32 Residential off the plan contract

32.1 This clause applies if this contract is an off the plan contract within the meaning of Division 10 of Part 4 of the Conveyancing Act 1919 (the Division).

32.2 No provision of this contract has the effect of excluding, modifying or restricting the operation of the Division.

32.3 If the purchaser makes a claim for compensation under the terms prescribed by sections 4 to 6 of Schedule 3 to the Conveyancing (Sale of Land) Regulation 2022 –

32.3.1 the purchaser cannot make a claim under this contract about the same subject matter, including a claim under clauses 6 or 7; and

32.3.2 the claim for compensation is not a claim under this contract.

788 UNION RD, GLENROY 2640

BREACH OF COPYRIGHT MAY RESULT IN LEGAL ACTION

Special Conditions forming part of this Contract

Between:	**Megan Melissa Carren Adonis**	(Vendor/s)
and:	(Purchaser/s)	
in relation to:	**788 Union Road, Glenroy**	(Property Address)

---

33. Inconsistency

33.1. If there is any inconsistency in the Contract between the printed clauses and these special conditions, the special conditions prevail to the extent of that inconsistency.

33.2. **Alterations to printed form**

33.2.1 Clause 6.2 is deleted;

33.2.2 Clause 7.1.1, replace 5% with 1%;

33.2.3 Clause 25 of this Contract is deleted.

34. Notice to complete

34.1 If either party fails to complete this contract within the time specified in clause 15, then either party (not being in default under this Contract) may serve on the other party a notice ("notice to complete") requiring that party to complete this contact within 14 days after the date of service of the notice to complete.

34.2 Both parties acknowledge and agree that:

34.2.1 any notice to complete given by a party will be valid for all purposes both at law and in equity;

34.2.2 time will be essential for compliance with the notice to complete;

34.2.3 if either party fails to comply with the notice to complete, the other party may terminate this contract at any time after the due date for completion; and

34.2.4 the party serving the notice to complete may at any time withdraw the notice to compete without prejudice to that party's continuing right to give any further notice to complete.

34.3 If either party issues a notice to complete, the receiving party must pay on completion the sum of $330.00 (GST inclusive) to cover legal costs and other expenses incurred in preparation of the notice to complete in addition to any other costs and expenses payable under this Contract.

35. Late completion

35.1 If completion does not occur on or before the completion date as a result of the breach or default of the purchaser, the purchaser must pay to the vendor on completion interest on the balance of the price at the rate of 10% per annum calculated at a daily rate from the completion date to the actual date of completion ("interest period").

35.2 Clause 35.1 does not apply in respect of any part of the interest period during which completion has been delayed due to the fault of the vendor.

36. Purchaser acknowledgements

36.1 The purchaser acknowledges that they are purchasing the property:

36.1.1 In its present condition and state of repair;

36.1.2 Subject to all defects latent and patent;

36.1.3 Subject to any infestations and dilapidation;

36.1.4 Subject to all existing water, sewerage, drainage and plumbing services and connections in respect of the property; and

36.1.5 Subject to any non-compliance, that is disclosed herein, with the Local Government Act or any Ordinance under that Act in respect of any building on the land.

36.2 The purchaser agrees not to seek to, terminate rescind or make any objection requisition or claim for compensation arising out of any of the matters covered by this clause.

37. Building Information Certificate

37.1 The Vendor does not have a Building Information Certificate in respect of the improvements on the property.

37.2 The Purchaser is not entitled to require the Vendor to:

37.2.1. apply for or do anything to obtain a Building Information Certificate; nor

37.2.2 comply with the Local Council's requirements for the issue of a Building Information Certificate.

37.3 Completion of this Contract is not conditional on the Vendor or the Purchaser obtaining a Building Information Certificate in respect of the improvements.

39. Death or incapacity

39.1 Notwithstanding any rule of law or equity to the contrary, should either party, or if more than one any one of them, prior to completion die or become mentally ill, as defined in the Mental Health Act, or become bankrupt, or if a company go into liquidation, then either party may rescind this contract by notice in writing forwarded to the other party and thereupon this contract shall be at an end and the provisions of clause 19 hereof shall apply.

40. Representation

40.1 The purchaser acknowledges that he/she does not rely on any representation, inducements or warranties, whether oral or in writing and that he relies only on the terms and conditions as set out in this written agreement.

41. Electronic Signatures

41.1 The parties agree to accept, for the purpose of exchange of Contracts, signatures by either the vendor or the purchaser which are facsimile, photocopy or any other form of electronic signatures.

41.2 The parties agree that they shall not make any requisitions, objection or claim or delay completion due to the matter of execution of this Contract as at the exchange date.

42. Recovery of the Full Deposit

42.1 The deposit payable pursuant to this Contract is that amount which represents 10% of the purchase price.

42.2 If the vendor has accepted an exchange of Contracts with an amount of less than the full deposit paid, the difference between the deposit payable and the amount actually paid is due and must be immediately paid to the vendor upon either:

42.2.1 the date fixed for completion of this Contract; and

42.2.2 upon demand made by the vendor in consequence of any breach of the Contract by the purchaser.

42.3 The deposit payable by the purchaser is forfeited to the vendor if the vendor becomes entitled to terminate this Contract.

42.4 If the purchaser fails to comply with any of the obligations of this clause, the deposit payable is recoverable immediately from the purchaser as a liquidated debt, whether or not the vendor terminates the Contract.

43. Deposit

43.1 The purchaser agrees and authorises the agent to release the deposit seven (7) days prior completion to the vendor's legal representatives trust account who will then become the deposit holder as defined in the Contract of Sale.

43.2 The Vendor's legal representative is to create a source fund entry in the PEXA workspace for the amount of the deposit. The deposit is then authorised to be distributed in the PEXA financial settlement.

43.3 The Vendor's legal representative's trust account details are:

Account Name:	Border Conveyancing Trust Account
Bank:	Commonwealth Bank of Australia
BSB:	062 500
Account No.:	1028 1987
Ref:	#### Deposit

CYBER SECURITY: Do not make payment until you have verbally verified these account details with a team member of Border Conveyancing (phone: 02 6023 6855).

44. Covid-19 (Coronavirus)

44.1 This Clause applies whilst ever the Federal, State or Local Government area in which the dwelling is situated, is managing the Covid-19 outbreak as a Health Emergency or a State Emergency is declared by the Government:

44.1.1 In the event any party to the contract is required to undertake self-isolation or is quarantined and/or admitted to hospital the affected party will notify the other party immediately.

44.1.2 If completion does not take place by the completion date as provided for in Clause 15 as a result of clause 44.1.1 then the completion date is extended by 7 days.

LAND REGISTRY SERVICES

Title Search

InfoTrack

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 140/1033213

SEARCH DATE	TIME	EDITION NO	DATE
16/3/2023	2:32 PM	9	20/12/2021

LAND

LOT 140 IN DEPOSITED PLAN 1033213
AT LAVINGTON
LOCAL GOVERNMENT AREA ALBURY CITY
PARISH OF ALBURY COUNTY OF GOULBURN
TITLE DIAGRAM DP1033213

FIRST SCHEDULE

MEGAN MELISSA CARREN ADONIS (T AR747332)

SECOND SCHEDULE (10 NOTIFICATIONS)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
2 DP883463 RESTRICTION(S) ON THE USE OF LAND
3 DP1000806 RESTRICTION(S) ON THE USE OF LAND
4 DP1005076 RESTRICTION(S) ON THE USE OF LAND
5 DP1006726 RESTRICTION(S) ON THE USE OF LAND
6 DP1006726 POSITIVE COVENANT
7 DP1013673 RESTRICTION(S) ON THE USE OF LAND
8 DP1033213 EASEMENT TO DRAIN WATER 3 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
9 DP1033213 RESTRICTION(S) ON THE USE OF LAND
10 AR747333 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

8279 PRINTED ON 16/3/2023

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

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Received: 16/03/2023 14:32:50

PLAN FORM 2

Plan Drawing only to appear in this space

• OFFICE USE ONLY

SIGNATURE AND SEALS ONLY.

SHORT LINE TABLE

No.	BEARING	DIST.	RAD	ARC
1	3°51'	2		
2	78°48'	3.115		
3	48°44'	3.115		
4	18°40'	3.115		
5	3°38'	5.97		
6	186°08'	8.86	101	8.86
7	193°57'	18.65	101	18.68
8	202°26'	11.22	101	11.23
9	9°16'	3.38		
10	336°34'	3.38		
11	303°52'	3.38		
12	284°59'	4.53	51	4.53
13	12°26'	19.00		
14	103°32'	2.68	70	2.68
15	181°16'	3.295		
16	183°50'	5.79	64.5	5.79

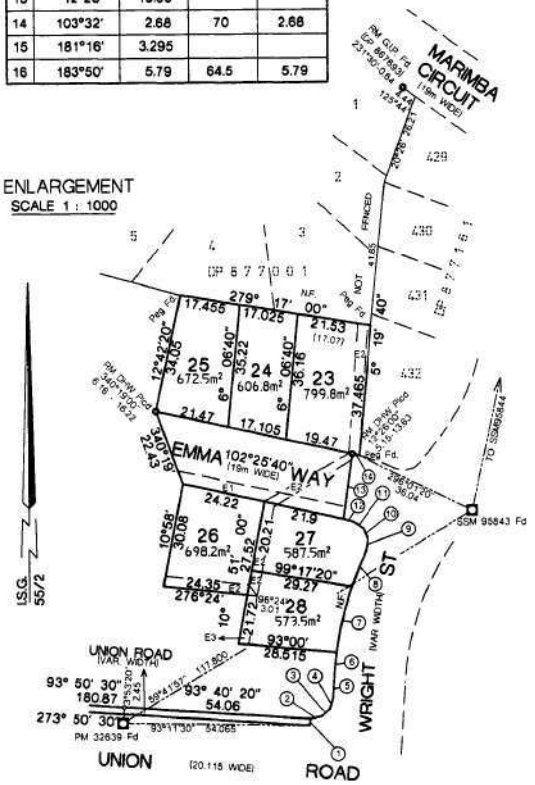
SURVEYORS (PRACTICE) REGULATION 1996 . CLAUSE 32 (2)

MARK	ISG CO ORDINATES EASTING	NORTHING	ZONE	ACC.
PM 32638	291684.385	1009224.442	55/2	3
PM 32639	291670.762	1009244.303	55/2	2
PM 32640	291302.933	1009268.820	55/2	3
SSM 95843	291772.459	1009303.732	55/2	4
SSM 95844	291796.337	1009411.534	55/2	4

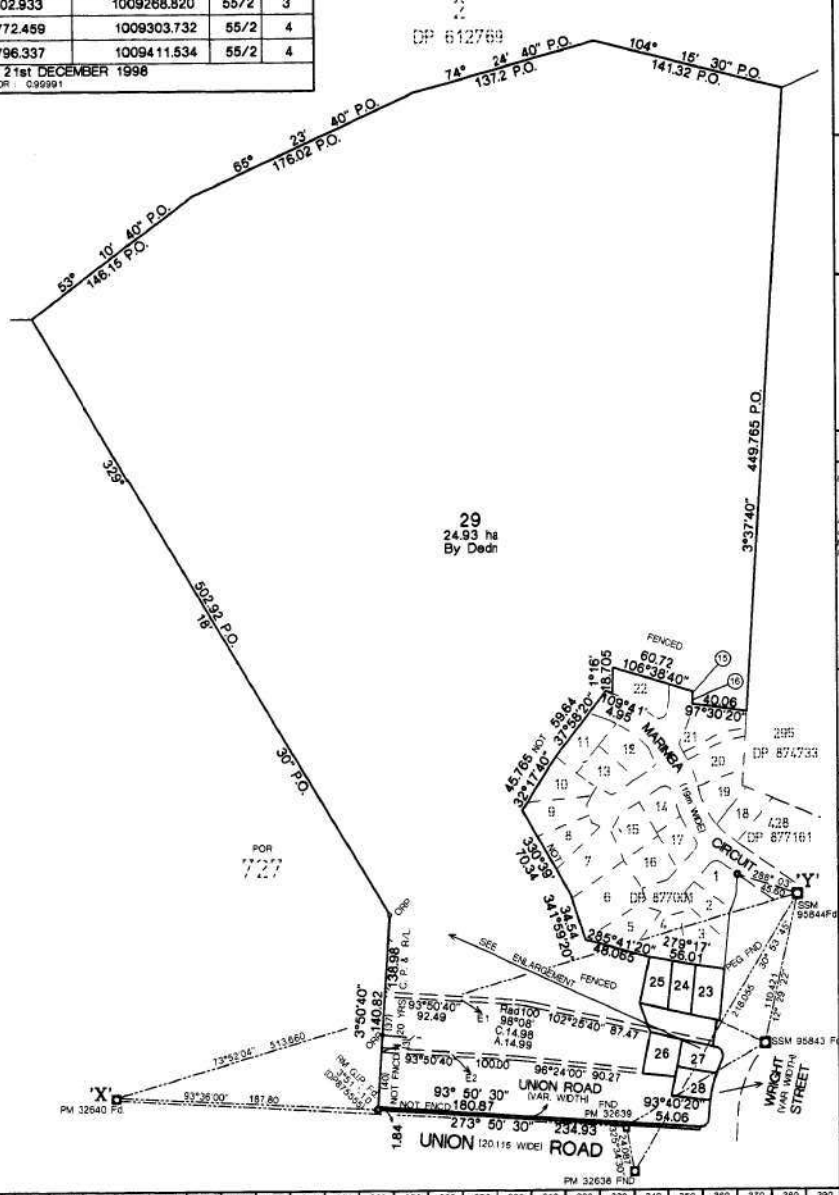
SOURCE : S.C.I.M.S. 21st DECEMBER 1998
COMBINED SEA AND SCALE FACTOR : 0.99991

E1 EXISTING EASEMENT FOR WATER SUPPLY AND EASEMENT FOR SERVICES 3.5 WIDE VIDE DP 875555
E2 EXISTING EASEMENT TO DRAIN SEWAGE 3 WIDE DP 875555
E3 EASEMENT TO DRAIN SEWAGE 3 WIDE

ENLARGEMENT
SCALE 1 : 1000



X-Y PM 32640 - SSM 95844 73°52'04" 513.660 SURVEY
513.675 ISG GROUND



NOTE: NO BOUNDARIES ARE FENCED

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

D.P.883463 (E)

Registered: 1/24/1999

C.A. NO. 2-2-1999

Title System: TORRENS

Purpose: SUBDIVISION

Ref.Map: TOWN OF LAVINGTON (No.13)

Last Plan: D.P.875555

PLAN OF SUBDIVISION OF LOT 3 DP 875555

Lengths are in metres. Reduction Ratio 1 : 2500

LGA: ALBURY

Locality: LAVINGTON

Parish: ALBURY

County: GOULBURN

This is sheet 1 of my plan in 2 sheet. (Delete if inapplicable)

I, DOUGLAS GOW
of DOUGLAS GOW & ASSOCIATES 609 OLIVE STREET ALBURY NSW 2640 Ph 02 6041 2456 Fax 02 6041 2986
a surveyor registered under the Surveyors Act 1929, hereby certify that the survey represented in this plan is accurate, has been made in accordance with the Surveyors (Practice) Regulation 1996 and was completed on 21/12/98

The survey relates to Lots 23 to 29

(here specify the land actually surveyed, or specify any land shown in the plan that is not the subject of the survey)

Datum Line: X - Y (Signature) Surveyor registered under the surveyors Act 1929

Zone: Suburban / ~~Country~~

Plans used in preparation of survey/compilation

DP 875555
DP 877001
DP 867693
DP 874733

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

IT IS INTENDED TO DEDICATE UNION ROAD TO THE PUBLIC AS ROAD.

IT IS INTENDED TO DEDICATE EMMA WAY TO THE PUBLIC AS ROAD SUBJECT TO EASEMENTS CREATED IN DP 875555.

GENERAL MANAGER ACCEPTED

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

1. EASEMENT TO DRAIN SEWAGE 3 WIDE
2. RESTRICTIONS ON USE

SHEET 2 FOR SIGNATURES ONLY dated 3/3/1999

Crown Lands Office Approval

Authorised Officer

Field Book ..... pages .....

Council's Certificate

I hereby certify that :-
(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and
*(b) the requirements of † Part 3 Division 2 of the Water Board Act 1987, or † part 5 Division 7 of the Hunter Water Board (corporatisation) Act 1991

have been complied with by the applicant in relation to the SUBDIVISION
(insert "new road", "subdivision" or "consolidated lot") set out herein

General Manager/Authorised Person

* This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Water Board and the Hunter Water Corporation Ltd.

† Delete if inapplicable

SURVEYOR'S REFERENCE 3642A/11/1/A CHECKLIST

Req:R677094 /Doc:DP 0883463 P /Rev:04-Mar-1999 /NSW LRS /Pgs:ALL /Prt:08-Oct-2021 14:24 /Seq:1 of 2
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PLAN FORM 2

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* OFFICE USE ONLY

SIGNATURE AND SEALS ONLY.

Cherie J Rapsey

S.R Rapsey

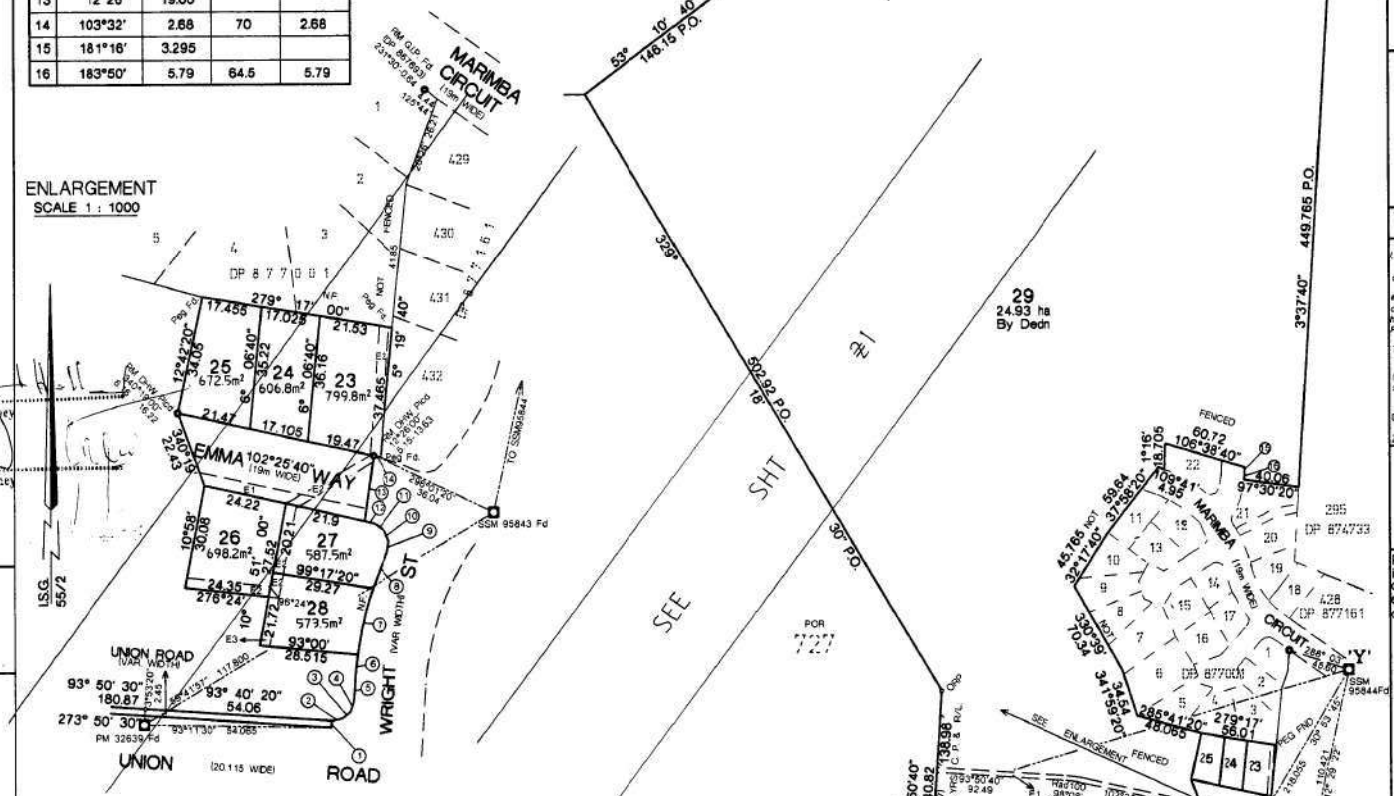
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SOURCE : S.C.I.M.S. 21st DECEMBER 1998
COMBINED SEA AND SCALE FACTOR : 0.99991

E1 EXISTING EASEMENT FOR WATER SUPPLY AND EASEMENT FOR SERVICES 3.5 WIDE VDE DP 875555
E2 EXISTING EASEMENT TO DRAIN SEWAGE 3 WIDE DP 875555
E3 EASEMENT TO DRAIN SEWAGE 3 WIDE

ENLARGEMENT
SCALE 1 : 1000



Executed in Victoria by BENDIGO BANK LIMITED ABN 11 068 049 178 by being signed by its Attorneys who certify that they are the SENIOR MANAGER respectively for the time being of the Bank under the Power of Attorney dated 24/11/98 registered in Book 4220 Number 90 in the presence of –

PETER WILLIAM OPIE) Attorney
JANET IRENE HOLLAND) Attorney

SECURITY OFFICER) Attorney

Witness .....

Crown Lands Office Approval

Authorised Officer

Field Book ..... pages .....

Council's Certificate

I hereby certify that -
(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and
(b) the requirements of 1 Part 3 Division 2 of the Water Board Act 1987, or 1 part 5 Division 7 of the Hunter Water Board (corporatisation) Act 1991

have been complied with by the applicant in relation to the SUBDIVISION

(Insert "new road", "subdivision" or "consolidation" as set out herein)

General Manager/Authorised Person 1-2-1999

* This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Water Board and the Hunter Water Corporation Ltd.

† Delete if inapplicable

SURVEYOR'S REFERENCE: 3642A/11/1/A CHECKLIST

DP 883463

Registered: 24.2.1999

C.A.

Title System:

Purpose: SUBDIVISION

RefMap: TOWN OF LAVINGTON No.13

Last Plan:

PLAN OF SUBDIVISION OF LOT 3 DP 875555

Lengths are in metres. Reduction Ratio 1 : 2500

LGA: ALBURY

Locality: LAVINGTON

Parish: ALBURY

County: GOULBURN

This is sheet 1 of my plan in 2 sheets.
(Delete if inapplicable)

I, DOUGLAS GOW
of DOUGLAS GOW & ASSOCIATES
609 CLIVE STREET ALBURY NSW 2640
Ph 02 6041 2456 Fax 02 6041 2986
a surveyor registered under the Surveyors Act 1929, hereby certify that the survey represented in this plan is accurate, has been made in accordance with the Surveyors (Practice) Regulation 1996 and was completed on 21/12/98

The survey relates to Lots 23 to 29

(here specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Datum Line: X - Y (Signature)

Zone: Suburban / ~~Country~~ Surveyor registered under the Surveyors Act 1929

Plans used in preparation of survey/compilation

DP 875555
DP 877001
DP 867693
DP 874733

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

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GENERAL MANAGER ACCEPTED

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

1. EASEMENT TO DRAIN SEWAGE 3 WIDE
2. RESTRICTIONS ON USE

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

DP 883463

Req:R677094 /Doc:DP 0883463 P /Rev:04-Mar-1999 /NSW LRS /Pgs:ALL /Prt:08-Oct-2021 14:24 /Seq:2 of 2
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Req:R677095 /Doc:DP 0883463 B /Rev:04-Mar-1999 /NSW LRS /Pgs:ALL /Prt:08-Oct-2021 14:24 /Seq:1 of 4
© Office of the Registrar-General /Src:INFOTRACK /Ref:15749

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

DP 883463

Subdivision of Lot 3 DP875555
covered by Council's Certificate
No. -- of 2/2/1999

Full name and address of the owner of the Land:

Gregory Robert Rapsey, Leonie Joy Rapsey
"Frensham Hill", Union Road,
Lavington

PART 1

1.	**Identity of easement to be created and firstly referred to in the plan**	Easement to drain sewage 3 wide

Schedule of lots, etc. affected

Lots burdened	**Name of Authority benefited**
28	The Council of the City of Albury

2.	**Identity of restriction to be created and secondly referred to in the plan**	Restriction on use

Schedule of lots affected

Lots burdened	**Lots benefited**
Each lot	Every other lot

Req:R677095 /Doc:DP 0883463 B /Rev:04-Mar-1999 /NSW LRS /Pgs:ALL /Prt:08-Oct-2021 14:24 /Seq:2 of 4
© Office of the Registrar-General /Src:INFOTRACK /Ref:15749

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

Plan: DP 883463

Subdivision of Lot 3 DP875555 covered by Council's Certificate No. — of 2/2/1999

Full name and address of the owner of the Land:

Gregory Robert Rapsey, Leonie Joy Rapsey
"Frensham Hill", Union Road,
Lavington

PART 2

2. Terms of Restriction on Use Secondly referred to in the abovementioned plan.

a) No building (including a garage and carport) shall be erected along any street frontage of any of the Lots for the distance from the street frontage as set out in the approved Subdivision Siting Design Plan lodged with Albury City Council.

b) No building (including garage and carport) with external walls of material other than brick or masonry, shall be erected or permitted to remain on any lot, except for a garden shed, which may be constructed of colour bond material.

c) No roof of any building erected on any of the Lots shall be of materials other than terra cotta tiles, cement tiles or colour bond sheeting of a non reflective type.

d) No main building erected on any of the lots shall exceed two stories in height or have a roof which is not pitched to at least 22 degrees.

e) No main building erected on any of the Lots shall have an overall internal floor area of less than 149 square metres (approximately 16 squares) other than dual occupancy dwellings which shall have an overall internal floor area (excluding garage or carport) of not less than 93 squares metres (approximately 10 squares).

Req:R677095 /Doc:DP 0883463 B /Rev:04-Mar-1999 /NSW LRS /Pgs:ALL /Prt:08-Oct-2021 14:24 /Seq:3 of 4
© Office of the Registrar-General /Src:INFOTRACK /Ref:15749

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

Plan: DP 883463

Subdivision of Lot 3 DP875555 covered by Council's Certificate No. — of 2/2/1999

Full name and address of the owner of the Land:

Gregory Robert Rapsey, Leonie Joy Rapsey
"Frensham Hill", Union Road,
Lavington

f) No fence shall be erected or permitted to remain on any Lot along any street frontage nor along any side boundary for the distance from the street frontage as set out in the approved Subdivision Siting Design Plan lodged with Albury City Council.

g) No fence shall be erected or permitted to remain on any Lot unless such fence is:
   (i) not less than 1.5 metres or more than 1.8 metres in height
   (ii) constructed of colour bond panel fencing of dark green (Hawthorn Green) in colour;
   (iii) capped along its full length

h) No fence shall be erected on a Lot to divide it from any adjoining Lot or land owned by the Transferors without the consent of the Transferors and their assigns other than purchasers on sale but such consent shall not be withheld if such fence is erected without expense to the Transferors and in favour of any person dealing with the registered proprietor of a Lot such consent shall be deemed to have been given in respect of every such fence for the time being erected.

Name of person empowered to release vary or modify the restriction on use Secondly referred to in the abovementioned plan:-

Gregory Robert Rapsey and Leonie Joy Rapsey (hereinafter called "Rapseys") and or such other person or company nominated by Rapseys in writing for that purpose and if Rapseys shall no longer be the registered proprietor of any of the lots comprised in the plan of subdivision and there shall be no such person or company so nominated then the person or persons for the time being the registered proprietor or proprietors of the lot having the benefit of the restrictions.

Req:R677095 /Doc:DP 0883463 B /Rev:04-Mar-1999 /NSW LRS /Pgs:ALL /Prt:08-Oct-2021 14:24 /Seq:4 of 4
© Office of the Registrar-General /Src:INFOTRACK /Ref:15749

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

Plan: DP 883463

Subdivision of Lot 3 DP875555 covered by Council's Certificate No. — of 2/2/1999

Full name and address of the owner of the Land:

Gregory Robert Rapsey, Leonie Joy Rapsey
"Frensham Hill", Union Road,
Lavington

Signed in my presence by Gregory Robert Rapsey and Leonie Joy Rapsey who are personally known to me.

Mark Perkins
.....
Signature of Witness

G. R. Rapsey
.....
Gregory Robert Rapsey

MARK PATRICK PERKINS
.....
Name of Witness (BLOCK LETTERS)

Leonie J. Rapsey
.....
Leonie Joy Rapsey

444 SWIFT STREET ALBURY SOLICITOR
.....
Address and Occupation of Witness

.....
General Manager
ALBURY CITY COUNCIL

JANET IRENE HOLLAND
who certify that they are the
SECURITY OFFICER
respectively for the time being of the Bank under the Power of Attorney dated 14/5/97 (registered Book 4166 No. 856) in the presence of -

PETER [illegible]
SENIOR MANAGER

.....
Attorney

.....
Attorney

Witness .....

REGISTERED 24.2.1999

PLAN FORM 2

Plan Drawing only to appear in this space

SIGNATURE AND SEALS ONLY.

JULIE ANNE STUDLEY, LEONARD CLIVE WALKER, SECURITY OFFICER, SENIOR MANAGER } Attorney

Crown Lands Office Approval

Authorised Officer

Field Book ..... pages .....

Council's Certificate

I hereby certify that -
(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and
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have been complied with by the applicant in relation to the
SUBDIVISION
(insert "new road", "subdivision" or "consolidated lot") set out herein.

General Manager/Authorised Person

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1 Delete if inapplicable.

3520 15.4.99

SURVEYOR'S REFERENCE: 3786A/11/1/B CHECKLIST

No	BEARING	DIST.	RAD	ARC
1	28°01'	2.99		
2	56°53'	2.99		
3	85°46'	2.99		
4	114°52'	3.04		
5	144°12'	3.04		
6	353°35'	3.04		
7	280°12'	5.00		
8	156°38'	4.685		
9	156°38'	4.625		
10	190°12'	11.65		
11	190°12'	10.015		
12	289°41'	12.57		
13	289°41'	6.295		
14	286°35'	9.695	89.5	9.7
15	181°16'	3.295		
16	183°50'	5.79	ϕ64.5	ϕ5.79
17	281°50'	5.115	89.5	5.12
18	104°56'	11.66	70.5	11.675
19	12°42'20"	34.05		
20	340°19'	22.43		
21	10°58'	30.06		
22	276°24'	24.35		
23	10°00'51"	~~21.72~~ 14.40*		
24	186°08'	6.86		
25	3°38'	5.97		
26	18°40'	3.115		
27	48°44'	3.115		
28	78°48'	3.115		
29	93°00'	28.515		

SHORT LINE TABLE

REFERENCE MARKS PLACED

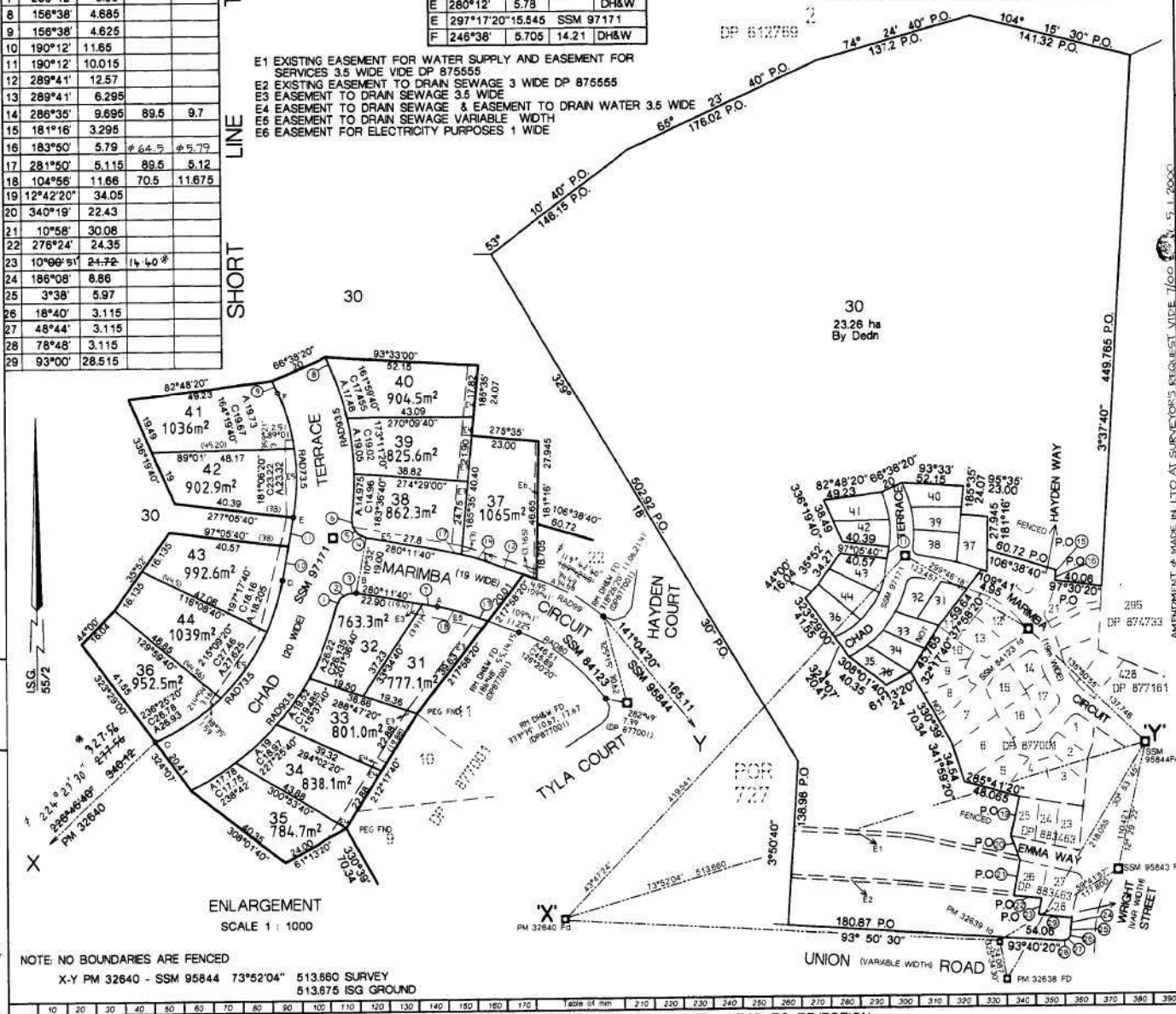
No.	BEARING	DISTANCE		MARK
A	190°12'	5.11	13.535	DH&W
B	190°32'	5.31	13.75	DH&W
B	157°19'10"	20.20	SSM 97171	
C	324°07'	5.825	14.465	DH&W
D	280°12'	5.77	14.37	DH&W
E	280°12'	5.78		DH&W
E	297°17'20"	15.545	SSM 97171	
F	246°38'	5.705	14.21	DH&W

SURVEYORS PRACTICE REGULATION 1996 CLAUSE 32 (2)

MARK	ISG CO ORDINATES EASTING	NORTHING	ZONE	AC.
PM 32638	291684.385	1009224.442	55/2	3
PM 32639	291670.762	1009244.303	55/2	2
PM 32640	291302.933	1009268.820	55/2	3
SSM95843	291772.459	1009303.732	55/2	4
SSM95844	291796.337	1009411.534	55/2	4

SOURCE SCIMS 21st DECEMBER 1998
COMBINED SEA AND SCALE FACTOR : 0.99991

E1 EXISTING EASEMENT FOR WATER SUPPLY AND EASEMENT FOR SERVICES 3.5 WIDE VIDE DP 875555
E2 EXISTING EASEMENT TO DRAIN SEWAGE 3 WIDE DP 875555
E3 EASEMENT TO DRAIN SEWAGE 3.5 WIDE
E4 EASEMENT TO DRAIN SEWAGE & EASEMENT TO DRAIN WATER 3.5 WIDE
E5 EASEMENT TO DRAIN SEWAGE VARIABLE WIDTH
E6 EASEMENT FOR ELECTRICITY PURPOSES 1 WIDE



NOTE: NO BOUNDARIES ARE FENCED

X-Y PM 32640 - SSM 95844 73°52'04" 513.660 SURVEY
513.675 ISG GROUND

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

DP1000806

Registered: 12.5.1999

C.A. No 3520 OF 15.4.1999

Title System: TORRENS

Purpose: SUBDIVISION

Ref.Map: TOWN OF LAVINGTON No.13

Last Plan: DP883463

PLAN OF SUBDIVISION OF LOT 29 DP 883463

Lengths are in metres. Reduction Ratio 1 : 2500

LGA: ALBURY

Locality: LAVINGTON

Parish: ALBURY

County: GOULBURN

This is sheet 1 of my plan in 1 sheet.
(Delete if inapplicable)

I, DOUGLAS GOW
of DOUGLAS GOW & ASSOCIATES
609 OLIVE STREET ALBURY NSW 2640
Ph 02 6041 2456 Fax 02 6041 2986
a surveyor registered under the Surveyors Act 1929 hereby certify that the survey represented in this plan is accurate, has been made in accordance with the Surveyors (Practice) Regulation 1996 and was completed on 7/4/99

The survey relates to Lots 31 to 44

(Strike out if inapplicable) the land actually surveyed, or specify any land shown in the plan that is not the subject of the survey)

Datum Line: X - Y (Signature)

Zone: Suburban / ~~Country~~ Surveyor registered under the surveyors Act 1929

Plans used in preparation of survey/compilation

DP 875555
DP 877001
DP 867693
DP 874733
DP 883463

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

IT IS INTENDED TO DEDICATE MARIMBA CIRCUIT & CHAD TERRACE TO THE PUBLIC AS ROAD.

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

1. EASEMENT TO DRAIN SEWAGE 3.5 WIDE
2. EASEMENT TO DRAIN SEWAGE & EASEMENT TO DRAIN WATER 3.5 WIDE
3. EASEMENT TO DRAIN SEWAGE VARIABLE WIDTH
4. EASEMENT FOR ELECTRICITY PURPOSES 1 WIDE
5. RESTRICTIONS ON USE

PLAN AMENDED IN LTO BEARING LINE 23 - 10° 51'

PLAN AMENDED AT SURVEYORS REQUEST VIDE 3/6/1999 AMENDMENTS MADE IN LTO AT COUNCIL'S REQUEST VIDE 7/00 ON 5.1.2000 AMENDMENT MADE IN LTO AT SURVEYOR'S REQUEST VIDE 28/9/99 AND 17-8-1999

Req:R677096 /Doc:DP 1000806 P /Rev:10-Jan-2000 /NSW LRS /Pgs:ALL /Prt:08-Oct-2021 14:24 /Seq:1 of 1
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Req:R677097 /Doc:DP 1000806 B /Rev:10-Jan-2000 /NSW LRS /Pgs:ALL /Prt:08-Oct-2021 14:24 /Seq:1 of 7
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INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

DP1000806

Subdivision of Lot 29 DP 883463
covered by Council's Certificate
No. 3520 of 15·4·1999

Full name and address of the owner of the Land:

Gregory Robert Rapsey, Leonie Joy Rapsey
"Frensham Hill", Union Road,
Lavington 2641

PART 1

1.	**Identity of easement to be created and firstly referred to in the plan**	Easement to drain sewage 3.5 wide

Schedule of lots etc. affected

Lots burdened	**Name of Authority benefited**
31, 32, 33, 38, 39	The Council of the City of Albury

2.	**Identity of easement to be created and secondly referred to in the plan**	Easement to drain sewage and easement to drain water 3.5 wide

Schedule of lots etc. affected

Lots burdened	**Name of Authority benefited**
33, 34, 35, 39, 40	The Council of the City of Albury

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INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

DP 1000806

Subdivision of Lot 29 DP 883463
covered by Council's Certificate
No. 3520 of 15·4·1999

Full name and address of the owner of the Land:

Gregory Robert Rapsey, Leonie Joy Rapsey
"Frensham Hill", Union Road,
Lavington 2641

3.	**Identity of easement to be created and thirdly referred to in the plan**	Easement to drain sewage variable width

Schedule of Lots, etc. affected

Lots burdened	**Name of Authority benefited**
30, 31, 36, 37, 38, 41, 42, 43, 44	The Council of the City of Albury

4.	**Identity of easement to be created and fourthly referred to in the plan**	Easement for electricity purposes 1 wide

Schedule of Lots, etc. affected

Lot burdened	**Name of Authority benefited**
37	Great Southern Energy

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INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

DP1000806

Subdivision of Lot 29 DP 883463
covered by Council's Certificate
No. 3520 of 15.4.1999

Full name and address of the owner of the Land:

Gregory Robert Rapsey, Leonie Joy Rapsey
"Frensham Hill", Union Road,
Lavington 2641

5. Identity of restrictions to be created and fifthly referred to in the plan

Restrictions on use

Schedule of Lots, etc. affected

Lots burdened	**Lots benefited**
Each Lot	Every other Lot

PART 2

1. Terms of Restrictions on Use fifthly referred to in the abovementioned plan.

a) No building (including a garage and carport) shall be erected along any street frontage of any of the Lots for the distance from the street frontage as set out in the approved Subdivision Siting Design Plan lodged with Albury City Council.

b) No building (including garage and carport) with external walls of material other than brick or masonry, shall be erected or permitted to remain on any lot, except for a garden shed, which may be constructed of colour bond material.

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INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

DP1000806

Subdivision of Lot 29 DP 883463
covered by Council's Certificate
No. 3520 of 15 4 1999

Full name and address of the owner of the Land:

Gregory Robert Rapsey, Leonie Joy Rapsey
"Frensham Hill", Union Road,
Lavington 2641

c) No roof of any building erected on any of the Lots shall be of materials other than terra cotta tiles, cement tiles or colour bond sheeting of a non reflective type.

d) No main building erected on any of the lots shall exceed two stories in height or have a roof which is not pitched to at least 22 degrees.

e) No main building erected on any of the Lots shall have an overall internal floor area of less than 149 square metres (approximately 16 squares) other than dual occupancy dwellings which shall have an overall internal floor area (excluding garage or carport) of not less than 93 square metres (approximately 10 squares).

f) No fence shall be erected or permitted to remain on any Lot along any street frontage nor along any side boundary for the distance from the street frontage as set out in the approved Subdivision Siting Design Plan lodged with Albury City Council.

g) No fence shall be erected or permitted to remain on any Lot unless such fence is:
   (i) not less than 1.5 metres or more than 1.8 metres in height
   (ii) constructed of colour bond panel fencing of dark green (Hawthorn Green) in colour;
   (iii) capped along its full length

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INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

DP1000806

Subdivision of Lot 29 DP 883463
covered by Council's Certificate
No. 3520 of 15-4-1999

Full name and address of the owner of the Land:

Gregory Robert Rapsey, Leonie Joy Rapsey
"Frensham Hill", Union Road,
Lavington 2641

h) No fence shall be erected on a Lot to divide it from any adjoining Lot or land owned by the Transferors without the consent of the Transferors and their assigns other than purchasers on sale but such consent shall not be withheld if such fence is erected without expense to the Transferors and in favour of any person dealing with the registered proprietor of a Lot such consent shall be deemed to have been given in respect of every such fence for the time being erected.

Name of person empowered to release vary or modify the restriction on use fifthly referred to in the abovementioned plan:-

Gregory Robert Rapsey and Leonie Joy Rapsey (hereinafter called "Rapseys") and or such other person or company nominated by Rapseys in writing for that purpose and if Rapseys shall no longer be the registered proprietor of any of the Lots comprised in the plan of subdivision and there shall be no such person or company so nominated then the person or persons for the time being the registered proprietor or proprietors of the Lots having the benefit of the restrictions.

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INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

DP1000806

Subdivision of Lot 29 DP 883463
covered by Council's Certificate
No. 3520 of 15.4.99

Full name and address of the owner of the Land:

Gregory Robert Rapsey, Leonie Joy Rapsey
"Frensham Hill", Union Road,
Lavington 2641

Signed in my presence by Gregory Robert Rapsey and Leonie Joy Rapsey who are personally known to me.

.....
Signature of Witness

.....
Gregory Robert Rapsey

ROBERT A. JONES
Name of Witness (BLOCK LETTERS)

.....
Leonie Joy Rapsey

CIVIL ENGINEER ALBURY
Address and Occupation of Witness

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INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE CREATED OR RELEASED, AND OF PROFITS A PRENDRE, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT 1919

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Full name and address of the owner of the Land:

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"Frensham Hill", Union Road,
Lavington 2641

REGISTERED 12.5.1999

.....
General Manager
ALBURY CITY COUNCIL

EXECUTED BY THE MORTGAGEE:

[illegible] BENDIGO BANK)
[illegible])
by being signed by its Attorneys)
LEONARD CLIVE WALKER) .....
~~JULIE ANNE STUDLEY~~) .....
who certify [illegible])
~~SECURITY OFFICER~~ SENIOR MANAGER)
respectively for the [illegible])
the Power of Attorney [illegible])
[illegible]) Attorney

Rapsey88B
Convey Dir.