

CREATION OF RESTRICTIONS – VERSION 3

CREATION OF RESTRICTION 'A'

THE REGISTERED PROPRIETORS OF THE BURDENED LAND COVENANT WITH THE REGISTERED PROPRIETORS OF THE BENEFITED LAND AS SET OUT IN THE RESTRICTION WITH THE INTENT THAT THE BURDEN OF THE RESTRICTION RUNS WITH AND BINDS THE BURDENED LAND AND THE BENEFIT OF THE RESTRICTION IS ANNEXED TO AND RUNS WITH THE BENEFITED LAND.

LAND TO BENEFIT & TO BE BURDENED:

BURDENED LAND: LOTS (BOTH INCLUSIVE)

BENEFITING LAND: LOTS (BOTH INCLUSIVE)

DESCRIPTION OF RESTRICTION:

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN MUST NOT BUILD OR PERMIT ANY OTHER PERSON UNDER ITS CONTROL OR DIRECTION TO:

- 1) CONSTRUCT OR ALLOW TO BE CONSTRUCTED ANY BUILDING, STRUCTURE OR FENCE OTHER THAN A BUILDING, STRUCTURE OR FENCE IN ACCORDANCE WITH THE LATEST COPY OF THE KINGBIRD ESTATE DESIGN GUIDELINES (INCLUDING ANY AMENDMENTS FROM TIME TO TIME) ENDORSED BY THE CITY OF CASEY UNDER PLANNING PERMIT No: PInA00251/13;
- 2) CONSTRUCT OR ALLOW TO BE CONSTRUCTED ANY DWELLING OUTSIDE A BUILDING ENVELOPE APPLIED TO A LOT ON THE BUILDING ENVELOPE PLAN ENDORSED UNDER PLANNING PERMIT No: PInA00251/13 UNLESS ENCROACHMENTS OUTSIDE THE BUILDING ENVELOPE PLAN ARE PERMITTED IN ACCORDANCE WITH THE LATEST KINGBIRD ESTATE GUIDELINES DETAILED IN CONDITION 1.

A COPY OF THE ENDORSED KINGBIRD DESIGN GUIDELINES AND BUILDING ENVELOPES ARE AVAILABLE AT: <https://portal.beveridgewilliams.com.au>

VARIATION:

ANY VARIATION TO THE ENDORSED BUILDING ENVELOPE PLAN OR CONSENT TO BUILD OUTSIDE THE ENDORSED BUILDING ENVELOPE PLAN FOR CONDITION 2 OF RESTRICTION 'A' WHERE ENCROACHMENTS OUTSIDE THE BUILDING ENVELOPE PLAN ARE NOT PERMITTED BY THE LATEST ENDORSED COPY OF THE KINGBIRD ESTATE GUIDELINES WILL REQUIRE APPROVAL FROM THE CITY OF CASEY AND KINGBIRD DESIGN ASSESSMENT PANEL.

EXPIRY DATE: THIS RESTRICTION SHALL CEASE TO HAVE EFFECT TEN (10) YEARS AFTER THE DATE OF REGISTRATION OF THIS PLAN.

CREATION OF RESTRICTION 'B'

THE REGISTERED PROPRIETORS OF THE BURDENED LAND COVENANT WITH THE REGISTERED PROPRIETORS OF THE BENEFITED LAND AS SET OUT IN THE RESTRICTION WITH THE INTENT THAT THE BURDEN OF THE RESTRICTION RUNS WITH AND BINDS THE BURDENED LAND AND THE BENEFIT OF THE RESTRICTION IS ANNEXED TO AND RUNS WITH THE BENEFITED LAND.

LAND TO BENEFIT & TO BE BURDENED:

BURDENED LAND: LOTS (BOTH INCLUSIVE)

BENEFITING LAND: LOTS (BOTH INCLUSIVE)

DESCRIPTION OF RESTRICTION:

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN MUST NOT BUILD OR PERMIT ANY OTHER PERSON UNDER ITS CONTROL OR DIRECTION TO:

- 1) CONSTRUCT OR ALLOW TO BE CONSTRUCTED ANY BUILDING OR STRUCTURE OTHER THAN A BUILDING OR STRUCTURE THAT IS IN ACCORDANCE WITH THE RESIDENTIAL DESIGN CONTROLS SET OUT IN THE BOTANIC RIDGE PRECINCT STRUCTURE PLAN AND DESCRIBED IN THE BUILDING ENVELOPE PLANS AND DESIGN GUIDELINES ENDORSED UNDER PLANNING PERMIT No: PInA00251/13.

A COPY OF THE ENDORSED KINGBIRD DESIGN GUIDELINES AND BUILDING ENVELOPES ARE AVAILABLE AT: <https://portal.beveridgewilliams.com.au>

EXPIRY DATE: THIS RESTRICTION SHALL CEASE TO HAVE EFFECT TEN (10) YEARS AFTER THE DATE OF REGISTRATION OF THIS PLAN.

CREATION OF RESTRICTION 'C'

UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED

THE REGISTERED PROPRIETORS OF THE BURDENED LAND COVENANT WITH THE REGISTERED PROPRIETORS OF THE BENEFITED LAND AS SET OUT IN THE RESTRICTION WITH THE INTENT THAT THE BURDEN OF THE RESTRICTION RUNS WITH AND BINDS THE BURDENED LAND AND THE BENEFIT OF THE RESTRICTION IS ANNEXED TO AND RUNS WITH THE BENEFITED LAND.

LAND TO BENEFIT & TO BE BURDENED:

BURDENED LAND: LOTS (BOTH INCLUSIVE)

BENEFITING LAND: LOTS (BOTH INCLUSIVE)

DESCRIPTION OF RESTRICTION:

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN OF SUBDIVISION SHALL NOT AT ANY TIME ON THE SAID LOT OR ANY PARTS THEREOF:

- 1) CONSTRUCT OR EXTEND ANY DWELLING OR ALLOW THE CONSTRUCTION OR EXTENSION OF ANY DWELLING THAT DOES NOT COMPLY WITH "TYPE A" OF THE SMALL LOT HOUSING CODE AS INCORPORATED INTO THE CASEY PLANNING SCHEME UNLESS THE CONSTRUCTION OR EXTENSION OF ANY DWELLING HAS BEEN APPROVED BY THE RESPONSIBLE AUTHORITY UNDER THE RELEVANT PLANNING REGULATIONS.

EXPIRY DATE:

THIS RESTRICTION SHALL CEASE TO HAVE EFFECT TWENTY (20) YEARS AFTER THE DATE OF REGISTRATION OF THIS PLAN.

CREATION OF RESTRICTION 'D'

UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED

THE REGISTERED PROPRIETORS OF THE BURDENED LAND COVENANT WITH THE REGISTERED PROPRIETORS OF THE BENEFITED LAND AS SET OUT IN THE RESTRICTION WITH THE INTENT THAT THE BURDEN OF THE RESTRICTION RUNS WITH AND BINDS THE BURDENED LAND AND THE BENEFIT OF THE RESTRICTION IS ANNEXED TO AND RUNS WITH THE BENEFITED LAND.

LAND TO BENEFIT & TO BE BURDENED:

BURDENED LAND: LOTS (BOTH INCLUSIVE)

BENEFITING LAND: LOTS (BOTH INCLUSIVE)

DESCRIPTION OF RESTRICTION:

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN OF SUBDIVISION SHALL NOT AT ANY TIME ON THE SAID LOT OR ANY PARTS THEREOF:

- 1) CONSTRUCT OR EXTEND ANY DWELLING OR ALLOW THE CONSTRUCTION OR EXTENSION OF ANY DWELLING THAT DOES NOT COMPLY WITH "TYPE B" OF THE SMALL LOT HOUSING CODE AS INCORPORATED INTO THE CASEY PLANNING SCHEME UNLESS THE CONSTRUCTION OR EXTENSION OF ANY DWELLING HAS BEEN APPROVED BY THE RESPONSIBLE AUTHORITY UNDER THE RELEVANT PLANNING REGULATIONS.

EXPIRY DATE:

THIS RESTRICTION SHALL CEASE TO HAVE EFFECT TWENTY (20) YEARS AFTER THE DATE OF REGISTRATION OF THIS PLAN.