

**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 **DP1300031**

Plan of Subdivision of Lot 54 DP1277797
Covered by Subdivision Certificate No. SC2023/0082

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

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.	Right of Access 6 wide (RA)	75	Mid-Coast Council
2.	Easement for Drainage of Sewage 3 Wide (S)	82 – 86 Inclusive	Mid-Coast Council
3.	Easement for Multi-purpose Electrical Installation 4.2 wide (U)	75	Essential Energy
4.	Positive Covenant	77 - 92 Inclusive	Mid-Coast Council
5.	Restrictions on the Use of Land	77 - 92 Inclusive	77 – 92 Inclusive

PART 1A (Release)

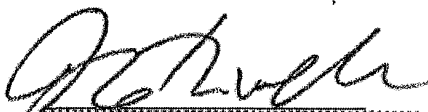
1.	Right of Access Variable Width (R) Vide DP1277797	Lot 54 DP1277797	Mid-Coast Council
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PART 2 (Terms)

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

1.1 Terms as setout in Part II 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 to Myall Drive to the East.


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2. Easement for Drainage of Sewage 3 Wide 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 Multi-Purpose Electrical Installation 4.2 Wide referred to as item 3 in Part 1:

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

4. Positive Covenant referred to as Item 4 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.

5. Restrictions on the Use of Land referred to as Item 5 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;

5.1 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.

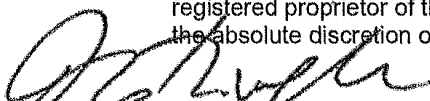
5.2 No Structures of a temporary character or nature which is intended for habitation, including, but without limiting the generally thereof, any basement, tent, shed, shack, garage, trailer, camper or caravan, shall be erected or permitted to remain on the lot burdened.

5.3 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.

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

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

5.6 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


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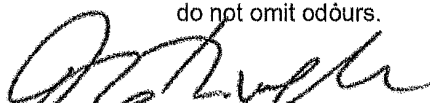
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Level 20, 100 Arthur Street,
North Sydney NSW 2060

- 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.
- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 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.
- 5.14 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.
- 5.15 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.


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Proprietor of the land

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Level 20, 100 Arthur Street,
North Sydney NSW 2060

- 5.16 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.
- 5.17 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.
- 5.18 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.
- 5.19 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.
- 5.20 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 and Positive Covenants referred to as Items 1, 2 and 4 in Part 1.


Mid Coast Council.

NAME OF AUTHORITY whose consent is required to release, vary or modify Easement referred to as Items 3 in Part 1.

Essential Energy.

NAME OF AUTHORITY whose consent is required to release, vary or modify Easements, Positive Covenants and Restrictions referred to as Item 5 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.


Winten (No. 18) Pty Limited

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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

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)

Gabrielle Scott

Name of Witness (Print Name)




Authorised Delegate (Signature)

Adam Matlawski

Name of Authorised Delegate (Print Name)

c/- 2 Biripi Way Taree NSW 2430

Address of Witness (Print Address)


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Full name and address of
Proprietor of the land

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

EXECUTED by **Essential Energy** by its duly appointed attorney under power of attorney
Bk. ~~475~~ No. ~~611~~ in the presence of:


.....
Signature of witness



.....
Signature of Attorney

Melinda White
.....
Name of witness:

Melissa Bice
.....
Name and Title of Attorney:

Address of witness: 8 Butler Street
BA Macquarie -

Head of Legal


.....

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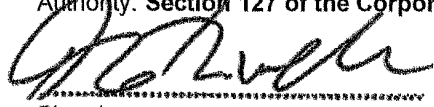
Full name and address of
Proprietor of the land

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

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

Company ACN: **094443115**

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



Signature:


Jame Winten Rothwell:

Position: Sole Director/ Secretary

REGISTERED:



31/01/2024


Winten (No. 18) Pty Limited