

**Instrument setting out terms of Easement or Profits à Prendre intended to be created or released and of Restrictions on the User of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919**

Sheet 1 of 2 Sheets

Plan: Plan of Subdivision of Lot 2 in DP1169320 covered by Subdivision Certificate No.

Full name and address  
Of the owner of the land: CHARLES DAVID PTY LTD  
**DRAFT**

**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 USE OF LAND (V1)	2/1237000	UPPER HUNTER SHIRE COUNCIL
2	POSITIVE COVENANT	2/1237000	UPPER HUNTER SHIRE COUNCIL

**Part 2 (Terms)**

**TERMS OF RESTRICTION ON USE OF LAND NUMBERED 1 IN THE PLAN**

The land denoted V1 on the plan shall be for the sole purpose of vegetation buffer and all stock shall be exclude from the area.

**Name of person or authority empowered to release, vary or modify the easement, profit a prendre, restriction or positive covenant:**

UPPER HUNTER SHIRE COUNCIL

**TERMS OF POSITIVE COVENANT NUMBERED 2 IN THE PLAN**

The registered proprietor of the lot(s) hereby burdened will in respect of the Vegetation Buffer V1

(a) Keep the area fenced and stock proof at all times.

(b) perform the lifecycle renewal of plants and ensure the dead vegetation is disposed of.

(c) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time without notice in these of an emergency) to inspect the vegetation for compliance with plantings as outlined in the landscape plan.

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(d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.

(e) hold a \$10 million public liability insurance policy covering the area (H) on the plan.

(f) this positive covenant will cease if the land is rezoned from rural to residential zoning.

Pursuant to section 88f(3) of the Conveyancing Act 1919, as amended, the Council shall have the following additional powers:

(g) In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above, the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to above and Council may recover from the registered proprietor in a Court of competent jurisdiction any expense reasonably incurred.

**Name of person or authority empowered to release, vary or modify the easement, profit a prendre, restriction or positive covenant:**

UPPER HUNTER SHIRE COUNCIL