

ePlan

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

(Sheet 1 of 3 sheets)

Plan: DP1246427

Plan of Subdivision of Lot 3 DP 1057228
 covered by Council's Certificate No. 4915

**Full name and address
 of the owner of the land:**

**238 Kerr Rd Pty Ltd
 ACN 610 753 529
 3 Southernview Court
 Albury NSW 2640**

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	Easement for drainage of water 3 wide	6	Albury City Council
2	Easement for drainage of sewage 3 wide	20	Albury City Council
3	Easement for drainage of water and sewage 3.5 wide	4, 5, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 & 25	Albury City Council
4	Easement for drainage of sewage variable width	1,2, 3, 4,6, 7, 8, 9, 10, 11, 12, 13 & 14	Albury City Council
5	Restriction on the use of land	1 & 25	Albury City Council
6	Restriction on the use of land	1 to 25 inclusive	Every other lot
7	Positive Covenant	1 to 5 & 23 to 25 inclusive	Albury City Council

Part 2 (Terms)

Terms of easement numbered 3 in the plan.

Easement for drainage of water and easement for drainage of sewage as defined in Conveyancing Act 1919 Schedule 4A.

Terms of restriction numbered 5 in the plan.

- (a) No colorbond fencing is to be erected along the western property boundary or the boundary of the identified drainage reserve.
- (b) Any boundary fencing along the western property boundary or the boundary of the identified drainage reserve must be a minimum sixty (60) percent transparent so as to contribute to streetscape and to the perception of community safety.
- (c) No vehicular access is permitted to Kerr Road from the western property boundary.

Name of person empowered to release, vary or modify restriction numbered 5 in the plan.

Albury City Council

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Terms of restriction numbered 6 in the plan.

- (a) No building may be erected on any Lot 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.
- (b) The roofed and wholly enclosed floor area of the main building (excluding the area of any partly or wholly enclosed car accommodation, verandahs, external landings, porches and patios), must be a minimum size of:
 - (i) 150 square metres, in respect of Lots 1 to 20 and 22 to 25; and
 - (ii) 140 square metres, in respect of Lot 21.
- (c) No building may be erected on any Lot which has been wholly or substantially assembled off the Lot, whether as a previously occupied building or otherwise.
- (d) No main building may be erected on any Lot which is not constructed substantially of brick, brick veneer, smooth face stone blocks, concrete or other masonry material with a bagged or rendered finish, except with developer consent. Other lightweight finishes may be utilized, such as; rendered polystyrene foam cladding, weatherboard or FRC, and colorbond, if used as features only and in keeping with the architectural theme.
- (e) No more than one shed shall be permitted per Lot and such shed:
 - (i) must not exceed an area of 63 square metres in size, without developer consent;
 - (ii) must not be located forward of the main building line; and
 - (iii) must not be constructed of any materials other than colorbond and any colours other than colorbond – Woodland Grey, without developer consent.
- (f) Except as provided in restriction 5 of this instrument, no fence may be erected on any side or rear boundary, or other part of a Lot behind the main building line, except a fence which:
 - (i) is not more than 1.8 metres in height; and
 - (ii) is constructed of steel panels which must be permanently coloured on both sides by factory process in a colour known as colorbond "Woodland Grey" or equivalent colour. This restriction does not apply to existing fencing installed by 238 Kerr Rd Pty Ltd or pool fencing as required by law.
- (g) No fence may be erected on any part or boundary of any Lot which is closer to the abutting road than the main building on the Lot or the closest adjoining Lot, unless the fence is:
 - (i) not more than 1m in height; and
 - (ii) must not be constructed of any materials other than face brick or rendered brick, without developer consent.

This restriction does not apply to the eastern and southern boundaries of Lot 7.
- (h) No fence shall be erected or be permitted to remain erected on any Lot burdened to divide it from any adjoining land owned by 238 Kerr Rd Pty Ltd without the prior written consent of 238 Kerr Rd Pty Ltd but such consent shall not be withheld if such fence is erected without expense to 238 Kerr Rd Pty Ltd.

Name of person empowered to release, vary or modify restriction numbered 6 in the plan.

238 Kerr Rd Pty Ltd or its successor or any person duly delegated by it to act on its behalf.

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(Sheet 3 of 3 sheets)

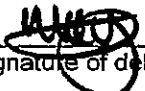
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Terms of Positive Covenant numbered 7 in the plan.

The Lot owner must in the management of the land marked on the plans as "Asset Protection Zone" refer to and implement the bushfire protection guidelines current from time to time as published by the Rural Fire Service ("RFS") or the authority however named which succeeds to the role of that entity as it exists at the time of registration of the plan. At the time of registration of the plan these guidelines are contained in the New South Wales Rural Fire Service Publications "Planning for Bushfire Protection", section 4.1.3 and Appendix 5 and "Standards for Asset Protection Zones"

Albury City Council by its authorised delegate pursuant to s.377 Local Government Act 1993




Signature of delegate

Michael Keys

Name of delegate

I certify that I am an eligible witness and that the delegate signed in my presence



Signature of witness

Ashlea Calhoun 553 Kiewa Street, Albury

Name and address of witness

Executed by 238 Kerr Rd Pty Ltd (ACN 610 753 529) by being signed by persons who are authorised to sign for the company.

REGISTERED



27.09.2018