



Certificate No: 20190576
Date: 12/06/2019
Receipt No: 15581
Your Reference: 170609

InfoTrack
ecertificates@infotrack.com.au

**PLANNING CERTIFICATE PURSUANT TO
SECTION 10.7(2) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Property: 28 Cavvanbah Street BYRON BAY 2481
Description: LOT: 4 SEC: 54 DP: 758207
Parish: Byron
County: Rous
Parcel No: 112570

1. Names of relevant planning instruments and DCPs

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.**

Byron Local Environmental Plan 2014

State Environmental Planning Policies – refer to Annexure 1

Coastal Management SEPP 2018 (whole of lot)

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).**

Draft State Environmental Planning Policies – refer to Annexure 1

Planning Proposals – refer to Annexure 2.

- (3) The name of each development control plan that applies to the carrying out of development on the land.**

Byron Shire Development Control Plan (DCP) 2014.



TRADITIONAL HOME OF
THE BUNDJALUNG PEOPLE

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
E: council@byron.nsw.gov.au
P: 02 6626 7000 F: 02 6684 3018
www.byron.nsw.gov.au ABN: 14 472 131 473

2. Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone
- (b) the purpose for which the instrument provides that development may be carried out within the zone without the need for development consent,
- (c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,
- (d) the purposes for which the instrument provides that development is prohibited within the zone,
- (e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions fixed,
- (f) whether the land includes or comprises critical habitat,
- (g) whether the land is in a conservation area (however described),
- (h) whether an item of environmental heritage (however described) is situated on the land.

BYRON LOCAL ENVIRONMENTAL PLAN 2014

2(a) – (d) Land zoning & permissibility of development

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Home industries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Serviced apartments; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries;

Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Regard must be had for other clauses in Byron Local Environmental Plan 2014, which may affect the purpose for which development may be carried out.

2(e) The dimensions of the land have no bearing as to whether or not a dwelling-house may be erected on the land.

2(f) The land does not include or comprise critical habitat

2(g) The land is not in a conservation area

2(h) An item of environmental heritage is not situated on the land

2A. Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Not applicable

3. Complying Development

(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Complying development under General Housing Code

Because of the provisions of clause 1.19 of SEPP (Exempt & Complying Development Codes) 2008, complying development may not be carried out on any part of the land as the land is wholly land that is identified by Byron Shire Development Control Plan 2014 as being or affected by a coastal erosion hazard.

Complying development under the Greenfield Housing Code

Complying development may not be carried out on any part of the land due to the land not being within the Greenfield Housing Code Area.

Note:

Development on land subject to both the Housing Code and the Greenfield Housing Code may be assessed as complying development under either code. This will change on 15 December 2019. From this date, complying development may only take place under the Greenfield Housing Code.

Complying development under the Rural Housing Code

Complying development may not be carried out on any part of the land due to the zoning of the land.

Complying development under the Commercial & Industrial (New/Additions) Code

Complying development may not be carried out on any part of the land due to the zoning of the land.

Complying development under the Container Recycling Facilities Code

Complying development may not be carried out on any part of the land due to the zoning of the land.

Complying development under the General Development Code and Housing Alterations Code

Complying development may be carried out on any part of the land.

Complying development under the Commercial and Industrial Alterations Code, Subdivision Code, Demolition Code and Fire Safety Code

Complying development may be carried out on any part of the land.

4. Repealed 3/4/18

4A. Repealed 3/4/18

- 4B. Annual charges for coastal protection services under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works. Whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).**

Council is not aware of such a consent.

- 5. Mine subsidence
whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.**

The land is not proclaimed to be a mine subsidence district.

- 6. Road widening and road realignment
whether or not the land is affected by any road widening or road realignment under:**

- (a) Division 2 of Part 3 of the Roads Act 1993, or**

Not affected

- (b) any environmental planning instrument, or**

Not affected

- (c) any resolution of the council**

Not affected

7. Council and other public authority policies on hazard risk restrictions whether or not the land is affected by a policy:

- (a) adopted by the council, or
- (b) adopted by any other public authority and notified to the council for the express purpose of its authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

- (a) The land is affected by a policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soil and any other risk (other than flooding) known as:

Management of Contaminated Land Policy No 5.61.

Acid Sulfate Soils - Class 5 - Refer to Byron Local Environmental Plan 2014.

Coastal erosion hazard area - Refer to Byron Shire Development Control Plan 2014

- (b) The land is not affected by a policy adopted by another public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soil and any other risk (other than flooding).

7A. Flood related development controls information

- (1) **Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multiple dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.**

The land or part of the land is subject to flood related development controls.

- (2) **Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.**

The land or part of the land is subject to flood related development controls.

8. Land reserved for acquisition

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

BYRON LOCAL ENVIRONMENTAL PLAN 2014

No provision is made for acquisition of the land.

PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT

Not applicable.

9. Contributions plans

The name of each contributions plan applying to the land.

Applications lodged after 21 November, 2001 and prior to 1 January 2013 are subject to contributions levied in accordance with the Byron Shire Council Section 94 Development Contributions Plan 2005 (incorporating Amendment No 1) for community facilities, open space, roads, car parking, cycleways, civic and urban improvements, shire support facilities and administration. The Byron Shire Council Section 94 Development Contributions Plan 2005 (incorporating Amendment No 1) remains in force for the purposes of collection of contributions levied under its terms.

Applications lodged after 1 January 2013 are subject to contributions levied in accordance with the Byron Shire Developer Contributions Plan 2012 (Amendment No 2). The plan is split into two parts, Part A being the Byron Section 94 plan that applies to all residential development and Part B being the Byron Section 94A plan that applies to all non residential development.

9A. Biodiversity certified land

The land is not biodiversity certified land.

10. Biodiversity stewardship sites

The land is not a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016

10A. Native vegetation clearing set asides

The land does not contain a set aside area under section 60ZC of the Local Land Services Act 2013

11. Bush fire prone land

None of the land is bush fire prone land.

12. Property vegetation plans

A property vegetation plan under the Native Vegetation Act 2003 or private native forestry plan under the Local Land Services Act 2013 does not apply to the land.

13. Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

An order under the Trees (Disputes Between Neighbours) Act 2006 has not been made.

14. Directions under Part 3A

No direction by the Minister pursuant to section 75P (2) (c1) of the Environmental Planning & Assessment Act is in force.

15. Site compatibility certificates for infrastructure, schools or TAFE establishments

- (a) Council is not aware of any current site compatibility certificates (infrastructure, schools or TAFE establishments) in respect of proposed development on the land.

- (b) No terms referred to in clause 18(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* have been imposed as conditions of consent to a development application for the land granted after 11 October 2007.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

Council is not aware of any valid site compatibility certificate (infrastructure, schools or TAFE establishments) in respect of proposed development on the land.

17. Site compatibility certificates and conditions for affordable rental housing

- (1) Council is not aware of any current site compatibility certificate (affordable rental housing) in respect of proposed development on the land.
- (2) No terms referred to in clause 17(1) or 37(1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* have been imposed as conditions of consent to a development application in respect of the land.

18. Paper subdivision information

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
 - (1) Not applicable.
 - (2) Not applicable.

19. Site verification certificates

Council is not aware of a current site verification certificate in respect of the land.

NOTE: The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order – if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal – if it is the subject of such an approved proposal at the date when the certificate was issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order – if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

- (a) The land (or part of the land) is not significantly contaminated as at the date this certificate is issued.

Note: the answer given above only relates to "significantly contaminated" land as defined under the Contaminated Land Management Act 1997. If Council holds sufficient information about whether or not land is contaminated land (as defined under Schedule 6 of the Environmental Planning and Assessment Act 1979), this information will be given in the 10.7(5) certificate.

- (b) The land is not subject to a management order as at the date this certificate is issued.
- (c) The land is not the subject of an approved voluntary management proposal as at the date this certificate is issued.
- (d) The land is not subject to an ongoing maintenance order as at the date this certificate is issued.
- (e) The land is not the subject of a site audit statement as at the date this certificate is issued.

20. Loose-fill asbestos insulation

The land does not include any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that are listed on the register that is required to be maintained under that Division.

21. Affected building notices and building product rectification orders

- (1) Council is not aware of any affected building notice (within the meaning of Part 4 of the *Building Products (Safety) Act 2017*) that is in force with respect to the land.
- (2) Council is not aware of any outstanding notice of intention to make a building product rectification (within the meaning of the *Building Products (Safety) Act 2017*) having been given with respect to the land.

Any statement made or information given in this certificate does not relieve the property owner of obtaining Council's approval required under the *Local Government Act 1993*, the *Environmental Planning & Assessment Act 1979* as amended, or any other Act.

Mark Arnold
General Manager



Per



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 4/54/758207

SEARCH DATE	TIME	EDITION NO	DATE
12/6/2019	9:50 AM	6	1/9/2018

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.
CONTROL OF THE RIGHT TO DEAL IS HELD BY AUSTRALIA AND NEW ZEALAND BANKING
GROUP LIMITED.

LAND

LOT 4 OF SECTION 54 IN DEPOSITED PLAN 758207
AT BYRON BAY
LOCAL GOVERNMENT AREA BYRON
PARISH OF BYRON COUNTY OF ROUS
(FORMERLY KNOWN AS ALLOTMENT 4 OF SECTION 54)
TITLE DIAGRAM CROWN PLAN 24.2758

FIRST SCHEDULE

STEVEN JAMES HABY
GEOFFREY PAUL WOOD
AS JOINT TENANTS (T AH357499)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 9676742 RESTRICTION AS TO USER (S.88E(3) CONVEYANCING ACT,
1919)
- 3 AK326890 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP
LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

170609

PRINTED ON 12/6/2019

* 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.

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CONVERSION TABLE ADDED IN
DEPARTMENT OF LANDS

CL	22-2750	
LINKS		METRES
100		20.117
101.2		20.358
102.4		21.907
150		30.475
150.2		30.215
169		33.997
183.4		37.297
200.6		40.234
214.7		42.171
228.4		45.013
232.1		46.051
247.4		49.709
261.7		52.627
275.4		55.545
289.7		58.463
303.4		61.381
317.7		64.299
332.1		67.217
346.4		70.135
360.7		73.053
375.0		75.971
389.3		78.889
403.6		81.807
417.9		84.725
432.2		87.643
446.5		90.561
460.8		93.479
475.1		96.397
489.4		99.315
503.7		102.233
518.0		105.151
532.3		108.069
546.6		110.987
560.9		113.905
575.2		116.823
589.5		119.741
603.8		122.659
618.1		125.577
632.4		128.495
646.7		131.413
661.0		134.331
675.3		137.249
689.6		140.167
703.9		143.085
718.2		146.003
732.5		148.921
746.8		151.839
761.1		154.757
775.4		157.675
789.7		160.593
804.0		163.511
818.3		166.429
832.6		169.347
846.9		172.265
861.2		175.183
875.5		178.101
889.8		181.019
904.1		183.937
918.4		186.855
932.7		189.773
947.0		192.691
961.3		195.609
975.6		198.527
989.9		201.445
1004.2		204.363
1018.5		207.281
1032.8		210.199
1047.1		213.117
1061.4		216.035
1075.7		218.953
1090.0		221.871
1104.3		224.789
1118.6		227.707
1132.9		230.625
1147.2		233.543
1161.5		236.461
1175.8		239.379
1190.1		242.297
1204.4		245.215
1218.7		248.133
1233.0		251.051
1247.3		253.969
1261.6		256.887
1275.9		259.805
1290.2		262.723
1304.5		265.641
1318.8		268.559
1333.1		271.477
1347.4		274.395
1361.7		277.313
1376.0		280.231
1390.3		283.149
1404.6		286.067
1418.9		288.985
1433.2		291.903
1447.5		294.821
1461.8		297.739
1476.1		300.657
1490.4		303.575
1504.7		306.493
1519.0		309.411
1533.3		312.329
1547.6		315.247
1561.9		318.165
1576.2		321.083
1590.5		323.999
1604.8		326.917
1619.1		329.835
1633.4		332.753
1647.7		335.671
1662.0		338.589
1676.3		341.507
1690.6		344.425
1704.9		347.343
1719.2		350.261
1733.5		353.179
1747.8		356.097
1762.1		359.015
1776.4		361.933
1790.7		364.851
1805.0		367.769
1819.3		370.687
1833.6		373.605
1847.9		376.523
1862.2		379.441
1876.5		382.359
1890.8		385.277
1905.1		388.195
1919.4		391.113
1933.7		394.031
1948.0		396.949
1962.3		399.867
1976.6		402.785
1990.9		405.703
2005.2		408.621
2019.5		411.539
2033.8		414.457
2048.1		417.375
2062.4		420.293
2076.7		423.211
2091.0		426.129
2105.3		429.047
2119.6		431.965
2133.9		434.883
2148.2		437.801
2162.5		440.719
2176.8		443.637
2191.1		446.555
2205.4		449.473
2219.7		452.391
2234.0		455.309
2248.3		458.227
2262.6		461.145
2276.9		464.063
2291.2		466.981
2305.5		469.899
2319.8		472.817
2334.1		475.735
2348.4		478.653
2362.7		481.571
2377.0		484.489
2391.3		487.407
2405.6		490.325
2419.9		493.243
2434.2		496.161
2448.5		499.079
2462.8		501.997
2477.1		504.915
2491.4		507.833
2505.7		510.751
2520.0		513.669
2534.3		516.587
2548.6		519.505
2562.9		522.423
2577.2		525.341
2591.5		528.259
2605.8		531.177
2620.1		534.095
2634.4		537.013
2648.7		539.931
2663.0		542.849
2677.3		545.767
2691.6		548.685
2705.9		551.603
2720.2		554.521
2734.5		557.439
2748.8		560.357
2763.1		563.275
2777.4		566.193
2791.7		569.111
2806.0		572.029
2820.3		574.947
2834.6		577.865
2848.9		580.783
2863.2		583.701
2877.5		586.619
2891.8		589.537
2906.1		592.455
2920.4		595.373
2934.7		598.291
2949.0		601.209
2963.3		604.127
2977.6		607.045
2991.9		609.963
3006.2		612.881
3020.5		615.799
3034.8		618.717
3049.1		621.635
3063.4		624.553
3077.7		627.471
3092.0		630.389
3106.3		633.307
3120.6		636.225
3134.9		639.143
3149.2		642.061
3163.5		644.979
3177.8		647.897
3192.1		650.815
3206.4		653.733
3220.7		656.651
3235.0		659.569
3249.3		662.487
3263.6		665.405
3277.9		668.323
3292.2		671.241
3306.5		674.159
3320.8		677.077
3335.1		680.000
3349.4		682.917
3363.7		685.835
3378.0		688.753
3392.3		691.671
3406.6		694.589
3420.9		697.507
3435.2		700.425
3449.5		703.343
3463.8		706.261
3478.1		709.179
3492.4		712.097
3506.7		715.015
3521.0		717.933
3535.3		720.851
3549.6		723.769
3563.9		726.687
3578.2		729.605
3592.5		732.523
3606.8		735.441
3621.1		738.359
3635.4		741.277
3649.7		744.195
3664.0		747.113
3678.3		750.031
3692.6		752.949
3706.9		755.867
3721.2		758.785
3735.5		761.703
3749.8		764.621
3764.1		767.539
3778.4		770.457
3792.7		773.375
3807.0		776.293
3821.3		779.211
3835.6		782.129
3849.9		785.047
3864.2		787.965
3878.5		790.883
3892.8		793.801
3907.1		796.719
3921.4		799.637
3935.7		802.555
3950.0		805.473
3964.3		808.391
3978.6		811.309
3992.9		814.227
4007.2		817.145
4021.5		820.063
4035.8		822.981
4050.1		825.899
4064.4		828.817
4078.7		831.735
4093.0		834.653
4107.3		837.571
4121.6		840.489
4135.9		843.407
4150.2		846.325
4164.5		849.243
4178.8		852.161
4193.1		855.079
4207.4		857.997
4221.7		860.915
4236.0		863.833
4250.3		866.751
4264.6		869.669
4278.9		872.587
4293.2		875.505
4307.5		878.423
4321.8		881.341
4336.1		884.259
4350.4		887.177
4364.7		890.095
4379.0		893.013
4393.3		895.931
4407.6		898.849
4421.9		901.767
4436.2		904.685
4450.5		907.603
4464.8		910.521
4479.1		913.439
4493.4		916.357
4507.7		919.275
4522.0		922.193
4536.3		925.111
4550.6		928.029
4564.9		930.947
4579.2		933.865
4593.5		936.783
4607.8		939.701
4622.1		942.619
4636.4		945.537
4650.7		948.455
4665.0		951.373
4679.3		954.291
4693.6		957.209
4707.9		960.127
4722.2		963.045
4736.5		965.963
4750.8		968.881
4765.1		971.799
4779.4		974.717
4793.7		977.635
4808.0		980.553
4822.3		983.471
4836.6		986.389
4850.9		989.307
4865.2		992.225
4879.5		995.143
4893.8		998.061
4908.1		1000.979
4922.4		1003.897
4936.7		1006.815
4951.0		1009.733
4965.3		1012.651
4979.6		1015.569
4993.9		1018.487
5008.2		1021.405
5022.5		1024.323
5036.8		1027.241
5051.1		1030.159
5065.4		1033.077
5079.7		1035.995
5094.0		1038.913
5108.3		1041.831
5122.6		1044.749
5136.9		1047.667
5151.2		1050.585
5165.5		1053.503
5179.8		1056.421
5194.1		1059.339
5208.4		1062.257
5222.7		1065.175
5237.0		1068.093
5251.3		1071.011
5265.6		1073.929
5279.9		1076.847
5294.2		1079.765
5308.5		1082.683
5322.8		1085.601
5337.1		1088.519
5351.4		1091.437
5365.7		1094.355
5380.0		1097.273
5394.3		1100.191
5408.6		1103.109
5422.9		1106.027
5437.2		1108.945
5451.5		1111.863
5465.8		1114.781
5480.1		1117.699
5494.4		1120.617
5508.7		1123.535
5523.0		1126.453
5537.3		1129.371
5551.6		1132.289
5565.9		

Form: 13RPA
Release:
www.lpi.nsw.gov.au

**RESTRICTION ON THE USE OF
BY A PRESCRIBED AUTHOR**

New South Wales

Section 88E(3) Conveyancing Act



9676742C

PRIVACY NOTE: this information is legally required and will

(A) **TORRENS TITLE**

4/54/758207

(B) **LODGED BY**

Delivery Box	Name, Address or DX and Telephone	CODE
38W	V. J. RALPH & CO. LEVEL 9, 80 ELIZABETH ST. SYDNEY 2000 DX 347 SYDNEY FAX 9233 8645 PH: 9233 8088 38W	R
Reference: Rmwl		

(C) **REGISTERED PROPRIETOR**

PAUL LINDEN MARTIN & PAMELA KAY COLLINS

(D) **LESSEE MORTGAGEE or CHARGE**

Of the above land agreeing to be bound by this restriction		
Interest	Number	Name of lessee, mortgagee or chargee
Mortgage	8299116	WESTPAC BANKING CORPORATION

(E) **PRESCRIBED AUTHORITY**

Within the meaning of section 88E(1) of the Conveyancing Act 1919
BYRON SHIRE COUNCIL

- (F) The prescribed authority having imposed on the above land a restriction in the terms set out in annexure 'A' hereto applies to have it recorded in the Register and certifies this application correct for the purposes of the Real Property Act 1900.

DATE 03/06/2003

(G) **Execution by the prescribed authority**

I certify that the authorised officer of the prescribed authority signing below who is personally known to me or as to whose identity I am otherwise satisfied signed this application in my presence.

Signature of witness:

Name of witness:

Address of witness:

Jeffrey Belovic
JEFFREY BELOVIC
C/- BYRON SHIRE COUNCIL

Signature of an authorised officer:

Name of authorised officer:

Position of authorised officer:

John Samuels
JOHN SAMUELS
SENIOR DEVELOPMENT ENGINEER

(G) **Execution by the registered proprietor**

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.

Certified correct for the purposes of the Real Property Act 1900 by the Registered Proprietor.

Signature of witness:

Name of witness:

Address of witness:

Paul R. Martin
PAUL R. MARTIN
8/24 TELOPEA PARK EAST
KINGSTON, A.C.T. 2604

Signature of Registered Proprietor:

K. Collis
K. Collis

(H) **Consent of the mortgagee**

The mortgagee under mortgage No. 8299116 agrees to be bound by this restriction. I certify that the above mortgagee who is personally known to me or as to whose identity I am otherwise satisfied signed this application in my presence.

Signature of witness:

Name of witness:

Address of witness:

Signature of mortgagee:

CH 2x4 30/5
CH 2x4 30/5

Annexure 'A' to RESTRICTION ON THE USE OF LAND BY A PRESCRIBED AUTHORITY

Parties: REGISTERED PROPRIETOR: Paul Linden Martin & Pamela Kay Collins
MORTGAGEE: Westpac Banking Corporation
PRESCRIBED AUTHORITY: Byron Shire Council


Dated: 3RD JUNE 2003

The subject land and any improvements erected thereon must not be used for the purpose of a dwelling house or a bed and breakfast establishment in the event that the erosion escarpment as defined by the Works and Services Director of the Council of the Shire of Byron from time to time comes to within 50 metres of any buildings or any part thereof at any time erected on the said land.

Authorised Officer


John Samuels

Signed for and on behalf of
WESTPAC BANKING CORPORATION
ABN 33 007 457 141
by its Attorney:

 Rosemary Gaye Jennings
Power of Attorney registered at Land
and Property Information NSW
Book 4299 No. 332

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

Signature of Witness: 
Name of Witness: Grant Leyland Ridgwell
Address of Witness: 25 Adams St Loddon SA 5032
Daytime telephone number of Witness: 08 0152 4124