

Instrument setting out terms of Easement or Profits a Prendre intended to be created or released and of Restrictions on the User of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

Sheet 1 of 6

Plan: **DP1304680**

Plan of Subdivision of Lot 904 DP 1296819
 Subdivision Certificate Number 14/2015/467/9

Full name and address
 of the owner of the land:

Hunter Land Holdings Pty Ltd
 (A.C.N. 110 974 439)
 of 1 Hartley Drive, Thornton

Averys Rise Investor Pty Ltd
 (A.C.N. 163 654 813)
 c/- 1 Hartley Drive, Thornton

Part 1

Number of item shown in the intention panel on the plan	Identity of easement, profit a pendre, 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 1.5 wide (JA)	545 546 549 550 551 556 559 561 562 563 568 569	546,547 547 548 548,549 548,549,550 557 558 560 560,561 560,561,562 569 & that part of 570 designated (BJA) That part of 570 designated (BJA)
2	Restriction on the Use of Land	541-569 inclusive	Every other lot except 570,571 & 572
3	Restriction on the Use of Land	545,546,547,555, 556,557,558,559, 560,561,562,563, 564,565,566,567, 568 & 569	Cessnock City Council

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Plan: **DP1304680**

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Part 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement, profit a pendre, 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 Electricity & Other Purposes 2 Wide (D.P.1296095)	904/1296818	Alpha Distribution Ministerial Holding Corporation ABN 67 505 337 385
2	Right of Carriageway ^{4.5} 4 Wide (D.P.1296095)	904/1296818	Alpha Distribution Ministerial Holding Corporation ABN 67 505 337 385

Part 2 (Terms)

1. Terms of the easement, profit a prendre, restriction, or positive covenant secondly referred to in the abovementioned plan.

Dwelling houses

No dwelling house may be erected or permitted to remain erected on any lot burdened having a total internal floor area of less than 140 m² exclusive of car accommodation, external landings and patios.

- 2.1 No dwelling house shall be erected or permitted to remain erected on any lot burdened having a roof of other than tiles (terracotta or cement) or non-reflective Colorbond. Untreated zincalume is prohibited.
- 2.2 No existing dwelling house or relocatable type dwelling or existing shed or relocatable type shed shall be partially or wholly moved to, placed on, re-erected or permitted to remain on any lot burdened.

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Fencing of common boundaries

- 2.3 No fence shall be erected or permitted to remain between the building line, as fixed by Cessnock Council and the adjoining public road that exceeds 1,200mm in height except on a corner lot where a fence 1,800mm in height is permitted up to and on the boundary of one of the public road frontages.
- 2.4 No fence shall be erected or permitted to remain on any boundary of the lot burdened with a painted or coated surface unless the painted or coated surface is a dark to medium dark colour.
- 2.5 No fence shall be erected on a lot burdened unless it is erected without expense to Hunter Land Holdings Pty Limited & Averys Rise Investor Pty Limited, its successors and permitted assigns other than Purchasers on sale.

Prohibited activities

- 2.6 No obnoxious, noisy or offensive occupation, trade or business shall be conducted or carried on any lot burdened.
- 2.7 No structure of a temporary character, basement, tent, shack, garage, trailer, camper, caravan or any other building may be used at any time as residential accommodation on the lot burdened.
- 2.8 No temporary structure, caravan, camper or detached ancillary building may be permitted to remain erected on a lot burdened prior to the issue of an Occupation Certificate for the dwelling house erected on the lot burdened.
- 2.9 No motor truck, lorry or semi-trailer with a load carrying capacity exceeding 2.5 tonnes shall be parked or permitted to remain on any lot burdened unless the same is being used in connection with the erection of a dwelling on the relevant lot burdened and only prior to occupation of the dwelling.

Acknowledgment of Covenants

- 2.10 The proprietor of a burdened lot acknowledges that prior to purchasing the subject lot they have made their own inquiries about the nature and effect of these covenants.
- 2.11 The proprietor of a burdened lot acknowledges that the burden of the covenants in this instrument run with the lot for the benefit of each other proprietor of a lot in a subdivision, excluding land which is not residential, and shall be enforceable against the proprietor of each and every lot from time to time so burdened.
- 2.12 The proprietor of each lot acknowledges that the covenants are separate from each other and if any covenant is declared invalid or unenforceable then the remaining restrictive covenants will not be affected and each remaining covenant will be valid and enforceable to the full extent permitted by law.

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Any release, variation or modification of these restrictions will be made and done in all respects at the cost and expense of the person or persons requesting same.

The name of the person having the power to release, vary or modify this Restriction as to User is Hunter Land Holdings Pty Limited & Averys Rise Investor Pty Limited and if Hunter Land Holdings Pty Limited & Averys Rise Investor Pty Limited no longer exist or is not the registered proprietor of the land comprised in the plan of subdivision then the person or persons for the time being the registered proprietor of land in the plan of subdivision within 50 metres of the lot burdened shall be empowered to release or vary the restriction

2. Terms of the easement, profit a prendre, restriction, or positive covenant thirdly referred to in the abovementioned plan.

No building or buildings intended for occupation for residential purposes shall be constructed or permitted to remain on any lot burdened unless constructed in a manner that achieves LAeq levels that do not exceed 35 dB(A) in any bedroom in the residential accommodation at any time between 10pm-7am and 40 dB(A) at any time anywhere else in the building (excluding a garage, kitchen, bathroom or hallway).

Name of authority or person empowered to release, vary or modify the restriction on use of land numbered 1 in the plan.

The Registered Proprietor of the Lot benefitted with the concurrence of Cessnock City Council

Name of authority empowered to release, vary or modify the restriction on use of land numbered 3 in the plan.

Cessnock City Council



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CESSNOCK CITY COUNCIL by its)
authorised delegate pursuant to s.377)
Local Government Act 1993)

I certify that I am an eligible witness
and that the delegate signed
in my presence



Signature of delegate

Jules Bosco

Name of delegate (BLOCK LETTERS)

Electronic signature of me, Jules
Bosco affixed by me or at my
direction on 12/12/2023



Signature of Witness

Susan Parry

Name of Witness (BLOCK LETTERS)

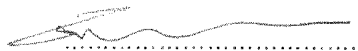
62 - 78 Vincent Street

CESSNOCK NSW 2325

Address of Witness (BLOCK LETTERS)

Electronic signature of me, Susan
Parry affixed by me or at my direction
12/12/2023

Executed by HUNTER LAND HOLDINGS)
PTY LIMITED (A.C.N. 110 974 439) in)
accordance with Section 127 of the Corporations Act:)



Director
Print Name:

Graham Robert Burns
Director

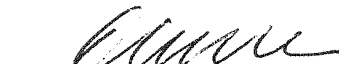


Director
Print Name: **Geoffrey William O'Shea**
DIRECTOR

Executed by AVERYS RISE INVESTOR)
PTY LIMITED (A.C.N. 163 654 813) in)
accordance with Section 127 of the Corporations Act:)



Director
Print Name: **Christopher**
Sneddon



Director
Print Name: **Damien Cameron**

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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 ▶ 	sign here 
_____ Attorney	_____ Attorney
print name <u>William Close</u>	print name <u>Bill Hannan</u>
Date electronic signature affixed <u>12 January 2024</u>	Date electronic signature affixed <u>12 January 2024</u>
I certify that I am an eligible witness and that the Prescribed Authority's attorney signed this dealing in my presence. [See note* below]	I certify that I am an eligible witness and that the Prescribed Authority's attorney signed this dealing in my presence. [See note* below]
	
_____ Signature of Witness	_____ Signature of Witness
print name <u>Rachael Tiplady</u>	print name <u>Rachael Tiplady</u>
print address <u>24 Campbell Street, Sydney</u>	print address <u>24 Campbell Street, Sydney</u>
Date electronic signature affixed <u>12 January 2024</u>	Date electronic signature affixed <u>12 January 2024</u>

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

REGISTERED:



05/06/2024