



16 Kane Road, Wodonga - Postal Address P.O Box 876, Wodonga 3689
 Telephone 0260 243960 Email: jesse.hill@awgeo.com.au

25 October 2019
 19CT1319

Gentle Rise Pty Ltd
 C/o Nordcon Land Pty Ltd
 PO Box 107
 Wodonga, VIC, 3689

AVALON PARK

SUMMARY OF SITE CLASSIFICATIONS

Lot No.	Classification	Lot No.	Classification	Lot No.	Classification	Lot No.	Classification
1	CF/H1-D	27	H1-D	53	M-D	79	M-D
2	CF/H1-D	28	H1-D	54	M-D	80	M-D
3	CF/H1-D	29	M-D	55	M-D	81	M-D
4	CF/H1-D	30	M-D	56	M-D	82	M-D
5	CF/H1-D	31	M-D	57	M-D	83	M-D
6	CF/H1-D	32	M-D	58	M-D	84	M-D
7	CF/M-D	33	M-D	59	M-D	85	M
8	CF/M-D	34	M-D	60	M-D	86	H1-D
9	CF/M-D	35	M-D	61	M-D	87	H1-D
10	CF/M-D	36	M-D	62	M-D	88	M-D
11	CF/M-D	37	M-D	63	M	89	H1-D
12	CF/M-D	38	M-D	64	M	90	M-D
13	CF/M-D	39	M-D	65	M-D	91	M-D
14	CF/M-D	40	M-D	66	M-D	92	M-D
15	CF/M-D	41	M-D	67	M-D	93	H1-D
16	CF/M-D	42	H1-D	68	M-D	94	M-D
17	CF/M-D	43	M-D	69	M-D	95	H1-D
18	CF/M-D	44	M-D	70	M-D	96	H1-D
19	CF/M-D	45	M-D	71	M-D	97	M
20	CF/M-D	46	M-D	72	M-D	98	H1-D
21	CF/M-D	47	M-D	73	H1-D	99	H1-D
22	CF/M-D	48	M-D	74	M-D	100	M-D
23	CF/M-D	49	M-D	75	M-D	101	H1-D
24	CF/M-D	50	M-D	76	M-D	102	H1-D
25	CF/M-D	51	M-D	77	M-D		
26	CF/M-D	52	M-D	78	M-D		

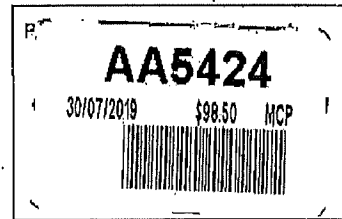
If more information is required about the contents of this report please contact the undersigned.

** CF denotes **level 1 controlled fill**. The site classification has been undertaken in accordance with **AS 2870-2011**.

Yours Sincerely

Peter Vella

**Memorandum of common provisions
Section 91A Transfer of Land Act 1958**



Lodged by	
Name:	McHargs Solicitors
Phone:	02 6024 1677
Address:	81 High Street, Wodonga
Reference:	WDJ
Customer code:	1223W

This memorandum contains provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration

Provisions:

**AVALON PARK STAGE 1.1 & 1.2 RESTRICTIVE COVENANTS
(V3 - 29.03.2019)**

The transferees for themselves, their successors, assigns and transferees, the registered proprietor or proprietors for the time being of the land hereby transferred ("the land") and of every part thereof hereby covenant(s) with the transferor (its successors assigns and transferees and as a separate covenant with the registered proprietor or proprietors for the time being of every lot and of every road or street shown on Plans of Subdivision Number PS815881U and PS803183N lodged in the Office of Titles, whether transferred by the transferor before or after the transfer of the land to the intent that the burden of these covenants shall run with and bind the land and every part thereof and that the benefit of these covenants shall be annexed to and run with each and every lot and road or street shown on the said Plan of Subdivision (other than the land) whether transferred by the transferor before or after the transfer of the land as part of and for the purpose of effectuating a general building scheme affecting the whole of the lots and roads or streets shown on the said Plan of Subdivision, as follows namely:-

1. No Multiple Occupancy Dwellings

For all lots except lots 68, 72 and 73, no building may be erected on the land except one single occupancy dwelling house with the usual and necessary garage carport and/or outbuildings and no buildings so erected may be used for any purpose other than as a single occupancy dwelling house and residential purposes reasonably incidental thereto ("Single occupancy dwelling house" means a detached dwelling the whole of which is designed for occupation as a residence by a family or one or more persons pursuant to a single right of exclusive occupancy and does not include flats, a hostel, a boarding house, home units or similar multiple occupancy residences).

2. Minimum Size of Dwellings

For all lots except lots 68, 72 and 73 no main building may be erected on the land the roofed and wholly enclosed floor area of which is less than 120 square metres exclusive of the area of any car accommodation (whether wholly enclosed or not), verandahs, external landings, porches and patios.

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V3

1. The provisions are to be numbered consecutively from number 1.
2. Further pages may be added but each page should be consecutively numbered.
3. To be used for the inclusion of provisions in instruments and plans.

91ATLA

Page 1 of 4

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Land Use Victoria contact details: see www.delwp.viv.gov.au/property>Contact us

AA5424

30/07/2019 \$98.50 MCP



Memorandum of common provisions
Section 91A Transfer of Land Act 1958

AVALON PARK ESTATE STAGE 1.1 & 1.2 RESTRICTIVE COVENANTS
Page 2 of 4
(V3 - 29.03.2019)

3. Cladding Materials for Buildings

The external walls of any buildings erected on the land (including attached or detached garages, sheds and outbuildings) may not be constructed of any materials other than the "permitted materials", being clay or coloured concrete brick, masonry, stone, painted cement rendered polystyrene sheet or cement composite cladding except that:

- (a) the walls of dwellings may be constructed of a composite of the permitted materials and other materials including timber, fibre cement sheet or glass bricks on the proviso that no less than two thirds of the external walls of any such dwellings are constructed of the permitted materials and
- (b) (i) one garden shed not exceeding 15 square metres in area and two metres in wall height and
- (ii) one storage shed not exceeding 50 square metres in area and 3 metres in wall height located entirely behind the rear building line of the dwelling on the land

may be constructed of new materials being steel or aluminum sheet the external surface of which has permanently bonded to it by factory process an earthy colour or a colour which matches the colour of the dwelling on the land.

- (c) No garage, shed or other outbuilding, other than a garden shed or storage shed permitted by sub-clause (ii) of this clause may be built with walls and roof made from materials which are not of the same type and colour as the wall and roofing materials from which the main building on the land is constructed nor may any such building have a flat roof (which for the purposes of these covenants means a roof the pitch of which is less than 12 degrees) unless the main building on the land has a flat roof.

4. Buildings Not to Have Reflective Roofs

No building erected on the land may be roofed or clad with any material having a metallic lustre or appearance, a highly reflective surface or a highly reflective coloured surface which description includes uncoloured Zincalume sheet.

5. No Secondhand Buildings or Materials

No building may be erected on the land which is not constructed entirely of new materials or which has been wholly or substantially assembled off the land whether as a previously occupied building or otherwise.

6. Restriction on Front Fences

For the purposes of this clause and clause 8 -

A "corner block" is a piece of land which has front boundaries to more than one street;

The "front boundary" of the land is the street boundary of the land. A corner block has two front boundaries;

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Page 2 of 4

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**Memorandum of common provisions
Section 91A Transfer of Land Act 1958**

AVALON PARK STAGE 1.1 & 1.2 RESTRICTIVE COVENANTS

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(V3 - 29.03.2019)

The "side boundaries" of the land are those boundaries which radiate inward to the rear of the land from the front boundary or boundaries;

The "frontage" of the land which is not a corner block means the area of the land enclosed by firstly, the front boundary or boundaries and secondly by a line drawn on the land parallel to the front boundary which intersects the main building on the land at its closest point to the front boundary and thirdly by the parts of each side boundary between such line and the front boundary

The "frontage" of the land for a corner block is the area bounded by firstly the front boundary of each street and secondly by lines drawn on the land parallel to each front boundary which intersect the main building on the land closest to each front boundary and thirdly by lines which radiate at 90 degrees from the street boundaries to meet the parallel lines from a point one half way along each the street boundary.

- (a) Subject to sub-clause (b), no fence or wall may be erected on or within the frontage of the land other than a fence which does not exceed 1.0 metre in height made of powder coated steel posts that match the material type and colour of the dwelling on the land with infill panels of powder coated tubular metal of a minimum 25% transparency.
- (b) As an exception to sub-clause (a), for the purpose of creating a private courtyard, a fence or wall may be constructed to a maximum height of 1.8 metres on a part or parts of the front and side boundaries of the land or anywhere within the frontage of the land to enclose no more than 60% of the area of the frontage of the land made of powder coated steel posts with infill panels of powder coated steel slat metal giving a minimum of 25% transparency of a colour similar to the colour known as "Dune" on the range of Lysaght brand fencing products
- (c) No fence permitted by sub-clause (b) may be constructed of or incorporated in its construction metal sheeting of any description including corrugated iron or the steel decking or roofing or fencing material commonly called "Colorbond" or any similar such materials.

7. Fence Framework and Rails not to Face Reserves

No boundary fence may be constructed on the land on which the framework, posts or rails are on the same side as any road reserve or pathway abutting the land.

8. Specifications for Fences Not on or Within the Frontage

- (a) The restriction in this clause applies only to parts of the land which are not on or within the frontage of the land. Refer to clause 6 for fencing restrictions within the frontage of the land.

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V3

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**Memorandum of common provisions
Section 91A Transfer of Land Act 1958**

AVALON PARK STAGE 1.1 & 1.2 RESTRICTIVE COVENANTS

Page 4 of 4
(V3 - 29.03.2019)

- (b) No fence may be erected on any part of the land not on or within the frontage of the land, including the boundaries thereof, other than a steel sheet fence of any brand with similar characteristics to the type of fence made by BlueScope Steel called Lysaght "Neetascreen" and unless the surface of such sheet has permanently bonded upon it by factory process a non-reflective colour similar to the colour known as "Dune" on the said Lysaght brand fencing products and where such fence abuts a reserve unless the upper most horizontal end of such fence has been capped.

9. No trade or business

No trade or business or activity of any kind whatsoever which might be offensive or injurious to the amenity of the neighbourhood may be carried out upon or from any part of the land, other than a building or the construction of which has been approved in writing by Gentle Rise Pty Ltd,

10. No advertising signs

No advertising sign may be erected on the land unless -

- (a) it complies with any requirements of the planning scheme for the area in which the land is located and
(b) the prior written approval of Gentle Rise Pty Ltd has been obtained before the sign is erected.

11. Headings are for Reference Only

Headings used in this document are for ease of reference and are not to be used to aid interpretation.

And this Covenant shall appear on the Folio of the Register for the land and shall run with the land.

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Page 4 of 4

V3

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<h1>PLAN OF SUBDIVISION</h1>	EDITION 1	PS 803183N
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<p>LOCATION OF LAND</p> <p>PARISH: BARANDUDA</p> <p>TOWNSHIP: -----</p> <p>SECTION: 5</p> <p>CROWN ALLOTMENT: 8 (PART)</p> <p>CROWN PORTION: -----</p> <p>TITLE REFERENCE: VOL 11506 FOL 656</p> <p>LAST PLAN REFERENCE: LOT 21 PS717354R</p> <p>POSTAL ADDRESS: BARANDUDA BOULEVARD (at time of subdivision) BARANDUDA 3691</p> <p>MGA CO-ORDINATES: E: 494 200 ZONE: 55 (of approx centre of land N: 5 996 300 GDA 94 in plan)</p>	<p>Council Name: City of Wodonga</p> <p>Council Reference Number: 3997 Planning Permit Reference: 71/2018 SPEAR Reference Number: S133562M</p> <p>Certification</p> <p>This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 06/03/2019</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Antonia Maree Wiltjer for City of Wodonga on 20/09/2019</p> <p>Statement of Compliance issued: 19/12/2019</p>
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VESTING OF ROADS AND/OR RESERVES		NOTATIONS
IDENTIFIER	COUNCIL/BODY/PERSON	LOTS 29 TO 53 AND 64 TO 72 (INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN OTHER PURPOSE OF PLAN: 1. REMOVAL OF THE SEWERAGE EASEMENT ALONG THE NORTH-EASTERN BOUNDARY OF THE SUBJECT LAND AS CREATED IN PS636964M AND SHOWN AS E-2 ON THAT PLAN. 2. REMOVAL OF THE SEWERAGE EASEMENT ALONG THE NORTH-EASTERN BOUNDARY OF THE SUBJECT LAND AS CREATED IN PS717354R AND SHOWN AS E-6 ON THAT PLAN. GROUNDS FOR REMOVAL: BY AGREEMENT OF ALL RELEVANT INTERESTED PARTIES OR AUTHORITY - SECTION 6(1)(k) SUBDIVISION ACT 1988.
ROAD R1 RESERVE No. 1 RESERVE No. 2	WODONGA CITY COUNCIL WODONGA CITY COUNCIL AUSNET ELECTRICITY SERVICES PTY LTD	
NOTATIONS		
DEPTH LIMITATION 15 METRES BELOW THE SURFACE		
<p>SURVEY: This plan is based on survey.</p> <p>STAGING: This is not a staged subdivision. Planning Permit No. 71/2018</p> <p>This survey has been connected to permanent marks No(s). Baranduda PM38, 75, 96, 97 & Wodonga PM551.</p> <p>In Proclaimed Survey Area No. ----</p>		

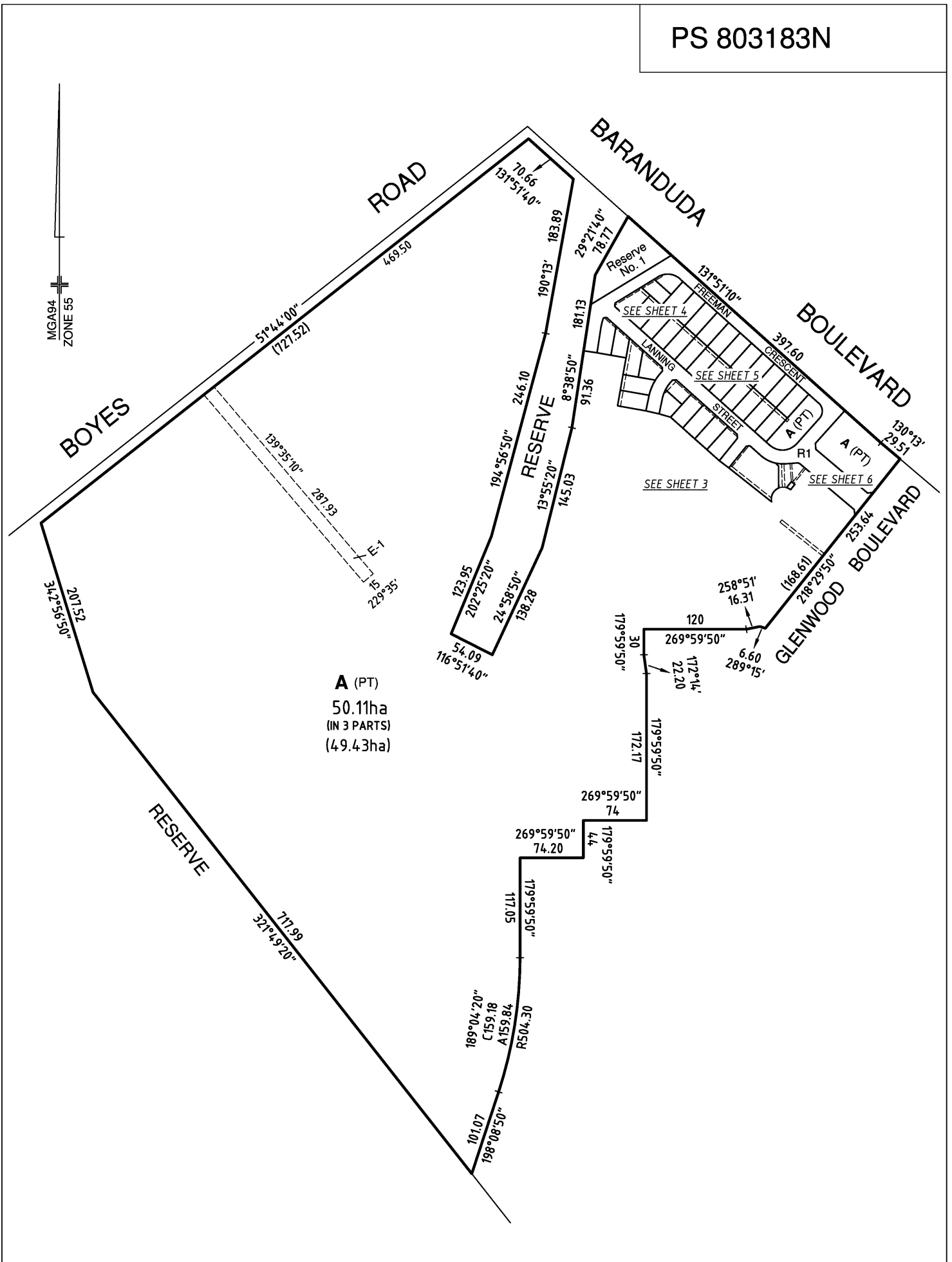
EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	POWERLINE	15	PS424734N - Section 44 of the Electricity Industry Act 1993.	EASTERN ENERGY LIMITED
E-2	SEWERAGE	2	THIS PLAN	NORTH EAST REGION WATER CORPORATION
E-3	SEWERAGE	3.50	THIS PLAN	NORTH EAST REGION WATER CORPORATION
E-3, E-6	DRAINAGE	3.50	THIS PLAN	WODONGA CITY COUNCIL
E-4	DRAINAGE	3	THIS PLAN	WODONGA CITY COUNCIL
E-5	SEWERAGE	SEE DIAG.	THIS PLAN	NORTH EAST REGION WATER CORPORATION
E-6	POWERLINE	3.50	THIS PLAN - Section 88 of the Electricity Industry Act 2000.	AUSNET ELECTRICITY SERVICES PTY LTD
E-7	POWERLINE	2	THIS PLAN - Section 88 of the Electricity Industry Act 2000.	AUSNET ELECTRICITY SERVICES PTY LTD
E-6	WATER SUPPLY (THROUGH UNDERGROUND PIPES)	3.50	THIS PLAN	NORTH EAST REGION WATER CORPORATION
E-6	GAS SUPPLY	3.50	THIS PLAN - Section 146 of the Gas Industry Act 2001.	AUSTRALIAN GAS NETWORKS (VIC) PTY LTD

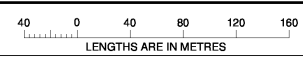
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	Digitally signed by: Terrence George Harrison, Licensed Surveyor, Surveyor's Plan Version (2), 20/08/2019, SPEAR Ref: S133562M		PLAN REGISTERED TIME: 12:19 PM DATE: 17/1/2020 LJW Assistant Registrar of Titles

PS 803183N



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 418 Wilson Street
 PO Box 3186, Albury, NSW 2640
 p: 02 6021 2233 | f: 02 6021 1411
 info@walpolesurveying.com.au

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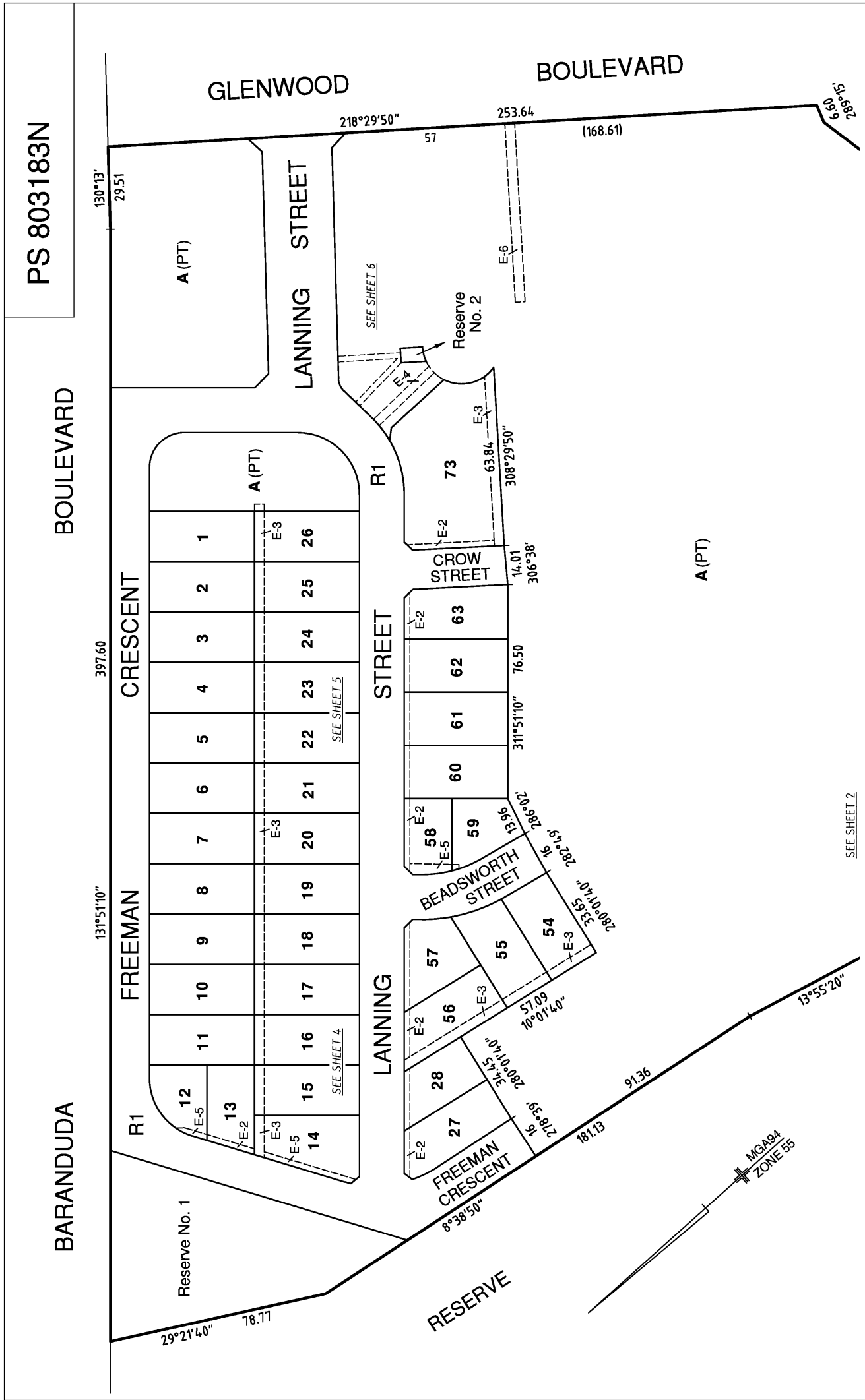


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SHEET 2

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 20/08/2019, SPEAR Ref: S133562M

Digitally signed by:
 City of Wodonga,
 20/09/2019,
 SPEAR Ref: S133562M



PS 803183N

BOULEVARD

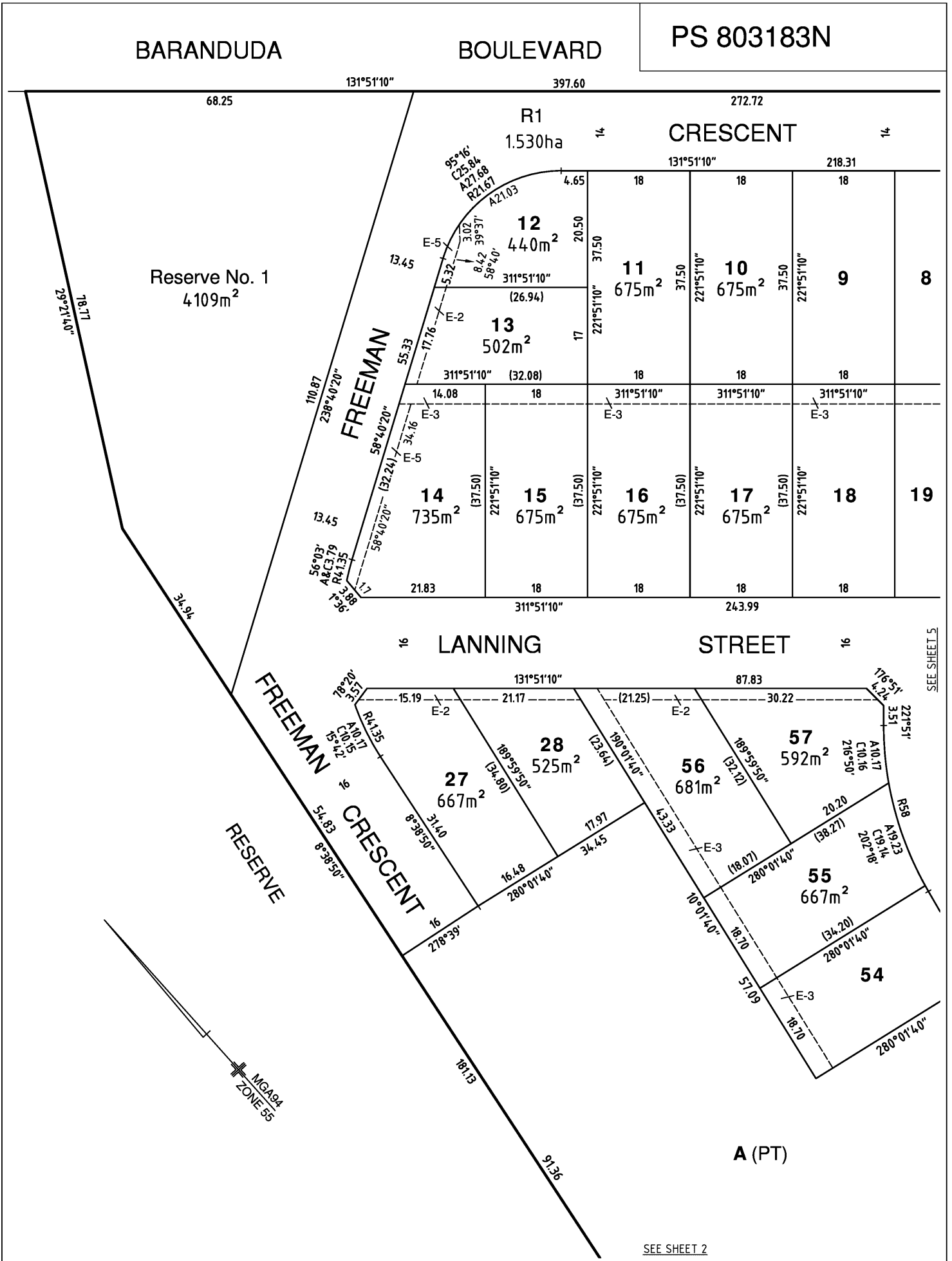
BARANDUDA

<p>WALPOLE SURVEYING</p> <p>Licensed NSW & Victorian Cadastral and Engineering Surveyors 418 Wilson Street PO Box 3186, Albury, NSW 2640 p: 02 6021 2233 f: 02 6021 1411 info@walpolesurveying.com.au</p>	<p>Amended by: Terrence George Harrison, Licensed Surveyor 15/01/2020.</p>
	<p>Digitally signed by: Terrence George Harrison, Licensed Surveyor, Surveyor's Plan Version (2), 20/08/2019, SPEAR Ref: S133562M</p>
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BARANDUDA

BOULEVARD

PS 803183N



SEE SHEET 5

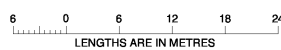
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A (PT)



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SCALE
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ORIGINAL SHEET
SIZE: A3

SHEET 4

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20/08/2019, SPEAR Ref: S133562M

Digitally signed by:
City of Wodonga,
20/09/2019,
SPEAR Ref: S133562M

BARANDUDA

BOULEVARD

PS 803183N

131°51'10" 397.60

272.72

14

FREEMAN

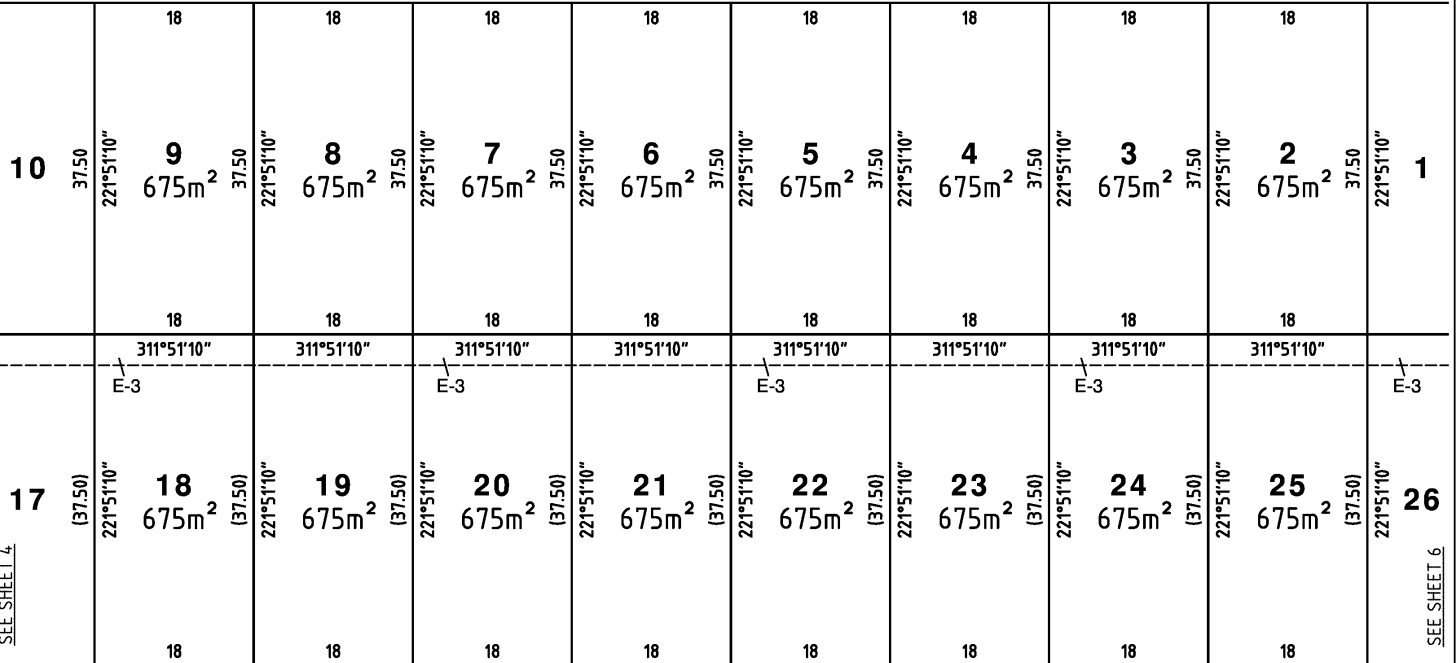
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R1

14

131°51'10"

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SEE SHEET 4

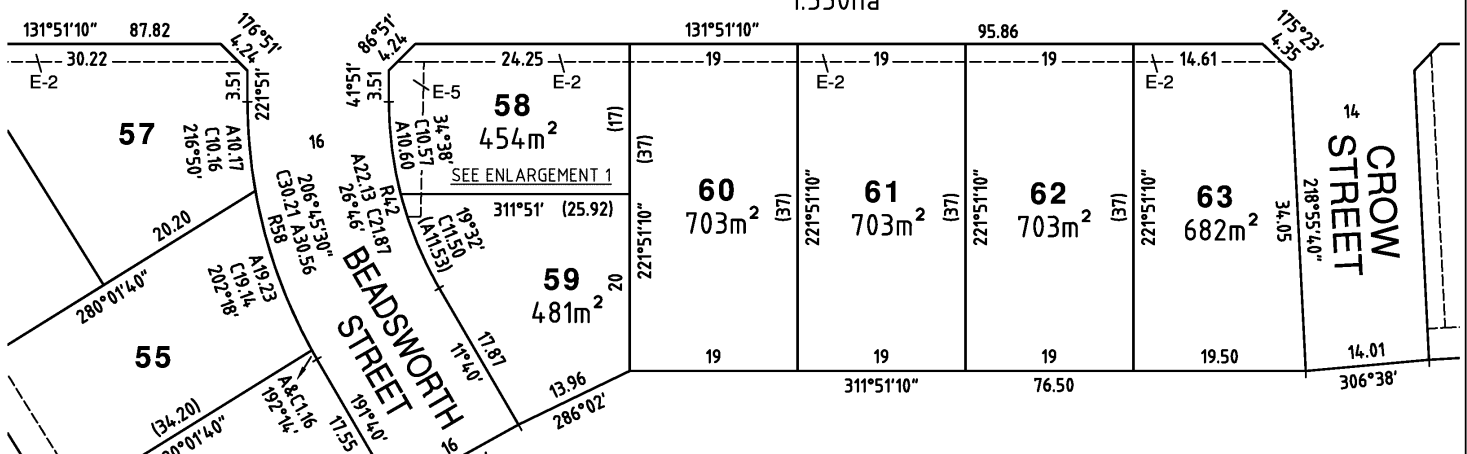
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LANNING

R1
1.530ha

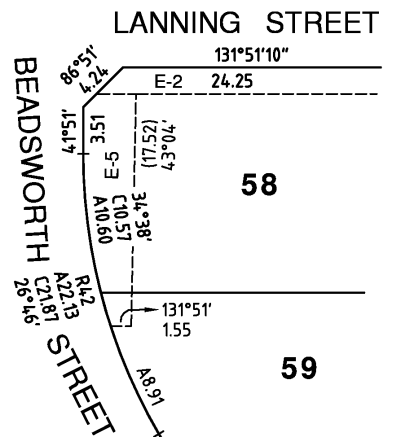
STREET



A (PT)

ENLARGEMENT 1

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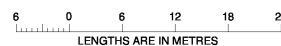


SEE SHEET 2



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SIZE: A3

SHEET 5

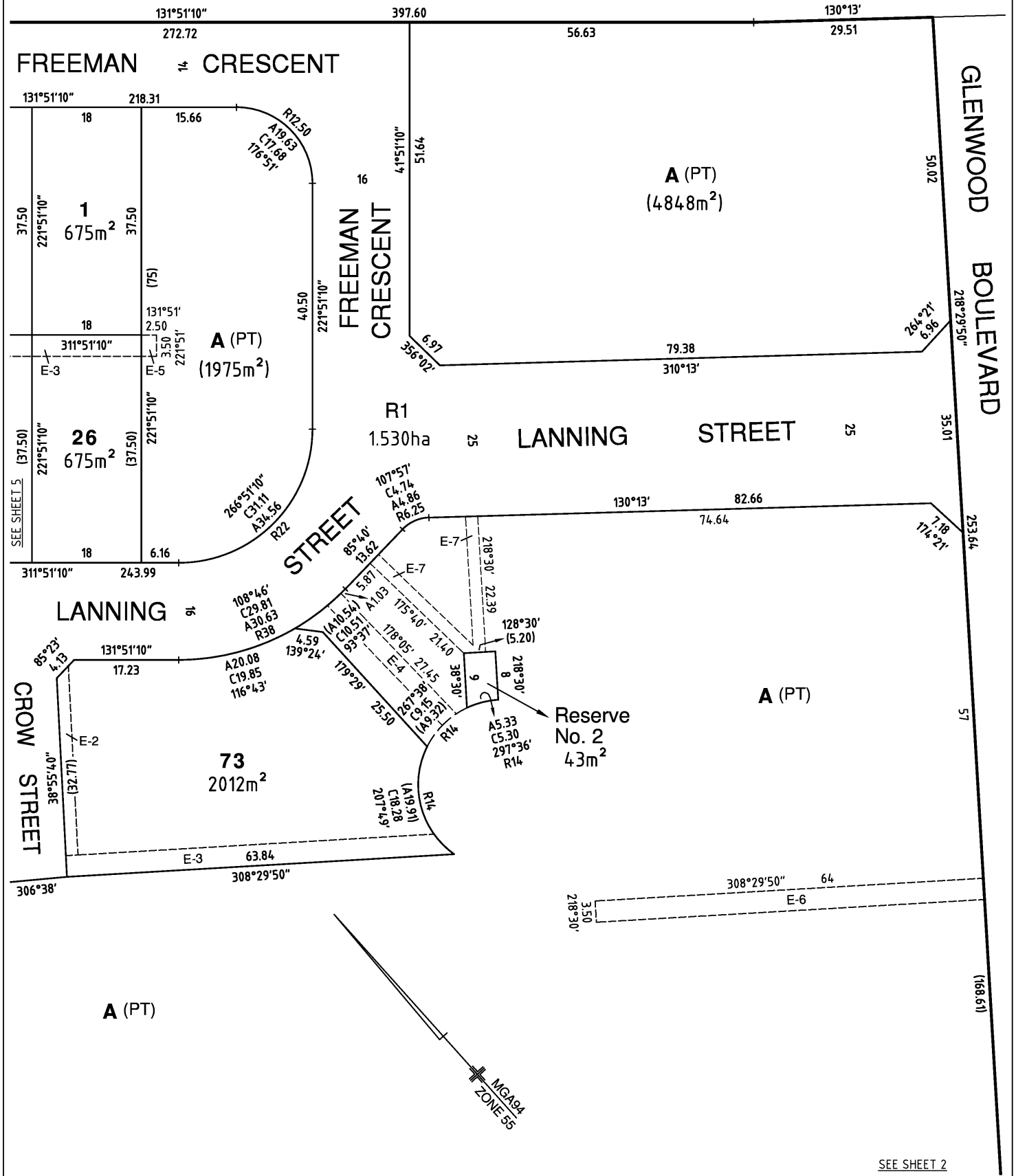
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Digitally signed by:
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SPEAR Ref: S133562M

PS 803183N

BARANDUDA

BOULEVARD

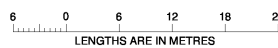


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SHEET 6

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20/08/2019, SPEAR Ref: S133562M

Digitally signed by:
City of Wodonga,
20/09/2019,
SPEAR Ref: S133562M

PLAN OF SUBDIVISION			EDITION 1	PS 815881U
LOCATION OF LAND PARISH: BARANDUDA TOWNSHIP: ----- SECTION: 5 CROWN ALLOTMENT: 8 (PART) CROWN PORTION: ----- TITLE REFERENCE: VOL FOL LAST PLAN REFERENCE: LOT A PS803183N POSTAL ADDRESS: BARANDUDA BOULEVARD (at time of subdivision) BARANDUDA 3691 MGA CO-ORDINATES: E: 494 100 ZONE: 55 (of approx centre of land N: 5 996 300 GDA 94 in plan)			Council Name: City of Wodonga Council Reference Number: 3998 Planning Permit Reference: 71/2018 SPEAR Reference Number: S133563H Certification This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 06/03/2019 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Antonia Maree Wiltjer for City of Wodonga on 26/09/2019 Statement of Compliance issued: 19/12/2019	
VESTING OF ROADS AND/OR RESERVES			NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON		LOTS 1 TO 28, 54 TO 63, 73 AND A (INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN	
ROAD R1 RESERVE No. 1	WODONGA CITY COUNCIL WODONGA CITY COUNCIL			
NOTATIONS				
DEPTH LIMITATION 15 METRES BELOW THE SURFACE				
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. 71/2018 This survey has been connected to permanent marks No(s). Baranduda PM38, 75, 96, 97 & Wodonga PM551. In Proclaimed Survey Area No. -----				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
			<u>SEE SHEET 2</u>	
 Licensed NSW & Victorian Cadastral and Engineering Surveyors 418 Wilson Street PO Box 3186, Albury, NSW 2640 p: 02 6021 2233 f:02 6021 1411 info@walpolesurveying.com.au			SURVEYORS FILE REF: 12171-1	
			Digitally signed by: Terrence George Harrison, Licensed Surveyor, Surveyor's Plan Version (2), 20/08/2019, SPEAR Ref: S133563H	
			ORIGINAL SHEET SIZE: A3	SHEET 1 OF 8
			PLAN REGISTERED TIME: 3:22 PM DATE: 17/1/2020 LJW Assistant Registrar of Titles	

PS 815881U

EASEMENT INFORMATION

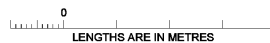
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	POWERLINE	15	PS424734N - Section 44 of the Electricity Industry Act 1993.	EASTERN ENERGY LIMITED
E-2	SEWERAGE	SEE DIAG.	PS803183N	NORTH EAST REGION WATER CORPORATION
E-4	DRAINAGE	3	PS803183N	WODONGA CITY COUNCIL
E-6	DRAINAGE	3.50	PS803183N	WODONGA CITY COUNCIL
E-6	POWERLINE	3.50	PS803183N - Section 88 of the Electricity Industry Act 2000.	AUSNET ELECTRICITY SERVICES PTY LTD
E-6	WATER SUPPLY (THROUGH UNDERGROUND PIPES)	3.50	PS803183N	NORTH EAST REGION WATER CORPORATION
E-6	GAS SUPPLY	3.50	PS803183N - Section 146 of the Gas Industry Act 2001	AUSTRALIAN GAS NETWORKS (VIC) PTY LTD
E-7	POWERLINE	2	PS803183N - Section 88 of the Electricity Industry Act 2000.	AUSNET ELECTRICITY SERVICES PTY LTD
E-8	SEWERAGE	3.50	THIS PLAN	NORTH EAST REGION WATER CORPORATION
E-8	DRAINAGE	3.50	THIS PLAN	WODONGA CITY COUNCIL
E-9	SEWERAGE	2	THIS PLAN	NORTH EAST REGION WATER CORPORATION
E-10	SEWERAGE	2.50	THIS PLAN	NORTH EAST REGION WATER CORPORATION
E-11	SEWERAGE	SEE DIAG.	THIS PLAN	NORTH EAST REGION WATER CORPORATION



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SCALE



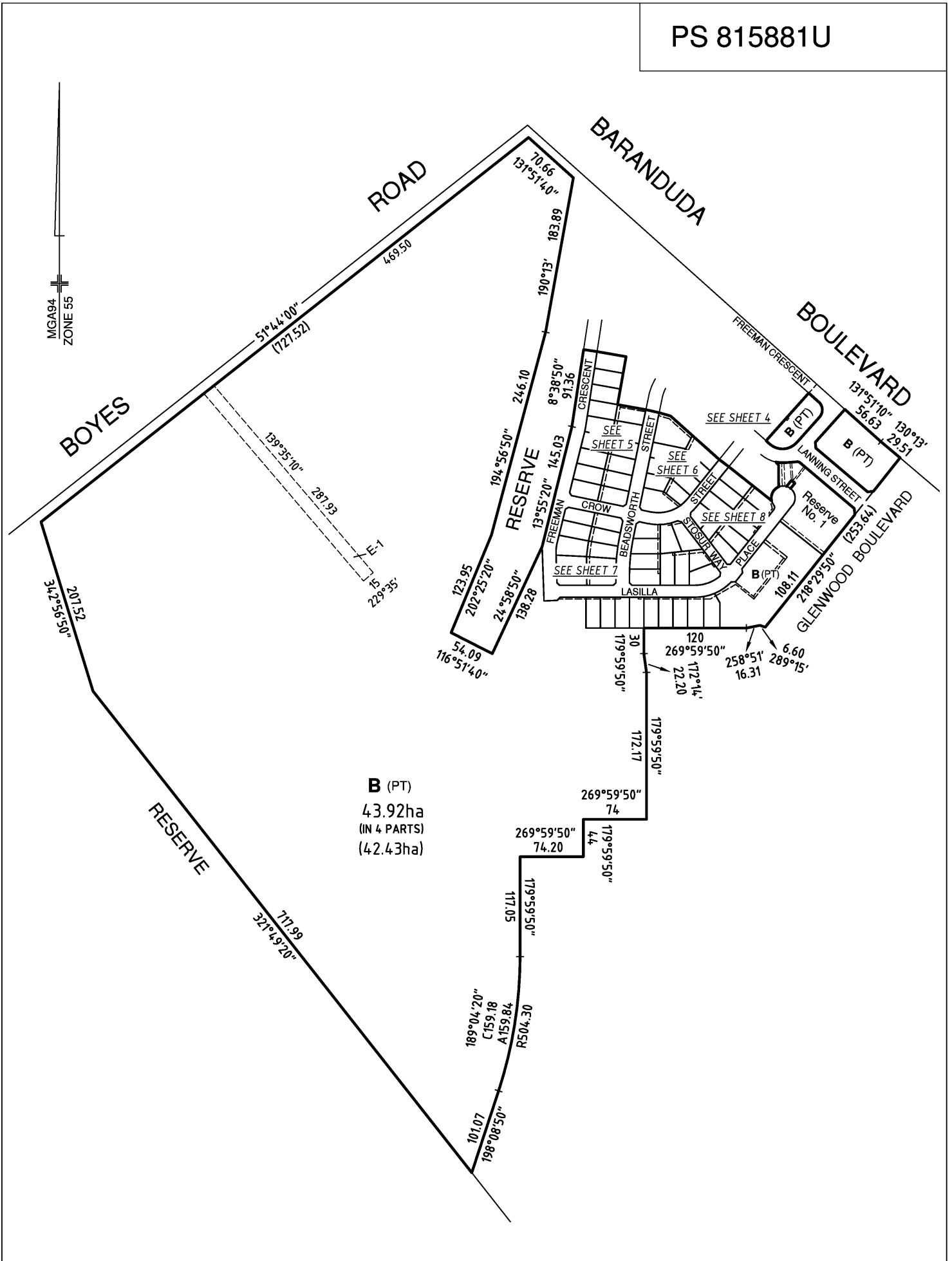
ORIGINAL SHEET
 SIZE: A3

SHEET 2

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 20/08/2019, SPEAR Ref: S133563H

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PS 815881U

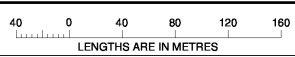


B (PT)
 43.92ha
 (IN 4 PARTS)
 (42.43ha)



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 1:4000



ORIGINAL SHEET
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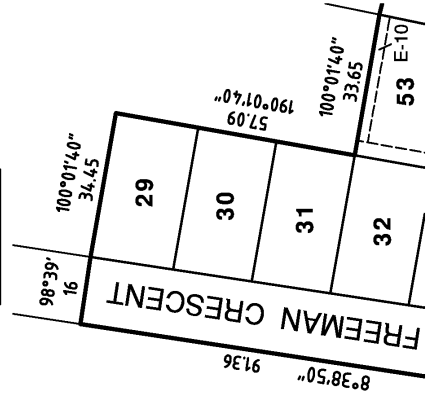
SHEET 3

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DIAGRAM A



PS 815881U

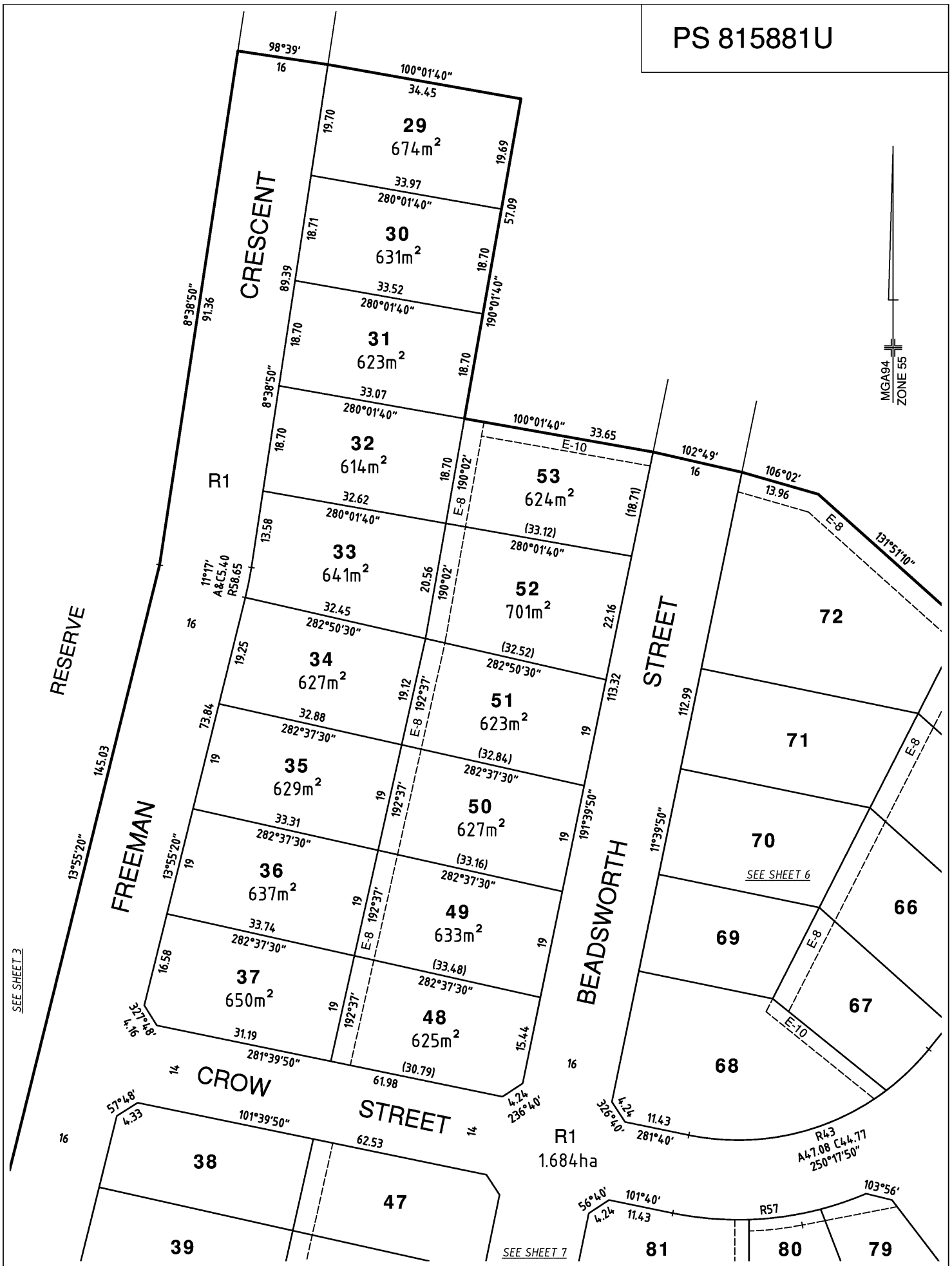
ENLARGEMENT 1
SCALE 1:500

SEE ENLARGEMENT 1

SEE SHEET 3

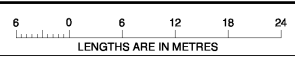
<p>WALPOLE SURVEYING</p> <p>Licensed NSW & Victorian Cadastral and Engineering Surveyors 418 Wilson Street PO Box 3186, Albury, NSW 2640 p: 02 6021 2233 f: 02 6021 1411 info@walpolesurveying.com.au</p>	<p>Amended by: Terrence George Harrison, Licensed Surveyor 15/01/2020.</p>
	<p>Digitally signed by: Terrence George Harrison, Licensed Surveyor, Surveyor's Plan Version (2), 20/08/2019, SPEAR Ref: S133563GH</p>
<p>SCALE 1:1250</p> <p>LENGTHS ARE IN METRES</p> <p>0 12.5 25 37.5 50</p>	<p>ORIGINAL SHEET SIZE: A3</p> <p>SHEET 4</p>

PS 815881U



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SCALE
 1:600



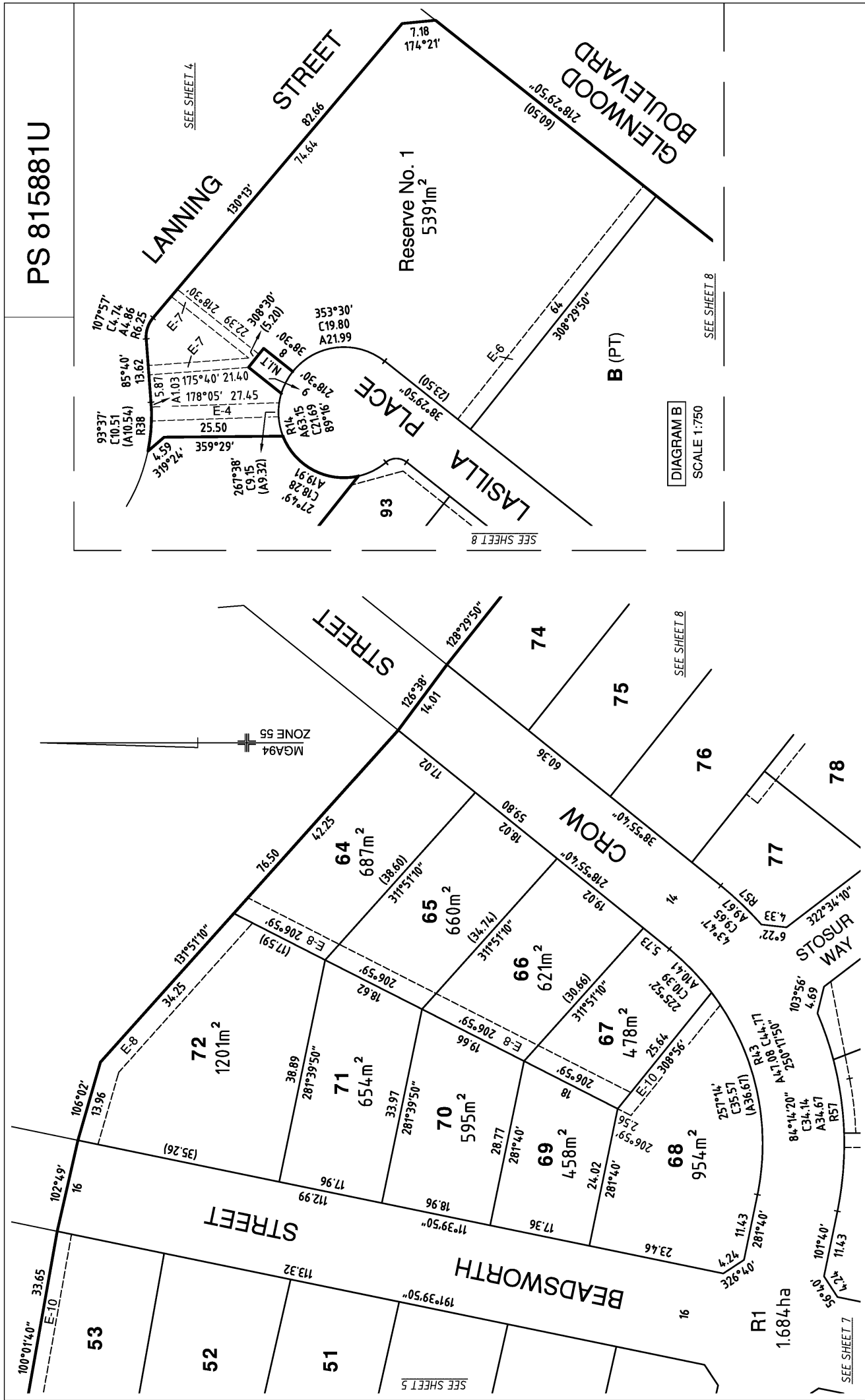
ORIGINAL SHEET
 SIZE: A3

SHEET 5

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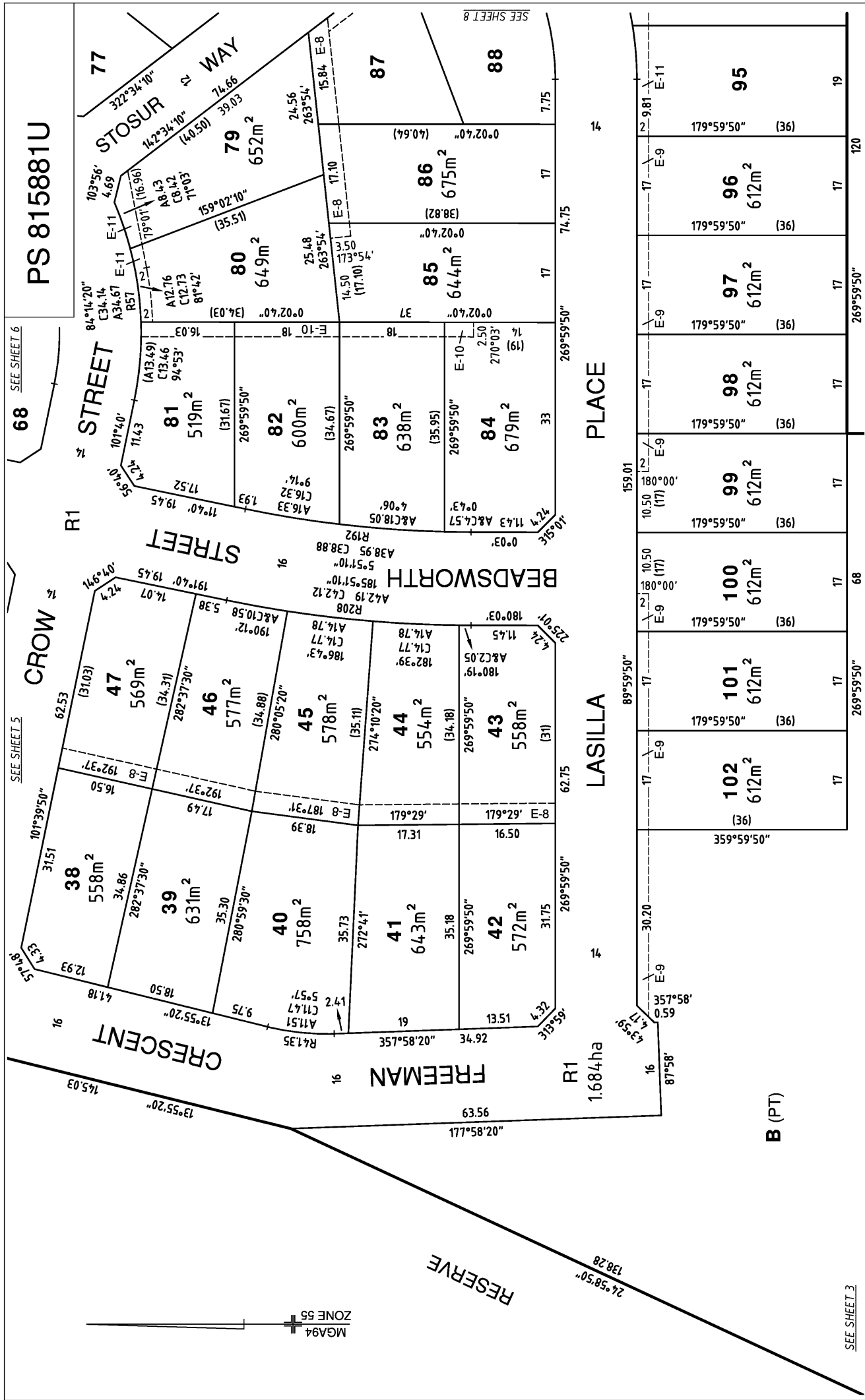


SCALE 1:600	6 0 6 12 18 24 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 6
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SEE SHEET 5

SEE SHEET 6

SEE SHEET 7

SEE SHEET 8

SEE SHEET 3

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SCALE
1:600

LENGTHS ARE IN METRES

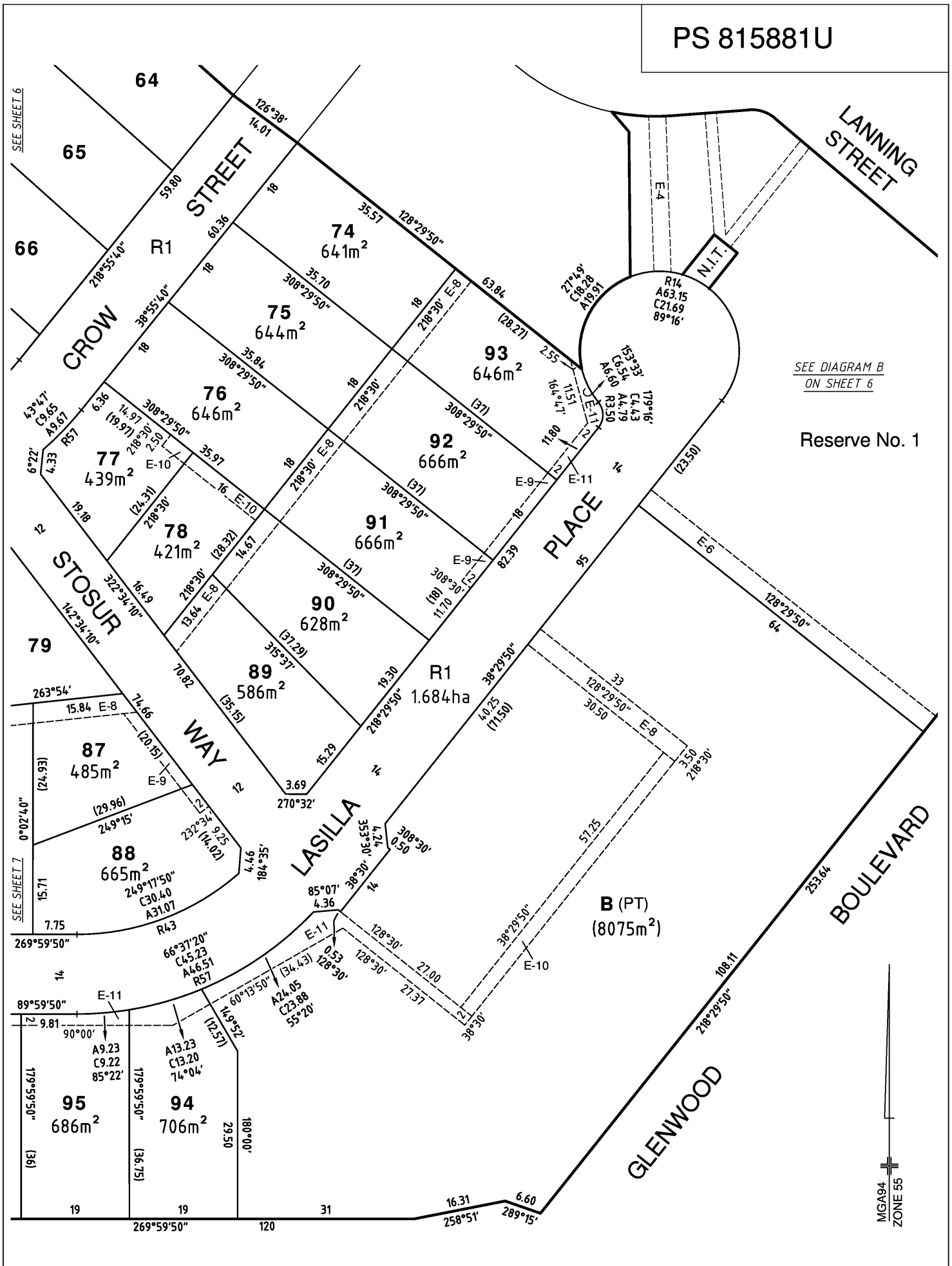
SHEET 7

ORIGINAL SHEET
SIZE: A3

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City of Woodong,.
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PS 815881U



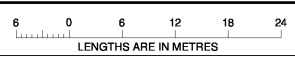
SEE DIAGRAM B ON SHEET 6

Reserve No. 1



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SCALE
 1:600



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SHEET 8

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 SPEAR Ref: S133563H