

INSTRUMENT SETTING OUT TERMS OF EASEMENTS INTENDED TO BE RELEASED AND CREATED AND RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANT INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

Lengths are in metres

(Sheet 1 of 6)

Plan **DP1297467**

Plan of Subdivision of Lot 2 DP1279529
 Covered by Subdivision Certificate No. *SC2023/0069*

Full name and address of Proprietor of the land

Archer Properties No 10 Pty Limited
 Level 20, 100 Arthur Street,
 North Sydney NSW 2060

PART 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit a 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 3.5 wide (L)	47	48
2.	Right of Access 8.5 wide (R)	40, 49, 57	Mid-Coast Council
3.	Easement for Drainage of Sewage 3 wide (S)	54-56 inclusive, 61-66 inclusive.	Mid-Coast Council
4.	Easement for Drainage of Water 3 Wide (U)	38 37 47 56 55 54 65 64 63 62 61	39 38, 39 46 57 56, 57 55, 56, 57 66 65, 66 64-66 inclusive. 63-66 inclusive 62-66 inclusive
5.	Easement for Drainage of Water Variable Width (UU)	60	61-66 inclusive.
6.	Restrictions on the use of Land	Each Lot	Every other lot
7.	Positive Covenant	Each Lot	Mid-Coast Council


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PART 1A (Release)

1.	Easement for Asset Protection Zone 10 Wide Vide DP1268306 (Whole) <i>'Sunset clause invoked'</i>	Lot 2 DP1279529	Lot 7 DP1068908
2.	Easement for Batter 3 Wide Vide DP1268306 (Whole) <i>'Sunset clause invoked'</i>	Lot 2 DP1279529	Lot 7 DP1068908
3.	Easement for Temporary Asset Protection Zone 50 wide and Variable Width Vide DP1279529 (Whole)	Lot 2 DP1279529	Mid-Coast Council
4.	Easement for Asset Protection Zone 14 Wide Vide DP1292766 (Whole) <i>'Sunset clause invoked'</i>	Lot 2 DP1279529	Lot 14 DP733054


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PART 2 (Terms)

1. Right of Access 8.5 Wide (R) numbered 2 in the plan:

1.1 Terms as setout in Part 11 of Schedule 4A Conveyancing Act 1919.

1.2 It is intended that the Right of Access will be automatically extinguished once the Public Road has been extended into Lot 219 DP753149 and/or Lot 14 DP733054.

2. Easement for Drainage of Sewage 3 Wide (S) numbered 3 in the plan:

Terms as set out in Part B of Registered Memorandum AF 361750. Any reference to Mid-Coast County Council is a reference to Mid-Coast Council.

3. Restrictions on the Use of Land numbered 6 in the plan:

In this restriction on the use of land, the following expressions have the following meaning:

- (a) 'Council' means Mid-Coast Council
- (b) 'Archer' means Archer Properties No 10 Pty Limited and each of its successors and assigns excluding purchasers on sale.
- (c) 'Emerald Fields Design Guidelines' means design essentials for the carrying out of development on the land the subject of the plan, published by Archer from time to time;

3.1 No dividing fence shall be erected on the lot burdened unless it is erected without expense of Archer its successors and assigns other than purchasers on sale.

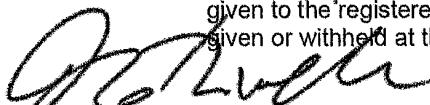
3.2 No Structures of a temporary character or nature which is intended for habitation, including, but without limiting the generally thereof, any basement, tent, shed, shack, garage, trailer, camper or caravan, shall be erected or permitted to remain on the lot burdened.

3.3 No fuel storage tanks (except any such tank or tanks used for oil heating purposes) shall be placed upon or permitted to remain on any lot burdened.

3.4 No noxious, noisome or offensive occupation, trade, business, manufacturing or home industry shall be conducted or carried out on any lot burdened.

3.5 No commercial or boarding kennels shall be constructed or permitted to remain on any lot burdened.

3.6 No advertisement hoarding sign or matter of any description shall be erected or displayed on any lot burdened without the prior written consent of Archer having been given to the registered proprietor of the lot burdened. The required approval may be given or withheld at the absolute discretion of Archer BUT nothing in this restriction shall


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prevent the proprietor of any lot burdened from displaying not more than (1) sign on the lot burdened advertising the fact that the dwelling on the relevant lot burdened is for sale IF:-

- (a) Any such sign does not exceed nine hundred millimetres (900mm) in width and nine hundred millimetres (900mm) in height; and
- (b) Any such sign is painted and/ or decorated in its entirety by a professional signwriter.

- 3.7 No motor truck, lorry or semi-trailer with a load carrying capacity exceeding two point five (2.5) tonnes shall be parked or permitted to remain on any lot burdened unless the same is used on connection with the erection of a dwelling on the relevant lot burdened.
- 3.8 No building shall be permitted to be constructed on the lot burdened nor shall the construction of any building be permitted to continue on the lot burdened unless the lot burdened is maintained in clean and tidy conditions as is practicable having regard to the nature of the construction on the lot burdened.
- 3.9 No clothes line shall be erected or permitted to remain on the lot burdened unless the same is not visible from any public road and/ or place BUT nothing in this restriction shall prevent the erection and maintenance of a clothes line where all care has been taken to ensure that the same is as least obvious as possible having regard to the topography of the relevant lot burdened as related to any surrounding public roads and/ or places.
- 3.10 No air conditioning plant and/ or equipment shall be installed or permitted to remain on any building erected on the lot burdened unless the same is either:-
 - (a) Not visible from any public road and/ or place; or is
 - (b) Screened from any public road and/ or place in a manner approved by Archer.
- 3.11 No radio masts and/ or antennas shall be erected or permitted to remain on any lot burdened unless the same are not visible from any public road and/ or place.
- 3.12 No television masts and/ or antennas shall be erected or permitted to remain on the lot burdened unless the same are erected at or near the rear of the main building erected on the lot burdened.
- 3.13 No visually obtrusive & unsightly items such as hot water storage tanks, rain water tanks, utility metres, roof and window mounted A/C units, condensers, solar roof collectors, A/C service lines, clotheslines, aerials, gardens sheds etc are not to be directly visible from the street/ public places and should have a minimal visual impact on an adjacent dwelling including their private open space.
- 3.14 No shutters, blinds, canopies, awnings, security devices or any external improvement other than fly screens is to be constructed, installed or maintained on or in a lot burdened.


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- 3.15 No garbage containers and recyclable materials are to be stored on or in a lot burdened unless secured and stored so that they are hidden from view outside the lot burdened and do not omit odours.
- 3.16 No vehicle may be parked on a lot burdened unless it is parked:
 - (a) In a garage or driveway on the lot burdened;
 - (b) In an area designated as being an area where a vehicle may be parked.
- 3.17 No building shall be constructed on the lot burdened unless the dwelling to be constructed, external materials, colours and finishes including roof tiles and bricks of the dwelling, fencing and landscaping have been designed in accordance with the Emerald Fields Design Guidelines.
- 3.18 No driveway shall be constructed on the lot burdened unless such driveway is constructed of materials and is of a colour which complies with the Emerald Fields Design Guidelines.
- 3.19 No garage shall be erected forward of the main dwelling façade on the lot burdened unless the garage design complies with the Emerald Fields Design Guidelines.
- 3.20 No building, apart from the main building erected on the lot burdened, shall be erected or permitted to remain on the lot burdened unless it complies with the requirements of the Emerald Fields Design Guidelines.

6. Positive Covenant numbered 7 in the plan:

Each dwelling is to have a 5,000 litre Rainwater Tank collecting 100% of the roof area for reuse in toilets, laundry and outdoors.

Maintenance is the responsibility of the landowner.

NAME OF AUTHORITY whose consent is required to release, vary or modify Easements and Positive Covenant referred to as Items 1, 2, 3, 4, 5, and 7 in Part 1.

Mid Coast Council.

NAME OF AUTHORITY whose consent is required to release, vary or modify Restrictions on the use of land referred to as Item 6 in Part 1.

Archer Properties No 10 Pty Limited and if Archer Properties No 10 Pty Limited shall no longer be the registered proprietor of any of the land comprised in the subdivision then the registered proprietors for the time being of the land having the benefit of these restrictions.


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Archer Properties No 10 Pty Limited
Level 20, 100 Arthur Street,
North Sydney NSW 2060

EXECUTED by **MID-COAST COUNCIL** by its duly authorised delegate pursuant to section 377 Local Government Act 1993 (NSW) and in the presence of:



Witness (Signature)



Authorised Delegate (Signature)

Kylie De Fina

Name of Witness (Print Name)

Adam Matlawski

Name of Authorised Delegate (Print Name)

C/- 2 Biripi Way Taree NSW 2430

Address of Witness (Print Address)

Company Name: **Archer Properties No 10 Pty Limited**

Company ACN: **612 319 703**

Authority: **Section 127 of the Corporations Act 2001**


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Signature:

James Winten Rothwell:

Position: Sole Director/ Secretary


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Archer Properties No 10 Pty Limited