

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS 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 OF THE CONVEYANCING ACT 1919**

LENGTHS ARE IN METRES

SHEET 1 OF 8 SHEETS

PLAN: **DP1299177**

PLAN OF SUBDIVISION OF LOT 1100 D.P.1292755
SUBDIVISION CERTIFICATE NO. SC/154/2023
DATED 11 January 2024

FULL NAME AND ADDRESS OF THE
REGISTERED PROPRIETOR OF THE LAND:

EDGEWORTH DEVELOPMENTS PTY LIMITED
ACN: 116 174 639

ADDRESS:
294 MAIN ROAD
CARDIFF NSW 2285

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	RESTRICTION ON THE USE OF LAND (X)	PART OF LOTS: 301 302 303 306 307 308	LAKE MACQUARIE CITY COUNCIL
2	RESTRICTION ON THE USE OF LAND	EACH OF LOTS (301-311 INCLUSIVE)	EVERY OTHER LOT (301-311)
3	EASEMENT FOR ELECTRICITY AND OTHER PURPOSES VARIABLE WIDTH (Y)	309 310 311	ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION ABN 67 505 337 385

INITIAL:

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SHEET 2 OF 8 SHEETS

PLAN: **DP1299177**

PLAN OF SUBDIVISION OF LOT 1100 D.P.1292755
 SUBDIVISION CERTIFICATE NO. SC/154/2023
 DATED 11 January 2024

PART 1A (RELEASE)

NUMBER OF ITEM SHOWN IN THE INTENTION PANEL ON THE PLAN	IDENTITY OF EASEMENT, PROFIT À PRENDRE, RESTRICTION OR POSITIVE COVENANT TO BE RELEASED 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 VARIABLE WIDTH (T) AFFECTING THE WHOLE OF LOT 1100/1292755	1100 / 1292755	LAKE MACQUARIE CITY COUNCIL
2	RIGHT OF ACCESS VARIABLE WIDTH (Q) (D.P.1282706)	800/1282706 1100 / 1292755	LAKE MACQUARIE CITY COUNCIL
3	EASEMENT FOR PUBLIC ACCESS VARIABLE WIDTH (XC) (D.P.1251501)	199/1251501 1100 / 1292755	LAKE MACQUARIE CITY COUNCIL
4	EASEMENT FOR TRANSMISSION LINE 30.48 METRE(S) WIDE (XE) (G702996)	1100 / 1292755	ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION ABN 67 505 337 385
5	EASEMENT TO DRAIN WATER VARIABLE WIDTH (H) (D.P.)	1100 / 1292755	LOTS 401-427 D.P.
	SUNSET CLAUSE INVOKED		

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SHEET 3 OF 8 SHEETS

PLAN: **DP1299177**

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SUBDIVISION CERTIFICATE NO. SC/154/2023
DATED 11 January 2024

PART 2 (TERMS)

TERMS OF RESTRICTION ON THE USE OF LAND (X) NUMBERED 1 IN THE PLAN:

No structure shall be constructed or allowed to remain erected within the area described in the plan provided however this restriction shall:

a) Not apply to retaining walls constructed with the consent of Lake Macquarie Council;

and

b) This restriction does not apply to overhangs, such as eaves that are located a minimum of 2.8 metres above ground level.

**THE BODY OR PERSONS WHOSE CONSENT IS REQUIRED TO RELEASE, VARY OR MODIFY THE
RESTRICTION ON THE USE OF LAND (X) NUMBERED 1 IN THE PLAN**

Lake Macquarie Council

TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED 2 IN THE PLAN:

(a) no single level building or buildings, shall be erected on any lot burdened other than with external walls of brick, and/or brick veneer and/or granosited harditex provided that the proportion of brick and/or brick veneer and or granosited harditex shall not be less than 70% of the total area of the external walls (excluding window and door areas). No double level building or buildings shall be erected on any lot burdened other than with external walls of brick, and/or brick veneer and/or granosited harditex which shall not be less than 50% of the total area of the external walls (excluding window and door areas).

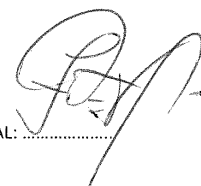
(b) if the lot area is greater than 400 square meters, no main buildings shall be erected or permitted to remain erected on these lots burdened, having a total internal floor area of less than 140 square meters exclusive of car accommodation, external landings and patios.

if the lot area is less than 400 square meters, no main buildings shall be erected or permitted to remain erected on these lots burdened, having a total internal floor area of less than 110 square meters exclusive of car accommodation, external landings and patios.

(c) no existing dwelling house shall be partly or wholly moved to, placed upon, re-erected upon, reconstructed on or permitted to remain on any lot burdened.

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PLAN: DP1299177

PLAN OF SUBDIVISION OF LOT 1100 D.P.1292755
SUBDIVISION CERTIFICATE NO. SC/154/2023
DATED 11 January 2024

- (d) no noxious, noisesome or offensive occupation, trade, business, manufacture or home industry shall be conducted or carried out on any lot burdened.
- (e) no fence shall be erected on any lot burdened to divide it from any adjoining land owned by Edgeworth Developments PTY Limited without the prior written consent of Edgeworth Developments, its successors or assigns other than purchasers on sale, but such consent shall not be withheld if such fence is erected without expense to Edgeworth Developments, its successors or assigns and is double lapped and capped timber fence or any colourbond metal fence of a natural earth tone. In favour of any person dealing with the transferees, Edgeworth Developments, its successors or assigns such consent shall be deemed to have been given in respect of every such fence for the time being erected. This covenant in regard to fencing shall be binding upon the registered proprietor of any lot burdened, its executors, administrators and assigns only during the ownership of said adjoining land by Edgeworth Developments, its successors or assigns other than purchasers on sale.
- (f) no fence shall be erected or be permitted to remain erected on any lot burdened closer to any street than the house building line required by Lake Macquarie City Council.
- (g) no building shall be erected or permitted to remain erected on any lot burdened having a roof of other than tiles, slate, or colourbond, non-flat metal material, of a natural earth tone, or having a slope less than 17 degrees.
- (h) no building shall be erected or permitted to remain erected on any lot burdened unless such building incorporates either attached or detached covered carparking accommodation for at least one (1) vehicle and one (1) carparking space of which the surface shall be sealed. No attached or detached covered parking shall be constructed unless that structure is constructed of similar material and to a similar standard to the main building.
- (i) no building shall be erected or permitted to remain erected on any lot burdened unless it has a driveway constructed of concrete, pavers, and asphaltic concrete or similar standard materials prior to the occupancy of the building.
- (j) no building shall be erected, or be permitted to remain erected, or occupied by any person, corporation, government or semi-government instrumentality for the purpose of public housing.
- (k) no building shall be permitted or permitted to remain erected on any lot burdened with a solar hot water service unless the storage is located within the building or at the rear of the building at ground level.

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PLAN: DP1299177

PLAN OF SUBDIVISION OF LOT 1100 D.P.1292755
SUBDIVISION CERTIFICATE NO. SC/154/2023
DATED 11 January 2024

- (l) no advertising or hoarding sign including any "for sale" sign shall be displayed or erected on any lot burdened for a period of one (1) year from the date of transfer by Edgeworth Developments PTY Limited without the prior written consent of Edgeworth Developments.
- (m) with the exception of vehicles used in connection with the erection of a dwelling on any lot burdened, no motor truck, lorry, or semi-trailer with a load capacity exceeding 2.5 tonnes shall be parked or permitted to remain on any lot burdened.
- (n) no mobile home or temporary or permanent moveable improvements including a tent, shack, camper or caravan shall be moved to, placed upon, re-erected upon, reconstructed on or permitted to remain on any lot burdened during the construction of the main dwelling.
- (o) any damage caused to the existing concrete footpath or street trees on lot frontage or adjoining lands by lot owner, or builder of dwelling and there contractors, must be rectified at completion of dwelling or 6 month from damage caused whichever comes first.
- (p) any lot that remains vacant is to be kept completely cleared of debris, weeds and self-sewn trees. This maintenance is to be completed at regular intervals no less than four times per year.

**THE BODY OR PERSONS WHOSE CONSENT IS REQUIRED TO RELEASE, VARY OR MODIFY THE
RESTRICTION ON THE USE OF LAND NUMBERED 2 IN THE PLAN:**

Edgeworth Developments PTY Limited
ACN: 116 174 639


**TERMS OF EASEMENT FOR ELECTRICITY AND OTHER PURPOSES VARIABLE WIDTH (Y)
NUMBERED 3 IN THE PLAN:**

An easement is created on the terms and conditions set out in memorandum registered AK980903. In this easement "easement for electricity and other purposes" is taken to have the same meaning as "easement for electricity works" in the memorandum.

**THE BODY OR PERSONS WHOSE CONSENT IS REQUIRED TO RELEASE, VARY OR MODIFY THE
EASEMENT FOR ELECTRICITY AND OTHER PURPOSES VARIABLE WIDTH (Y) NUMBERED 3 IN THE
PLAN**

Alpha Distribution Ministerial Holding Corporation ABN 67 505 337 385

INITIAL:


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SHEET 6 OF 8 SHEETS

PLAN: DP1299177

PLAN OF SUBDIVISION OF LOT 1100 D.P.1292755
SUBDIVISION CERTIFICATE NO. SC/154/2023
DATED 11 January 2024

EXECUTED BY)
EDGEWORTH DEVELOPMENTS PTY LIMITED)
ACN: 116 174 639)
IN ACCORDANCE WITH SECTION 127 OF THE CORPORATIONS ACT:)


.....
SIGNATURE OF AUTHORISED PERSON

FREDERICK ANDRIESSEN
.....
NAME OF AUTHORISED PERSON
(BLOCK LETTERS)

JOLE DIRECTOR /
.....
POSITION
(BLOCK LETTERS)
JOLE SECRETARY

.....
~~SIGNATURE OF AUTHORISED PERSON~~

.....
~~NAME OF AUTHORISED PERSON~~
~~(BLOCK LETTERS)~~

.....
~~POSITION~~
~~(BLOCK LETTERS)~~

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SHEET 7 OF 8 SHEETS

PLAN: **DP1299177**

PLAN OF SUBDIVISION OF LOT 1100 D.P.1292755
SUBDIVISION CERTIFICATE NO. *SC/154/2023*
DATED *11 JANUARY 2024*

Certified correct for the purposes of the Real Property Act 1900 by the Prescribed Authority's attorneys who signed this dealing pursuant to the power of attorney specified.

Signed, sealed and delivered for

ERIC Alpha Asset Corporation 1 Pty Ltd ACN 612 974 044, ERIC Alpha Asset Corporation 2 Pty Ltd ACN 612 975 023, ERIC Alpha Asset Corporation 3 Pty Ltd ACN 612 975 032, ERIC Alpha Asset Corporation 4 Pty Ltd ACN 612 975 078 and Blue Asset Partner Pty Ltd ACN 615 217 493

on behalf of Alpha Distribution Ministerial Holding Corporation pursuant to s. 36 of the Electricity Network Assets (Authorised Transactions) Act 2015 by its attorneys under power of attorney registered book 4789 no. 978

sign here



Attorney

Electronic signature affixed by me or at my direction on the date below

print name

William Close

Date
electronic
signature
affixed

14.8.23

I certify that I am an eligible witness and that the Prescribed Authority's attorney signed this dealing in my presence. [See note* below]

Lisa Wartens

Signature of Witness

Electronic signature affixed by me or at my direction on the date below

print name

Lisa Wartens

print
address

24 Campbell St, Sydney

Date
electronic
signature
affixed

14.8.23

sign here



Attorney

Electronic signature affixed by me or at my direction on the date below

print name

Nicholas Convery

Date
electronic
signature
affixed

14.8.23

I certify that I am an eligible witness and that the Prescribed Authority's attorney signed this dealing in my presence. [See note* below]

Lisa Wartens

Signature of Witness

Electronic signature affixed by me or at my direction on the date below

print name

Lisa Wartens

print
address

24 Campbell St, Sydney

Date
electronic
signature
affixed

14.8.23

*s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documents.

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DATED 11 January 2024

**LAKE MACQUARIE CITY COUNCIL BY ITS)
AUTHORISED DELEGATE PURSUANT TO S.377 LOCAL GOVERNMENT ACT 1993.)**

HEATH ROBERTSON



Name of delegate (BLOCK LETTERS)

Electronic signature of me,
HEATH ROBERTSON affixed by me,
on 11 January 2024

Authority of officer - Executed for and on
behalf of Lake Macquarie City Council by its
authorised delegate pursuant to Section 378 of the
Local Government Act 1993.

I CERTIFY THAT I AM AN ELIGIBLE WITNESS AND THAT THE DELEGATE SIGNED)
IN MY PRESENCE.)

MICHELLE ANN LOUIS



Name of Witness (BLOCK LETTERS)

126-138 MAIN ROAD
SPEERS POINT NSW 2284

Address of Witness (BLOCK LETTERS)

Electronic signature of me,
MICHELLE ANN LOUIS affixed by me,
on 11 January 2024

REGISTERED:



12/02/2024