

**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 7)

Plan **DP1273289**

Plan of Subdivision of Lot 303 DP1099114
Covered by Subdivision Certificate No.

SC 2022/0024

Winten (No. 18) Pty Limited ACN 094443115
Level 20, 100 Arthur Street,
North Sydney NSW 2060

Full name and address of
Proprietor of the land

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 Sewage 3 Wide (E)	45 – 51 Inclusive, 53 – 60 Inclusive, 62, 72	Mid-Coast Council
2.	Easement For Drainage of Sewage Variable Width (F)	33	Mid-Coast Council
3.	Easement For Drainage of Water 5 Wide (G)	32, 35 – 39 Inclusive	Mid-Coast Council
4	Easement For Overhead Powerlines 5 Wide (H)	38	Essential Energy
5.	Easement For Multi-Purpose Electrical Installation 4.2 Wide (I)	34	Essential Energy
6.	Right of Access Variable Width (R)	72	Mid-Coast Council
7.	Easement for Drainage of Water 3 Wide (J)	72	Mid-Coast Council
8.	Positive Covenant (K)	Part Lot 38	Essential Energy
9.	Restriction on the Use of Land	32, 35 – 39 Inclusive	Mid-Coast Council
10.	Positive Covenant	34 – 70 Inclusive	Mid- Coast Council
11.	Positive Covenant	35 – 39 Inclusive	Mid-Coast Council
12.	Restrictions on the Use of Land	54 – 69 Inclusive	Mid-Coast Council
13.	Restrictions on the Use of Land	Each of lots 34 – 70	Every other lot 34 – 70



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Plan of Subdivision of Lot 303 DP1099114
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Winten (No. 18) Pty Limited ACN 094443115
Level 20, 100 Arthur Street,
North Sydney NSW 2060

PART 2 (Terms)

1. Easement for Drainage of Sewage 3 Wide referred to as Item 1 in Part 1:

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.

2. Easement for Drainage of Sewage Variable Width referred to as Item 2 in Part 1:

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. Easement for Drainage of Water 3 Wide referred to as Item 3 in Part 1:

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

4. Easement for Overhead Powerlines 5 Wide referred to as Item 4 in Part 1:

Terms as set out in Part A of Registered Memorandum AG189384.

5. Easement for Multi-Purpose Electrical Installation 4.2 Wide referred to as Item 5 in Part 1:

Terms as set out in Part C of Registered Memorandum AG 189384.

6. Right of Access Variable Width referred to as Item 6 in Part 1:

6.1 Terms as set out in Part II of Schedule 4A Conveyancing Act 1919.

6.2 It is intended that the Right of Access will be automatically extinguished once the Public Road has been extended through the area (R).

7. Positive Covenant referred to as Item 8 in Part 1:

A 1.8m timber lap and cap fence is to be erected around the area denoted (K) on the plan to allow access from Cape Hawke Drive for Essential Energy.

8. Restriction on the Use of Land referred to as Item 9 in Part 1:

No vehicular access to Cape Hawke Drive is permitted.



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(Sheet 3 of 7)

Plan **DP1273289**

Plan of Subdivision of Lot 303 DP1099114
Covered by Subdivision Certificate No.
SC 2022/0224

Full name and address of
Proprietor of the land

Winten (No. 18) Pty Limited ACN 094443115
Level 20, 100 Arthur Street,
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9. Positive Covenant referred to as Item 10 in Part 1:

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.

10. Positive Covenant referred to as Item 11 in Part 1:

A 1.8m timber lap and cap style fence shall be erected along the property boundaries of the burdened lots, for that section of each lot which shares a common boundary with Cape Hawke Drive road reserve.

11. Restrictions on the Use of Land referred to as Item 12 in Part 1:

No dwelling shall be constructed on any lot burdened unless it is limited to one (1) dwelling per burdened lot and shall comply with all requirements as follows:

- a) Be single storey design
- b) Designed with front entry door facing the street frontage
- c) Dwelling shall be setback no less than 4.5m to street frontage
- d) Garage shall be setback no less than 5.5m to street frontage
- e) Dwelling shall be setback no less than 0.9m from side boundary
- f) Dwelling shall incorporate a private outdoor space, accessible directly from living area and not within the front setback, having an area not less than 25m²
- g) Dwelling shall incorporate off street car parking at the following rates:
 - i) Single garage for floor area of 125m² or less,
 - ii) Double garage for floor area greater than 125m².

12. Restrictions on the Use of Land referred to as Item 13 in Part 1:

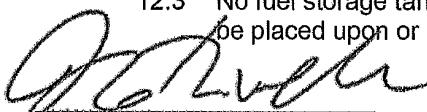
In this restriction on the use of land, the following expressions have the following meaning:

- (a) 'Council' means Mid-Coast Council
- (b) 'Winten' means Winten (No. 18) Pty Limited and each of its successors and assigns excluding purchasers on sale.
- (c) 'Summer Green Design Guidelines' means design essentials for the carrying out of development on the land the subject of the plan, published by Winten from time to time;

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

12.2 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.

12.3 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.



Winten (No. 18) Pty Limited

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(Sheet 4 of 7)

Plan **DP1273289**

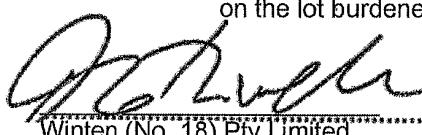
Plan of Subdivision of Lot 303 DP1099114
Covered by Subdivision Certificate No.

SC 2022/0024

Full name and address of
Proprietor of the land

Winten (No. 18) Pty Limited ACN 094443115
Level 20, 100 Arthur Street,
North Sydney NSW 2060

- 12.4 No noxious, noisome or offensive occupation, trade, business, manufacturing or home industry shall be conducted or carried out on any lot burdened.
- 12.5 No commercial or boarding kennels shall be constructed or permitted to remain on any lot burdened.
- 12.6 No advertisement hoarding sign or matter of any description shall be erected or displayed on any lot burdened without the prior written consent of Winten having been given to the registered proprietor of the lot burdened. The required approval may be given or withheld at the absolute discretion of Winten BUT nothing in this restriction shall 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.
- 12.7 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.
- 12.8 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.
- 12.9 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.
- 12.10 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 Winten.
- 12.11 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.
- 12.12 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.



John Winten
Winten (No. 18) Pty Limited

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(Sheet 5 of 7)

Plan **DP1273289**

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Full name and address of
Proprietor of the land

Winten (No. 18) Pty Limited ACN 094443115
Level 20, 100 Arthur Street,
North Sydney NSW 2060

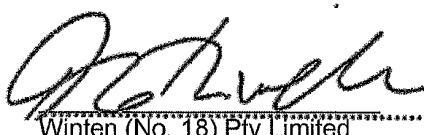
- 12.13 No visually obtrusive & unsightly items such as hot water storage tanks, rain water tanks, utility metres, roof and window mounted A/C units, condensers, solar roof collectors, A/C service lines, clotheslines, aerials, gardens sheds etc are not to be directly visible from the street/ public places and should have a minimal visual impact on an adjacent dwelling including their private open space.
- 12.14 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.
- 12.15 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.
- 12.16 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.
- 12.17 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 Summer Green Design Guidelines.
- 12.18 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 Summer Green Design Guidelines.
- 12.19 No garage shall be erected forward of the main dwelling façade on the lot burdened unless the garage design complies with the Summer Green Design Guidelines.
- 12.20 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 Summer Green Design Guidelines.

NAME OF AUTHORITY whose consent is required to release, vary or modify Easements, Positive Covenants and Restrictions referred to as Items 1, 2, 3, 6, 7, 9, 10, 11 and 12 in Part 1.

Mid Coast Council.

NAME OF AUTHORITY whose consent is required to release, vary or modify Easements, Positive Covenants and Restrictions referred to as Items 4, 5 and 8 in Part 1.

Essential Energy



[Handwritten signature]
Winten (No. 18) Pty Limited

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Winten (No. 18) Pty Limited ACN 094443115
Level 20, 100 Arthur Street,
North Sydney NSW 2060

NAME OF AUTHORITY whose consent is required to release, vary or modify Restrictions referred to as Item 13 in Part 1.

Winten (No. 18) Pty Limited and if Winten (No. 18) 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.

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)

Emma Artuso

Name of Witness (Print Name)



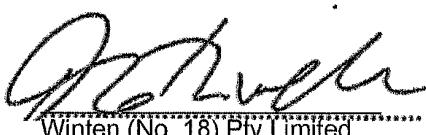
Authorised Delegate (Signature)

Bruce Moore

Name of Authorised Delegate (Print Name)

C/- 2 Biripi Way, Taree NSW 2430

Address of Witness (Print Address)



Winten (No. 18) Pty Limited

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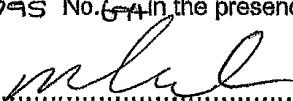
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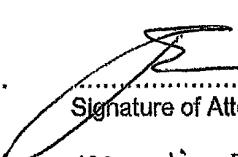
Winten (No. 18) Pty Limited ACN 094443115
Level 10, 61 Lavender Street,
Milsons Point NSW 2061

Full name and address of
Proprietor of the land

EXECUTED by **Essential Energy** by its duly appointed attorney under power of attorney
Bk 4795 No. 64 in the presence of:


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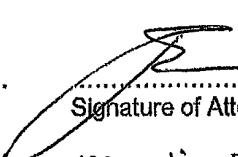
Signature of witness


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Signature of Attorney


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Name of witness:


.....

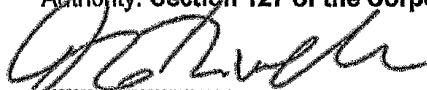
Name and Title of Attorney:

Address of witness: 8 Buller St
Port Macquarie

Company Name: **Winten (No. 18) Pty Limited**

Company ACN: **094443115**

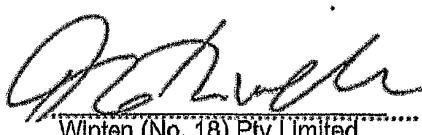
Authority: **Section 127 of the Corporations Act 2001**


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Signature:

James Winten Rothwell:

Position: Sole Director/ Secretary


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Winten (No. 18) Pty Limited

REGISTERED: 

1/07/2022