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**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.**

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**DP1095417**

Subdivision of Lots 21, 22 and 23  
 DP 731791, Lot 1 DP 632589 and  
 Lot 41 DP 263854 covered by  
 Subdivision Certificate No. *3909/06*

Full name and address of the  
 Owner of the land:

Baron Corporation Pty Limited  
 PO Box 824  
 ROSEBERY NSW 1445  
 ACN 001 406 873

**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 to drain water 2 wide	186 187 188  160 159 200 <sup>a</sup> 199  157  194  193  201  164  163 162	185 185, 186 185, 186, 187  161 161, 160, 158 161, 160, 158, 159 161, 160, 158, 159, 200 200, 199, 161, 160, 158, 159 200, 157, 199, 161, 160, 158, 159 192, 194, 200, 157, 199, 161, 160, 158, 159 192, 193, 194, 200, 157, 199, 161, 160, 158, 159 165 164, 165 163, 164, 165

*Peter Mitchell*

Peter Mitchell  
 MANAGER, DEVELOPMENT CONTROL  
 WINGECARRIBEE SHIRE COUNCIL

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2	Easement to drain water 8.5 wide	188	185, 186, 187, Wingecarribee Shire Council
3	Easement to drain water 5 wide	167 - 171 inc 175, 176  171	1/1042522  169
4	Easement for padmount substation 2.75 wide	197, 198, 161, 200	Integral Energy Australia
5	Restriction on the Use of Land	197, 198, 161, 200	Integral Energy Australia
6	Restriction on the Use of Land	197, 198, 161, 200	Integral Energy Australia
7	Restriction on the Use of Land	Each lot except 201	Each and every other lot except 201
8	Easement for services 3.5 wide	169 170	170 169
9	Right of Access 3.5 wide	169 170	170 169
10	Restriction on the Use of Land	201	Wingecarribee Shire Council

**Part 2 (Terms)**

**Terms of easement numbered 4 in the plan:**

The terms of Memorandum 9262886 filed at the Land Titles office are incorporated in this document.



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**Terms of restriction on the use of land shown "R1" on the plan and numbered 5 in the plan:**

1. No building shall be erected or permitted to remain within the restriction site unless:
  - 1.1 the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating, and
  - 1.2 the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating and the owner provides the authority benefited with an engineer's certificate to this effect.
2. The fire ratings mentioned in Clause 1 must be achieved without the use of fire fighting systems such as automatic sprinklers.
3. Definitions:
  - 3.1 "building" means a substantial structure with a roof and walls and includes any projections from the external walls
  - 3.2 "erect" includes construct, install, build and maintain
  - 3.3 "restriction site" means that part of the lot burdened subject to the restriction on the use of land up to a maximum height of 6 metres from the level of the substation footing
  - 3.4 "120/120/120 fire rating" and "60/60/60 fire rating" mean the fire resistance level of a building expressed as a grading period in minutes for structural adequacy/integrity failure/insulation failure calculated in accordance with Australian Standard 1530.

**Name of authority empowered to release vary or modify restriction numbered 5 in the plan:**

Integral Energy Australia



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**Terms of restriction on the use of land shown "R2" on the plan and numbered 6 in the plan:**

1. No swimming pool or spa shall be erected or permitted to remain within the restriction site.

**Definitions:**

- 2.1 "erect" includes construct, install, build and maintain
- 2.2 "restriction site" means that part of the lot burdened subject to the restriction on the use of land.

**Name of authority empowered to release vary or modify restriction numbered 6 in the plan:**

Integral Energy Australia

**Terms of restriction on the use of land numbered 7 in the plan:**

- |                  |   |
|------------------|---|
| "Dwelling"       | means a room or suite of rooms occupied or used or so constructed designed or adapted as to be capable of being occupied or used as a separate domicile.  |
| "Dwelling house" | means a building containing one but not more than one dwelling.   |
| "Duplex"         | means a building containing two but not more than two dwellings.  |
| "Living Area"    | means in respect of each Dwelling or Dwelling House on the lot burdened <ol style="list-style-type: none"> <li>a) all that floor area or those floor areas on each and every level of the Dwelling or Dwelling House as is or are bounded by and comprised within the external faces of the external walls of the said Dwelling or Dwelling House:</li> <li>b) shall exclude the floor area of</li> </ol> |



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- i. any patio, terrace and/or verandah (whether covered or uncovered) and/or
- ii. any garage and/or
- iii. any carport.

"the Local Council" means The Council of the Shire of Wingecarribee.  
 "Minimum Building Area" means one hundred and eighty square metres (180 m2)  
 "Baron Corporation" means Baron Corporation Pty Limited  
 "Textured Coated Material" means fibre cement sheeting with recessed edges:

- i. which is attached to the frame of the building in such manner that all joints between the sheets of fibre cement are concealed including but without limited the generality thereof all joints on any corner of the building; and
- ii which is attached to the frame of the building in such a manner that all materials used in the fixing of such sheets are concealed including but without limiting the generality thereof all nails and screws; and
- iii which is coated with a texture roll or trowel on finish based on acrylic with the ultimate or final colour added, together with a system of reinforcing joints to obtain a monolithic appearance.

1. No Dwelling or Dwelling House shall be erected or permitted to remain on the lot burdened unless the Living Area of the said Dwelling or Dwelling House is equal to or greater than the Minimum Building Area.
2. No Dwelling or Dwelling House erected on the lot burdened shall be used or permitted to be used for any purpose other than that of a private residence unless approval for any other use is first had and obtained from Baron Corporation which approval may be given or withheld by Baron Corporation in its absolute discretion.
3. No building shall be erected or permitted to remain on the lot burdened unless the external walls thereof are constructed of:



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- i. bricks; or
  - ii. stone; or
  - iii. brick and/or stone that has been rendered and/or painted or has been coated with the materials known as "Granosite" or "Granotex" or other similar coating; or
  - iv. glass; or
  - v. Texture Coated Material; or
  - vi. fibre cement sheeting; or
  - vii. timber; or
  - viii. weatherboard, or
  - ix. concrete; or
  - x. aluminium; or
  - xi. such other materials, in such proportions, as may be approved by Baron Corporation which approval may be given or withheld by Baron Corporation in its absolute discretion; or
  - xii. any combination of the materials referred to in subclauses i to xi inclusive immediately above referred to in this restriction.
4. Notwithstanding anything contained in restriction immediately preceding, the aggregate of the part or parts of the external walls constructed of:
- i. fibre cement sheeting excluding so much thereof as does form part of any Textured Coated Material; or
  - ii. timber; or
  - iii. concrete; or
  - iv. aluminium; or
  - v. any combination of the materials referred to in subclause i to iv inclusive immediately above referred to in this restriction shall not exceed twenty five per centum (25%) of the total area of the external walls.
5. No building shall be erected or permitted to remain on the lot burdened having what is commonly known as a "flat roof" or a roof constructed of any material other than
- i. terra cotta roof tiles; or
  - ii. cement roof tiles; or
  - iii. timber shingles; or
  - iv. slate; or
  - v. corrugated metal that has been treated by the process commonly known as "colour bonding" or any other similar factory precoated process; or
  - vi. such other material as may be approved by Baron Corporation which approval may be given or withheld by Baron Corporation in its absolute discretion.

  
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6. No fence shall be erected or permitted to remain on the lot burdened unless any such fence erected:
- i. is less than one point four (1.4) metres in height; and
  - ii. is rural in nature; and
  - iii. will not for the most part obstruct visibility through the same.

Nothing in this restriction shall be implied or construed as to prevent the erection of a fence commonly known as a "post and rail" fence PROVIDED THAT the same does not exceeds 1.4 metres in height.

7. No structure of a temporary character or nature which is intended for habitation including, but without limiting the generality thereof, any basement, tent, shed, shack, garage, trailer, camper or caravan shall be erected or permitted to remain on the lot burdened.
8. No earth, stone, gravel or trees shall be removed or excavated from any lot burdened except where such removal or excavation is necessary for the erection of a dwelling on the relevant lot burdened or to facilitate all reasonable landscaping of the said lot and no lot shall be permitted to be, appear or remain in an excavated or quarried state.
9. No fuel storage tanks (except any such or tanks used for oil heating purposes) shall be placed upon or permitted to remain on any lot burdened.
10. No noxious, noisome or offensive occupation, trade, business, manufacturing or home industry shall be conducted or carried out on any lot burdened.
11. No commercial or boarding kennels shall be constructed or permitted to remain on any lot burdened.
12. No advertising hoarding sign or matter of any description shall be erected or displayed on any lot burdened without the prior written consent of Baron Corporation having been given to the registered proprietor for the time being of the lot burdened which approval may be given or withheld at the absolute discretion of Baron Corporation BUT nothing in this restriction shall prevent the proprietor of any lot burdened from displaying not more than one (1) sign on the lot burdened advertising the fact that the relevant lot burdened is for sale PROVIDED that:
- i. any such sign does not exceed 900mm in width and 900mm in height; and
  - ii. any such sign is painted and/or decorated in its entirety by a professional signwriter.

  
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