

INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A PRENDRE INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON USE OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO 88B OF THE CONVEYANCING ACT 1919.

Plan: **DP1196932**

Plan of Subdivision of Lot 17 D.P.1055186 covered by Subdivision Certificate No 36/2014 dated 16/5/14

Full Name and Address of the Registered Proprietor of the Land

Krigus Pty Ltd
 UNIT 42, 42 WARBURTON STREET
 NORTH WARD QLD 4810

Full Name and address of The Mortgagee of the Land:

Commonwealth Bank of Australia

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 parcels	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Positive Covenant 15 wide and variable (A)	5, 7	Lake Macquarie City Council
2	Positive Covenant 10 wide AND VARIABLE (B)	5, 7	Lake Macquarie City Council
3	Positive Covenant 20 wide and variable (C)	4	Lake Macquarie City Council
4	Positive Covenant 10 wide (D)	1, 2, 3, 4	Lake Macquarie City Council
5	Easement TO DRAIN water 2 wide (E)	1 2 5	2, 3 3 7
6	Restriction on the use of Land (F)	7	Lake Macquarie City Council
7	Restriction on the use of Land (G)	1-7	Lake Macquarie City Council

Part 2 (Terms)

1. Terms of Positive Covenant 15 wide and variable width numbered 1 referred to in the plan.

The registered proprietor of Lot 5 and 7 shall maintain the area designated (A) as an Outer Protection Area (OPA), forming part of an Asset Protection Zone (APZ) as outlined within Section 4.1.3 and Appendix 5 of Planning for Bush & Fire Protection 2006 and the NSW Rural Fire Service production Standards for asset protection Zones.

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Sheet 2 of 3

Plan: **DP1196932**

Plan of Subdivision of Lot 17 D.P.1055166 covered by
Subdivision Certificate No 36/2014 dated 16/5/14

2. Terms of Positive Covenant 10 wide and variable width numbered 2 referred to in the plan.

The registered proprietor of Lot 5 and 7 shall maintain the area designated (B) as an Inner Protection Area (IPA), forming part of an Asset Protection Zone (APZ) as outlined within Section 4.1.3 and Appendix 5 of Planning for Bush & Fire Protection 2006 and the NSW Rural Fire Service production Standards for asset protection Zones.

3. Terms of Positive Covenant 20 wide and variable width numbered 3 referred to in the plan.

The registered proprietor of Lot 4 shall maintain the area designated (C) as an Asset Protection Zone (APZ) as outlined within Section 4.1.3 and Appendix 5 of Planning for Bush & Fire Protection 2006 and the NSW Rural Fire Service production Standards for asset protection Zones.

4. Terms of Positive Covenant 10 wide and variable width numbered 4 referred to in the plan.

The registered proprietor of Lots 1, 2, 3 ^{and 4} shall maintain the area designated (D) as an Asset Protection Zone (APZ) as outlined within Section 4.1.3 and Appendix 5 of Planning for Bush & Fire Protection 2006 and the NSW Rural Fire Service production Standards for asset protection Zones.

5. Terms of Restrictions on the use of land numbered 6 in the plan.

The area designated (F) on the plan shall be maintained as to the effect that no development, clearing of any native vegetation or earthworks shall be undertaken in this area.

6. Terms of Restrictions on the use of land numbered 7 in the plan.

No dwelling shall be erected on each lot unless it is of Level 1 Standard as described in Australian Standard 3959-1999 "Construction of Buildings in Bushfire-Prone Areas". In addition to the construction standards specified in AS 3959-1999 the following shall apply to future dwellings on proposed lots 4, 5 and 7.

- (a) The garage doors shall be fitted with fire rated weather seals to prevent entry of embers and sparks.
- (b) Roof skylights/vents (if installed) shall be fitted with fire rated Georgian Wired Glass (not thermo plastic materials).
- (c) No combustible materials shall be stored within two metres of the external walls of the building.
- (d) The roof of the dwelling shall be fitted with a gutter protection system that minimizes the accumulation of combustible material within the roof gutters and on the roof valleys. Such a protective device shall have a flammability index of less than 5 as determined by the test procedures of Australian Standard AS 1530.2.

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Plan: **DP1196932**

ePlan
Plan of Subdivision of Lot 17 D.P.1055166 covered by
Subdivision Certificate No 36/2014 dated 16/5/14
Sheet 3 of 3

Executed by
Lake Macquarie City Council

Lake Macquarie City Council
Approved 88B Instrument for
SUBDIVISION CERTIFICATE
Sc. 36, 2014
Authorised Person: *G. Field*
Date: 16, 5, 14

Executed by
Commonwealth Bank of Australia

Certified correct for the purposes of the Real Property Act 1900 by the person(s) named below who signed this instrument pursuant to the power of attorney specified

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Signature of Attorney: *[Signature]*
Attorney's name: **CHRISTOPHER CAVANACH**
Attorney's position: **RELATIONSHIP MANAGER**
Signing on behalf of: **COMMONWEALTH BANK OF AUSTRALIA ABN 48 123 123 124**
Power of attorney: - Book: 4548
- No: 494

Signature of Witness: *[Signature]*
Name of witness: **MICHELE EISENHAUER**
Address of witness: **439 High St
Maitland**

Executed by **KRIGUS PTY LTD ABN 510 3986624**
pursuant to Section 127 of the Corporations Act 2001

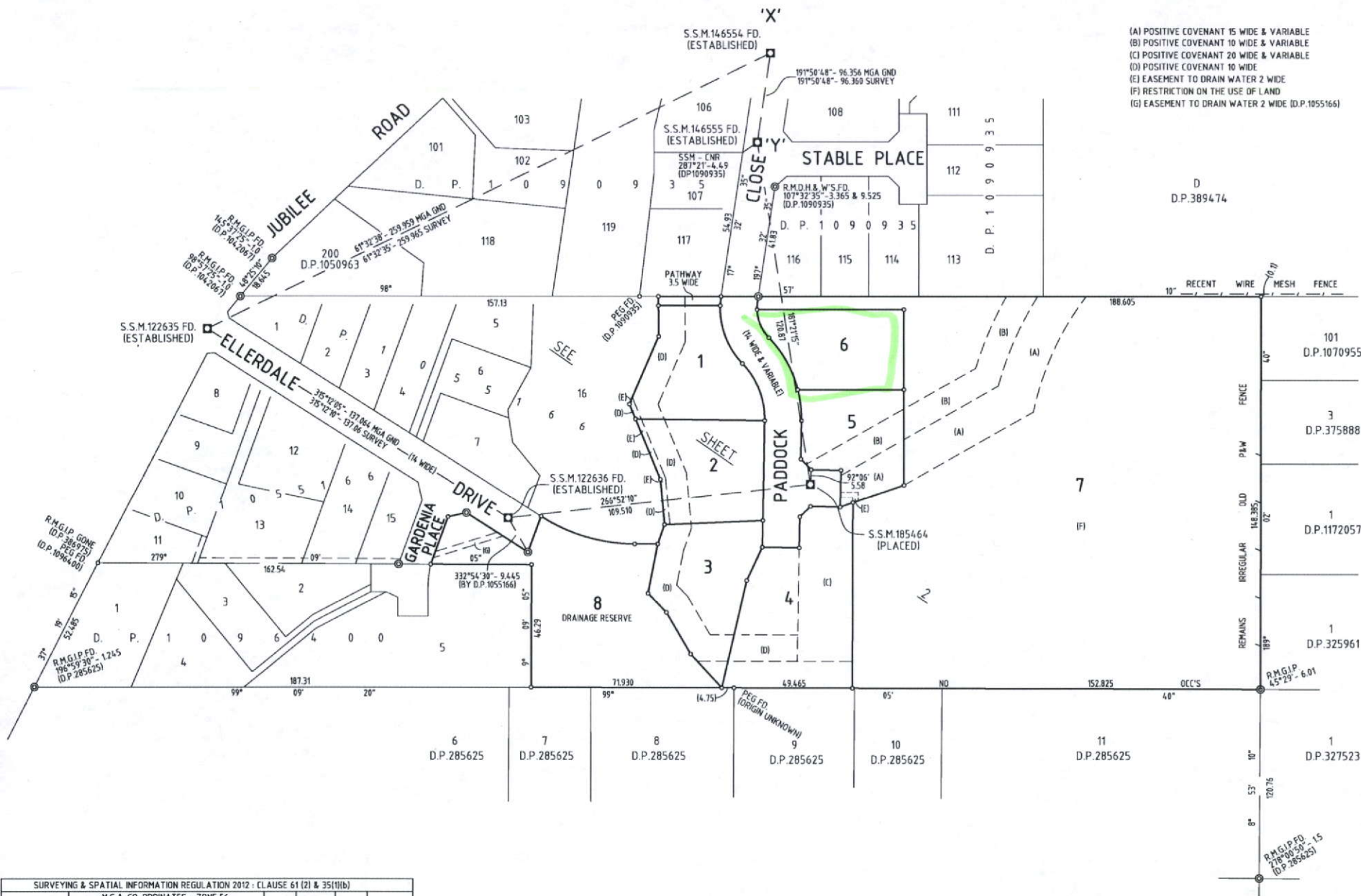
ANGELO MICHAEL
WILLIAM AUGUSTIS

Name
[Signature]
Signature

SOLE DIRECTOR
AND SECRETARY
Position Held

Name
Signature
Position Held

Box: e-Dex / Doc: DP 1196932 P / Rev: 01-Jul-2014 / Sts: SC, OK / Prt: 02-Jul-2014 01:46 / Egs: ALL / Seq: 1 of 4
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- (A) POSITIVE COVENANT 15 WIDE & VARIABLE
- (B) POSITIVE COVENANT 10 WIDE & VARIABLE
- (C) POSITIVE COVENANT 20 WIDE & VARIABLE
- (D) POSITIVE COVENANT 10 WIDE
- (E) EASEMENT TO DRAIN WATER 2 WIDE
- (F) RESTRICTION ON THE USE OF LAND
- (G) EASEMENT TO DRAIN WATER 2 WIDE (D.P.10551661)



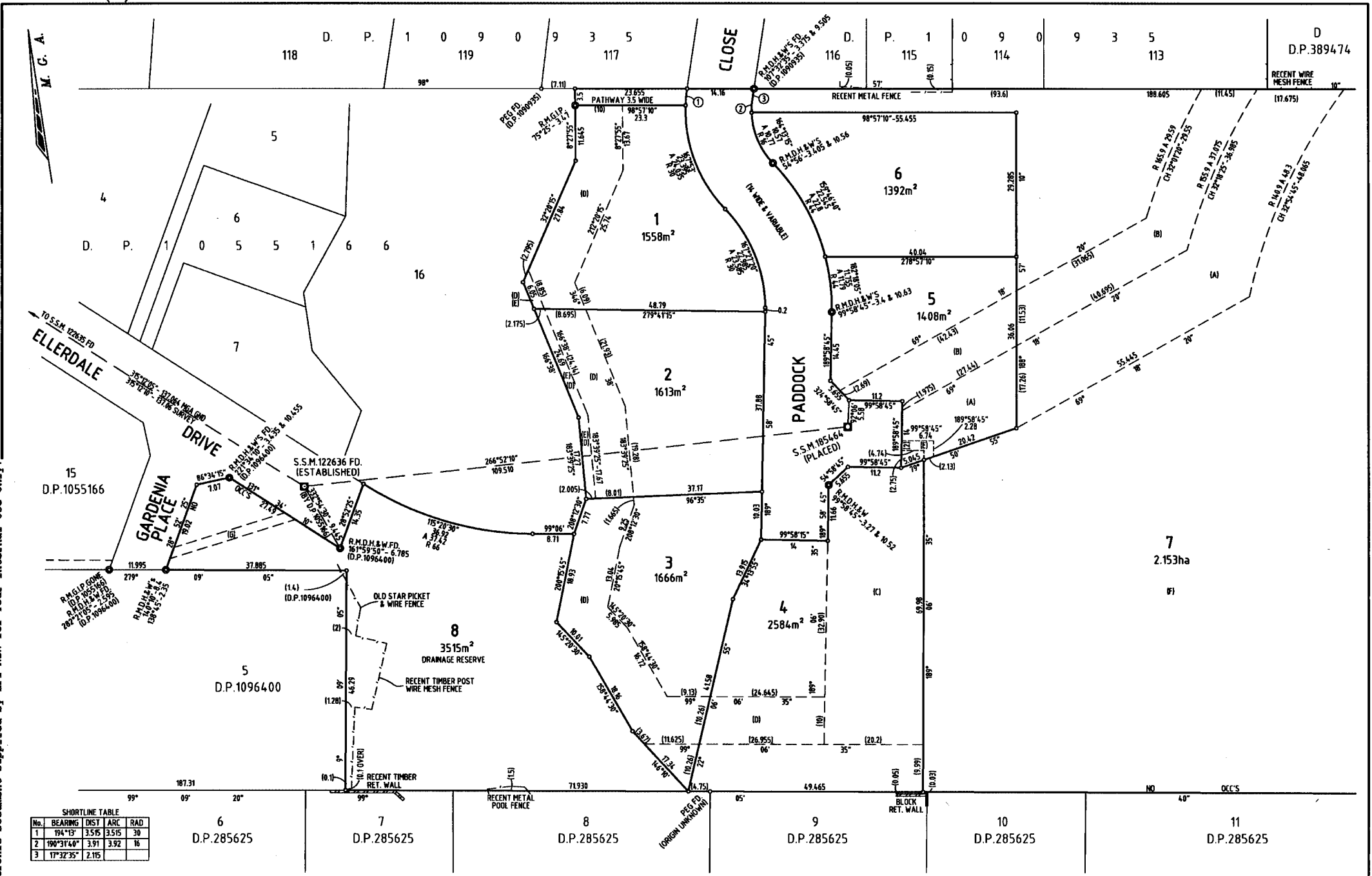
SURVEYING & SPATIAL INFORMATION REGULATION 2012 : CLAUSE 61 (2) & 35(1)(b)					
MARK	M.G.A. CO-ORDINATES - ZONE 56		CLASS	ORDER	METHOD
	EASTING	NORTHING			
SSM 122635	374 913 656	6 356 304 393	B	2	SCIMS -
SSM 122636	375 010 212	6 356 207 156	B	3	SCIMS -
SSM 146555	375 122 380	6 356 333 950	B	3	SCIMS -
SSM 146554	375 142 157	6 356 428 233	B	3	SCIMS -
SSM 185464	375 119 524	6 356 213 140	C	N/A	TRAV. PLACED

COMBINED SCALE AND SEA LEVEL CORRECTION - 0.999782

SOURCE M.G.A. CO-ORDINATES ADOPTED FROM S.C.I.M.S. AS AT 23RD JUNE 2014

Surveyor: JOHN JOSEPH WILSON DEWITT CONSULTING Date of Survey: 5th MARCH 2014 Surveyor's Reference: 3616	PLAN OF SUBDIVISION OF LOT 17 D.P.1055166	LGA: LAKE MACQUARIE Locality: ELMORE VALE Subdivision No: SC/36/2014 Lengths are in metres. Reduction Ratio 1:1000	Registered 30.6.2014	DP1196932
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SHORTLINE TABLE


No.	BEARING	DIST	ARC	RAD
1	194°13'	3.515	3.515	30
2	190°31'40"	3.91	3.92	16
3	17°32'35"	2.115		

- (A) POSITIVE COVENANT 15 WIDE & VARIABLE
- (B) POSITIVE COVENANT 10 WIDE & VARIABLE
- (C) POSITIVE COVENANT 20 WIDE & VARIABLE
- (D) POSITIVE COVENANT 10 WIDE
- (E) EASEMENT TO DRAIN WATER 2 WIDE
- (F) RESTRICTION ON THE USE OF LAND
- (G) EASEMENT TO DRAIN WATER 2 WIDE (D.P. 1055166)

Surveyor: JOHN JOSEPH WILSON DEWITT CONSULTING Date of Survey: 5th MARCH 2014 Surveyor's Reference: 3616	PLAN OF SUBDIVISION OF LOT 17 D.P. 1055166	LGA: LAKE MACQUARIE Locality: ELMORE VALE Subdivision No: SC/36/2014 Lengths are in metres. Reduction Ratio 1:500	Registered 30.6.2014	DP1196932
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DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

Registered:  30.6.2014 Office Use Only
 Title System: TORRENS
 Purpose: SUBDIVISION

Office Use Only
DP1196932

**PLAN OF SUBDIVISION OF LOT 17
 D.P.1055166**

LGA: LAKE MACQUARIE
 Locality: ELEMORE VALE
 Parish: KAHIBAH
 County: NORTHUMBERLAND

~~Crown Lands NSW/Western Lands Office Approval
 I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.
 Signature:
 Date:
 File Number:
 Office:~~

Survey Certificate
 JOHN JOSEPH WILSON
 I, of de Witt Consulting, P.O. Box 850 CHARLESTOWN 2290 a surveyor registered under the *Surveying and Spatial Information Act 2002*, certify that:
 *(a) The land shown in the plan was surveyed in accordance with the *Surveying and Spatial Information Regulation 2012*, is accurate and the survey was completed on 5th MARCH 2014.
~~*(b) The part of the land shown in the plan ("being" excluding A.....) was surveyed in accordance with the *Surveying and Spatial Information Regulation 2012*, is accurate and the survey was completed on, the part not surveyed was compiled in accordance with that Regulation.~~

Subdivision Certificate
 I, Greg Field
 Authorised Person General Manager/*Accredited Certifier, certify that the provisions of s.109J of the *Environmental Planning and Assessment Act 1979* have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.
 Signature: G. Field
 Accreditation number:
 Consent Authority: Lake Macquarie City Council
 Date of endorsement: 16 May 2014
 Subdivision Certificate number: SC/26/2014
 File number: DA/214/2007/A
 *Strike through if inapplicable.

~~*(c) The land shown in this plan was compiled in accordance with the *Surveying and Spatial Information Regulation 2012*.~~
 Signature: [Signature] Dated: 1/5/2014
 Surveyor ID: 8609
 Datum Line: 'X' - 'Y'
 Type: *Urban/*Rural
 The terrain is *Level - Undulating/*Steep - Mountainous
 * Strike through if inapplicable
 ^ Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.

Statements of intention to dedicate public roads, public reserves and drainage reserves.
 IT IS INTENDED TO DEDICATE THE EXTENSION OF Paddock CLOSE TO THE PUBLIC AS PUBLIC ROAD.
 IT IS INTENDED TO DEDICATE LOT 8 TO THE PUBLIC AS DRAINAGE RESERVE.
 IT IS INTENDED TO DEDICATE THE PATHWAY TO THE PUBLIC AS PUBLIC ROAD.

Plans used in the preparation of survey/compilation
 DP 1055166
 DP 1090935
 DP 285625
 DP 1042067
 DP 1096400
 If space is insufficient continue on PLAN FORM 6A

Signatures seals and Section 88B Statements should appear on PLAN FORM 6A

Surveyor's Reference: 3616


PLAN FORM 6A (2012)

WARNING : Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

Office Use Only
 Registered  30.6.2014

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DP1196932

PLAN OF SUBDIVISION OF LOT 17
 D.P.1055166

This sheet is for the provision of the following information as required:
 • A schedule of lots and addresses - See 60(c) SSI Regulation 2012
 • Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
 • Signatures and seals see 195D Conveyancing Act 1919
 • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

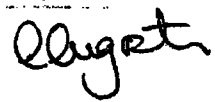
Subdivision Certificate number : SC/36/2014
 Date of Endorsement : 16 May 2014

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919, AS AMENDED, IT IS INTENDED TO CREATE:-


1. POSITIVE COVENANT 15 WIDE & VARIABLE (A)
2. POSITIVE COVENANT 10 WIDE & VARIABLE (B)
3. POSITIVE COVENANT 20 WIDE & VARIABLE (C)
4. POSITIVE COVENANT 10 WIDE (D)
5. EASEMENT TO DRAIN WATER 2 WIDE (E)
6. RESTRICTION ON THE USE OF LAND (F)
7. RESTRICTION ON THE USE OF LAND

LOT	STREET No.	STREET NAME	STREET TYPE	LOCALITY
1	23	PADDOCK	CLOSE	ELERMORE VALE
2	25	PADDOCK	CLOSE	ELERMORE VALE
3	27	PADDOCK	CLOSE	ELERMORE VALE
4	28	PADDOCK	CLOSE	ELERMORE VALE
5	26	PADDOCK	CLOSE	ELERMORE VALE
6	24	PADDOCK	CLOSE	ELERMORE VALE
7	22	PADDOCK	CLOSE	ELERMORE VALE
8	20C	ELLEDALE DRIVE	DRIVE	GUENDALE

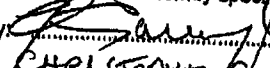
EXECUTED BY KRIGUS PTY LTD ABN 510 398 660 24
 ANGELO MICHAEL WILLIAM AUGOSTIS

NAME
 SIGNATURE 
 POSITION **SOLE DIRECTOR/SECRETARY**

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Signature of Witness: 
 Name of witness: Kirsty Parish
 Address of witness: Level 6, 24 Honeysocket St Newcastle 2300

Certified correct for the purposes of the Real Property Act 1900 by the person(s) named below who signed this instrument pursuant to the power of attorney specified

Signature of Attorney: 
 Attorney's name: CHRISTOPHER ANAGY
 Attorney's position: RELATIONS MANAGER
 Signing on behalf of: **COMMONWEALTH BANK OF AUSTRALIA** ABN 48 123 123 124
 - Book: 4548
 - No: 494
 Power of attorney

If space is insufficient use additional annexure sheet

Surveyor's Reference: 3616