 of ⁵ Sheets)

Plan: Plan of Subdivision of Lot 63 in DP1201687 covered by Subdivision Certificate No. 3912016
Dated 18.01.2017

Full name and address of owner of the land: North Angels Beach Development (Ballina) Pty Ltd (ACN 102 629 461) C/- Office 1, Level 1, 47-59 Ashmore Road, Bundall, QLD, 4217

Full name and address of Registered Mortgagee: Perpetual Nominees Limited (ACN 000 733 700) as Mortgagee exercising power of sale pursuant to Registered Mortgage No. 9295085 and A1862547
Level 12/123 Pitt Street, Sydney, NSW 2001

Name of Authority empowered to release, vary or modify the easement, covenant or restriction on use.

Ballina Shire Council

2. Terms of Restriction on the Use of Land Secondly Referred to in the Plan

No plumbing may be installed on any Lot burdened unless it has provision for recycled (non-potable) water service, plumbing and facilities in accordance with "Ballina Shire Council's Dual Water Supply Plumbing Policy" or any superseding policy.

In the event the Lot burdened has plumbing works installed upon it the registered proprietor may not complete any contract for sale of the Lot burdened until a Dual Water Supply Cross-Connection Audit Certificate of Compliance (as referred to in Ballina Shire Council's Dual Water Supply Plumbing Policy) in respect of the Lot burdened has been issued by Ballina Shire Council.

Name of Authority empowered to release, vary or modify the easement, covenant or restriction on use.

Ballina Shire Council

3. Terms of Restriction on the Use of Land Thirdly Referred to in the Plan

The registered proprietor of the Lot Burdened must not do or allow to be done anything within that part of the Lot Burdened marked "APZ" on the Plan which would result in the removal of any existing trees. The registered proprietor of the Lot Burdened must not remove any such trees without the development consent from Ballina Shire Council. The registered proprietor of the Lot Burdened must maintain that part of the Lot Burdened marked "APZ" on the Plan as an Inner Protection Area in accordance with the Bushfire Standards Maintenance of the APZ to reduce the bush fire fuel load and may include the removal of dead wood from the ground and regenerating undergrowth.

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DP1229585

(Sheet 3 of ⁵ X Sheets)

Plan: Plan of Subdivision of Lot 63 in DP1201687 covered by Subdivision Certificate No. 3912016
Dated 18.01.2017

Full name and address of owner of the land: North Angels Beach Development (Ballina) Pty Ltd (ACN 102 629 461) C/- Office 1, Level 1, 47-59 Ashmore Road, Bundall, QLD, 4217

Full name and address of Registered Mortgagee: Perpetual Nominees Limited (ACN 000 733 700) as Mortgagee exercising power of sale pursuant to Registered Mortgage No. 9295085 and A1862547
Level 12/123 Pitt Street, Sydney, NSW 2001

4. Terms of Restriction on the Use of Land Fourthly Referred to in the Plan

The registered proprietor of the Lot Burdened must not do or allow to be done anything within that part of the Lot Burdened marked 'V' on the plan which would result in the removal of any trees or vegetation. The vegetation community within the area marked 'V' is to be maintained and protected in perpetuity.

Name of Authority empowered to release, vary or modify the easement, covenant or restriction on use.

Ballina Shire Council

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 any easement or restriction on the use of land or covenant in this instrument.

Bushfire Standards means the NSW Rural Fire Services' publications relating to inner and outer asset protection zones entitled 'Planning for Bush Fire Protection 2006' and 'Standards for Asset Protection Zones' or any updated documents published by the NSW Rural Fire Service from time to time.

Development Application means an application to Ballina Shire Council or other relevant authority to undertake development.

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

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DP1229585

(Sheet 4 of ⁵/~~X~~ Sheets)

Plan: Plan of Subdivision of Lot 63 in DP1201687 covered by Subdivision Certificate No. **3912016**
Dated 18.01.2017

Full name and address of owner of the land: North Angels Beach Development (Ballina) Pty Ltd (ACN 102 629 461) C/- Office 1, Level 1, 47-59 Ashmore Road, Bundall, QLD, 4217

Full name and address of Registered Mortgagee: Perpetual Nominees Limited (ACN 000 733 700) as Mortgagee exercising power of sale pursuant to Registered Mortgage No. 9295085 and A1862547
Level 12/123 Pitt Street, Sydney, NSW 2001

Lot means a lot in the Plan.

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

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

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 & Property Information NSW with this Instrument.

Signature of witness

Carlin Ireland
Name

31 Cherry Street
Ballina NSW

Signature of attorney

Attorney's name: MICHELLE YVONNE
McCARTNEY

Signing on behalf of: NORTH ANGELS
BEACH

DEVELOPMENT (BALLINA) PTY LTD
(ACN 102 629 461)

Power of attorney - Book: 4445

- No.: 793

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DP1229585

(Sheet 5 of 5 Sheets)

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Dated 18.01.2017

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Full name and address of Registered Mortgagee: Perpetual Nominees Limited (ACN 000 733 700) as Mortgagee exercising power of sale pursuant to Registered Mortgage No. 9295085 and A1862547
Level 12/123 Pitt Street, Sydney, NSW 2001

Signed for and on behalf of BALLINA SHIRE COUNCIL by its authorised delegate in the presence of:

R. Gutter
Signature of Witness

ROBYN GUTTER
Name

AS
Ballina Shire Council – Authorised delegate

ANDREW SMITH
Name

Perpetual Nominees Ltd ACN 000 733 700
by its Attorney pursuant to Power of Attorney dated
18 September 2014 Registered No. 134 Book 4676
Executed By PERPETUAL NOMINEES LIMITED (as mortgagee): Who states that he/she has received no notice of revocation of the Power of Attorney.

Attorney Name:
Position:

I certify that , the owner, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by , the owner.

Signature of witness
Shane Johnstone

Signature of :
Trent Franklin
Trent Franklin
Manager Custody

Name of witness: Shane Johnstone

Address of witness: Angel Place
Level 18, 123 Pitt St
Sydney NSW 2000

REGISTERED  28.03.2017

104600

OUR REF: CAS:ZS:T16564



29 November 2018

Ms Jessica Noble
Ballina Shire Council

SOLICITORS
160 River Street, Ballina
PO Box 550, Ballina NSW 2478
DX 27780
PH: 02 6686 5455
Fax: 02 6686 7881
Email: mail@hosie.com.au
ABN 14 003 092 241

EMAIL TRANSMISSION: council@ballina.nsw.gov.au

Dear Jessica

RE: VAN DEN HOEK - VARIATION OF RESTRICTIVE COVENANT

Please find Deed of Variation (with plan attached) as discussed. We look forward to receiving your confirmation that this is acceptable to the Council.

Yours faithfully
HOSIE & PARTNERS

A handwritten signature in blue ink, appearing to read "Colin A Simmons".

Colin A Simmons



The Partners and Staff wish you the compliments of the season and advise that this office will close Thursday 20 December 2018 at 5 pm and re-open Monday 7 January 2019 at 9 am.

PRINCIPAL Colin Simmons Robert Hosie (Consultant) **ASSOCIATE** Luke Harrison
Liability limited by a scheme approved under Professional Standards Legislation

NOW THIS DEED WITNESSETH:

- 1. The Proprietors shall install the pool and pool surrounds in the location identified on the diagram attached and marked "A".
- 2. In exercise of its power under the Section 88B instrument, the Authority consents to the Variation of the Restriction on Use firstly referred to in respect of the land to permit the installation of the pool and surrounds in accordance with the attached diagram.

IN WITNESS whereof the parties hereto have executed this Deed the day and year first hereinbefore written.

SIGNED SEALED AND DELIVERED)
 by the said **MARK WILLIAM VAN DEN**)
HOEK in the presence of:)

.....
Witness

.....
Print Name

SIGNED SEALED AND DELIVERED)
 by the said **PENELOPE JOY**)
VAN DEN HOEK in the presence of:)

.....
Witness

.....
Print Name

Signed for an on behalf of BALLINA)
SHIRE COUNCIL by its authorised)
delegate in the presence of:)

.....
Signature of Witness

.....
Ballina Shire Council - Authorised Delegate

.....
Name

.....
Name

"A"

