

ADW JOHNSON PTY LIMITED

ABN 62 129 445 398

Sydney
Level 35 One International Towers
100 Barangaroo Avenue
Sydney NSW 2000
02 8046 7411
sydney@adwjohnson.com.au

Central Coast
5 Pioneer Avenue
Tuggerah NSW 2259
02 4305 4300

coast@adwjohnson.com.au

Hunter Region
7/335 Hillsborough Road,
Warners Bay NSW 2282
02 4978 5100

hunter@adwjohnson.com.au

Section 4.55(1A) Modification Application (Modification 3)

Major Project Approval MP10_0205 Modifications to Stage 7

Property:

Kanangra Drive, Gwandalan

Applicant:

Lakeside Living Pty Ltd

Date:

June 2018

Document Control Sheet

| Issue No. | Amendment | Date | Prepared By | Checked By |
|-----------|-------------------------|----------------------------|-------------|------------|
| A | Draft to Client | 25 th May 2018 | SVD | IB |
| B | Final to Client | 28 th May 2018 | SVD | NJ |
| C | Amended Final to Client | 15 th June 2018 | SVD | SVD |
| | | | | |

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

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APPENDICES

- Appendix 1** Proposed Modified Subdivision Plans & Staging Plan
Appendix 2 Deposited Plan
Appendix 3 Certificate of Title

1.0 Introduction

ADW Johnson has been engaged by Lakeside Living Pty Ltd ("the proponent") to prepare a Section 4.55(1A) modification application to MP10_0205 with the Department of Planning & Environment (DPE). The modifications are required to make some minor internal boundary changes to allotments proposed within Stage 7 of the development. Subsequently, these changes will require Condition A2 to be modified accordingly.

The following statement has been prepared pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) and addresses the necessary issues that require assessment to assist DPE in making a determination on the subject application.

Approval was received on 3rd May 2011 for a 190 lot subdivision over Lot 3 DP588206 (since subdivided), including 187 residential lots, two (2) open space lots and a residue lot containing the existing dwelling. The subdivision was approved over seven (7) stages, with six (6) stages having since been commenced/completed. The remaining land is now referred to as Lot 414 DP1232559.

Since approval was gained in May 2011, two (2) modifications have been issued, with the latest reducing the lot yield to 189 lots, one (1) open space lot and a residue lot containing the existing dwelling. The subject modification represents the third, with this having come about due to the further refinement of the project. The modifications will have no impact on the approved allotment yield, minimum lot size, staging or road layout and have been reviewed by Central Coast Council (CCC) who raised no objections.

In addition to the above, the original approved staging has been amended to support the construction methodology and sequential servicing requirements. This impacted Stage 3 onwards and was accepted by CCC through the issuing of Construction Certificates. A copy of the amended staging has been provided within Appendix 1 in order to allow the relevant conditions to refer to the latest plans.

The subdivision continues to comply with all relevant provisions of Wyong Local Environmental Plan 2013 (LEP) as well as the aims and objectives of the Wyong Development Control Plan (DCP). Where variations are proposed to DCP controls, they have been supported with evidence to ensure the objectives of the control continue to be achieved.

The subject modification is therefore considered to be substantially the same development as originally approved and be of minor environmental impact. With this in mind, the modification is appropriately able to be dealt with under Section 4.55(1A) of the EP&A Act.

On this basis, DPE is requested to approve the modification of MP10_0205.

2.0 The Site

2.1 LOCATION

The subject site is known as the 'Lakeside' Estate and is located on the eastern side of Kanangra Drive in Gwandalan; approximately 1.5km south of Point Wolstoncroft and 3.8km north-east of Summerland Point. Stage 7 is located within the north-eastern portion of this site (refer to Figure 1) within Lot 414 DP1232559.

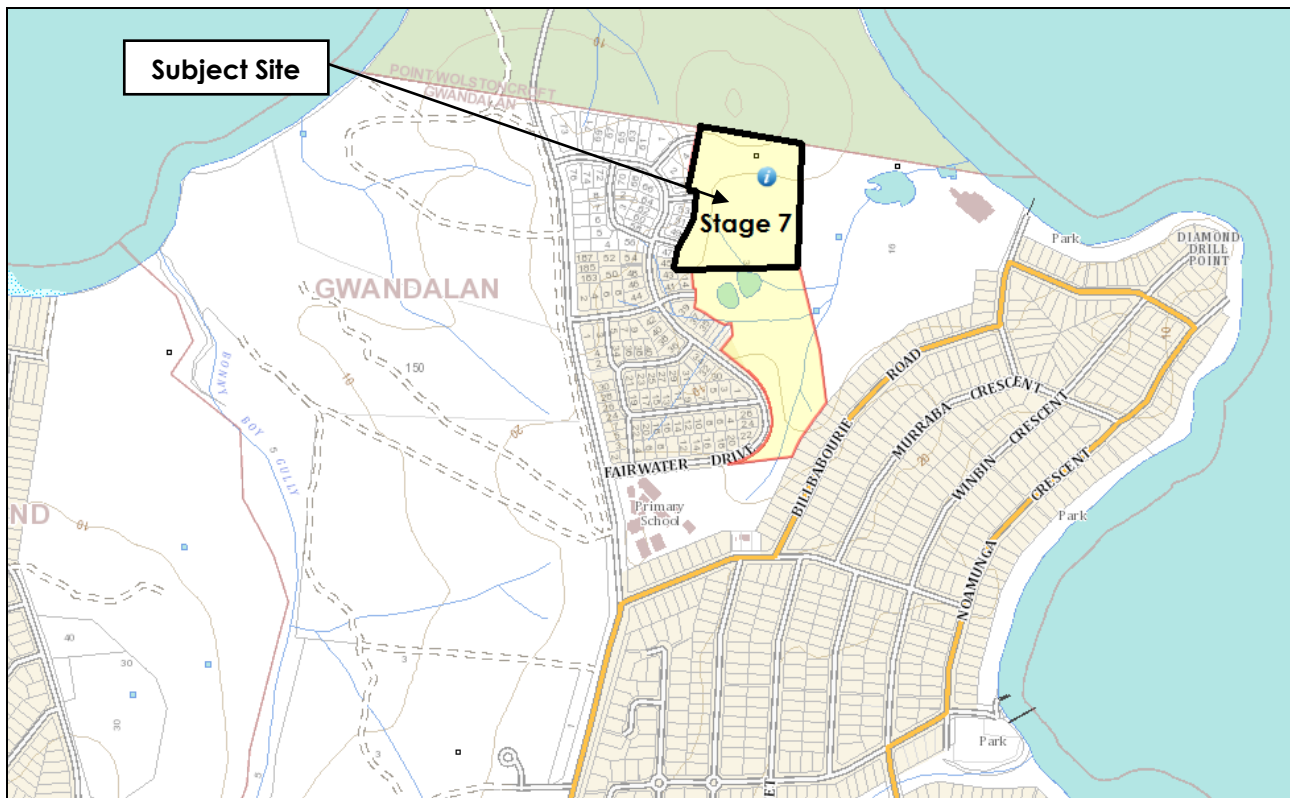


Figure 1: Locality Map

2.2 LAND TITLE

The subject site is identified as Lot 414 DP1232559 which contains various easements which will require adjustment as part of the Subdivision Certificate. None, however, are considered to hinder the proposed modifications.

A copy of the Deposited Plan for the property is provided in Appendix 2.

2.3 OWNERSHIP

Lot 414 DP1232559 is owned by Lakeside Living Pty Limited – whose consent to the lodgement of this modification is provided as a letter of authority. A copy of the Certificate of Title is provided in Appendix 3.

2.4 PHYSICAL DESCRIPTION

The overall site development is known as "Lakeside" which has been approved under MP10_0205. In this regard, Stages 1 to 5 have been created and completed and Stage 6 is currently under construction.

As illustrated within Figure 2, the site affected by the proposed modification is currently vegetated; however impacts in this regard were assessed under the original approval.

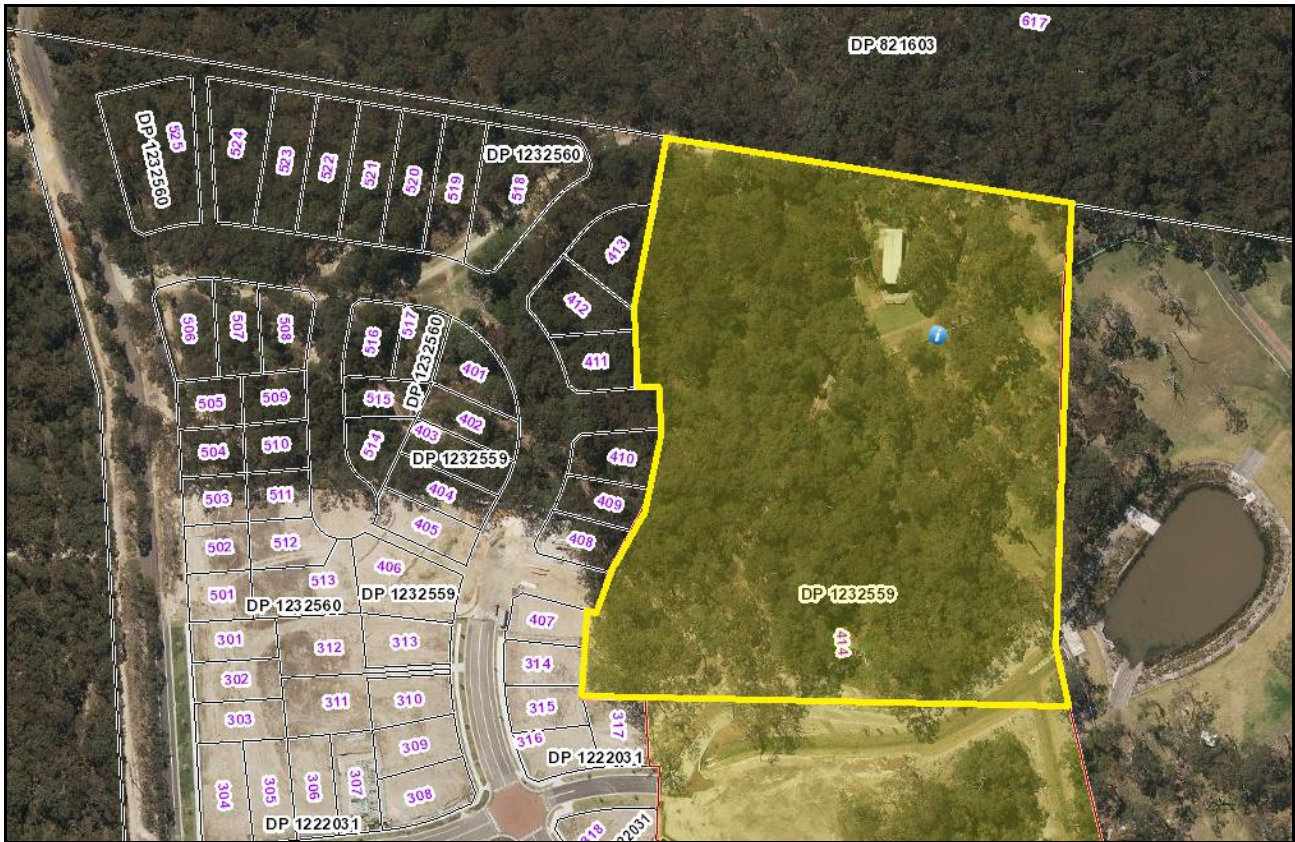


Figure 2: Aerial Photo of Site (Subject Site in Yellow)

3.0 Description of the Proposed Modification

3.1 BACKGROUND

As discussed above, MP10_0205 was approved on 3rd May 2011 and has subsequently been modified twice through the now repealed Section 75W process.

An extract of the latest approved layout showing the subject area is provided within Figure 3 below.

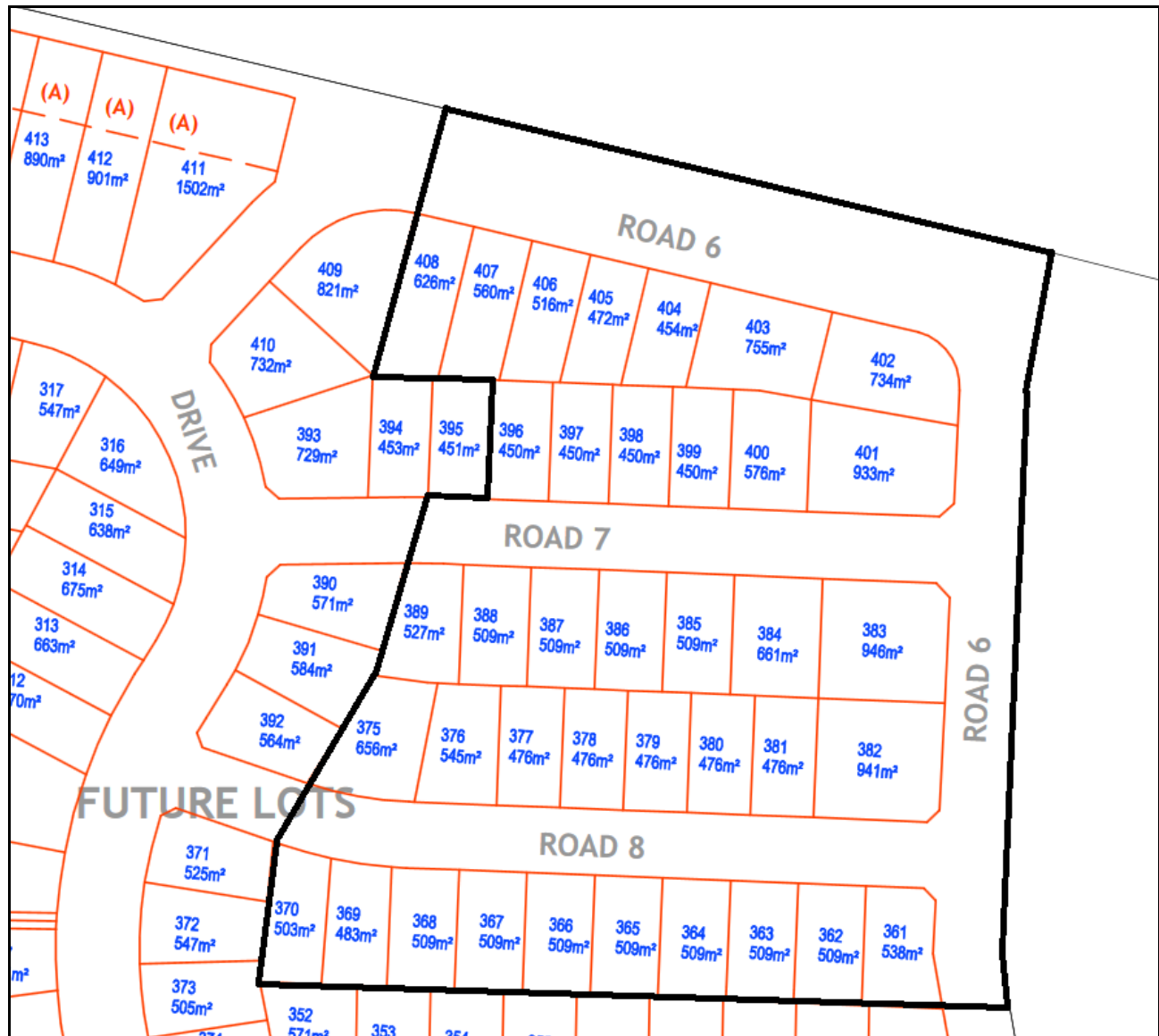


Figure 3: MP10_0205 Mod 2 (Subject Site in Block)

Following the latest modification, Council approved some minor staging boundary changes as part of the Construction Certificate process in order to accommodate the construction methodology and sequential servicing requirements. These changes resulted in the subject land being referred to as Stage 7. A copy of the latest staging plan has been provided within Appendix 1.

3.2 DETAILS OF PROPOSED MODIFICATION

Since approval was issued for the latest modification, the applicant has refined Stage 7 to make some minor internal lot boundary changes. The proposed modifications are therefore requested:

| Lot No. | Lot Type | Approved (m ²) | Proposed (m ²) | Difference (m ²) |
|----------------|-----------|---------------------------------|----------------------------|------------------------------|
| 701-710 | N/A | Minor change due to survey only | | +/- 4 |
| 711 | irregular | 656 | 616.8 | -39.2 |
| 712 | irregular | 545 | 537.2 | -7.8 |
| 713-716 | N/A | No change | | - |
| 717 | regular | 476 | 724.5 | +248.5 |
| 718 | corner | 941 | 741.6 | -199.4 |
| 719 | corner | 946 | 800.5 | -145.5 |
| 720 | regular | 661 | 817.2 | +156.2 |
| 721-731 | | Minor change due to survey only | | +/-2 |
| 732 | irregular | 576 | 849 | +273 |
| 733 | corner | 933 | 668.7 | -264.3 |
| 734 | corner | 734 | 605 | -129 |
| 735 | irregular | 755 | 605 | -150 |
| 736 | irregular | 454 | 605 | 151 |
| 737 | irregular | 472 | 450 | -22 |
| 738 | irregular | 516 | 450 | -66 |
| 739 | irregular | 560 | 450 | -110 |
| 740 | irregular | 626 | 968 | 342 |

These changes have been discussed with CCC who raised no objections.

The proposed amended plan is located within Appendix 1.

3.3 PURPOSE FOR MODIFICATION

The intention behind the proposed modification is to add lot size variety to accommodate a broad spectrum of housing product.

The resulting lots all still meet the 450m² minimum lot size requirement of the Wyong LEP 2013 as well as the objectives of Council's DCP – discussed in further detail below.

These modifications are considered to have no environmental impacts given that they require:

- No additional lots;
- No additional land or increase in footprint;
- No additional clearing;
- No additional road construction; and
- No additional stormwater treatment.

An assessment against all heads of consideration under Section 4.15 of the Act is provided within Section 4.

3.4 CONDITIONS REQUIRING AMENDMENT

The following condition will require amendment in the following way to correspond to the proposed modifications:

Condition A2 Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

- (1) *Environmental Assessment Report - Bulk Earthworks, Infrastructure and Subdivision, prepared by ADW Johnson Pty Ltd, including Appendices A-M.*

and as amended by:

- (2) *Preferred Project Report MP 10/0205 prepared by ADW Johnson Pty Ltd, including Appendices A-H;*
- (3) *The Staging Plan in Appendix A 1 of the ~~Environmental Assessment Report (Modification 1)~~ **Section 4.55(1A) Modification Application Report (Modification 3)** prepared by ADW Johnson Pty Ltd ~~dated November 2011~~ **June 2018 referenced as "Overall Staging Plan" 1177(8)-DA-001**; and*
- (4) *Section 75W Application (modification 2) prepared by ADW Johnson Pty Ltd dated April 2015 as amended by the Response to Submissions by ADW Johnson Pty Ltd dated June 2015.*
- (5) Section 4.55(1A) Modification Application prepared by ADW Johnson Pty Ltd dated May 2018**

Reason: To refer to the proposed amended plans, including latest staging plan.

4.0 Requirements for a Section 4.55(1A) Modification

4.1 RELEVANT ISSUES UNDER SECTION 4.55(1A) OF THE EP&A ACT

To lodge an amendment under Section 4.55(1A) of the EP&A Act, the applicant needs to prove that the modifications will involve minimal environmental impact, as follows:

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

The proposed modification will have no impact on the allotment yield, development footprint, road layout or vegetation removal as originally approved. Taking these factors into consideration, the modifications proposed will have minimal, if any, environmental impact and will continue to represent a development which is substantially the same as that originally approved.

- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Wyong DCP Chapter 1.2 – Notification of Development Proposals states:

Public notification of applications lodged under s.96(1A) will generally not be required unless Council or staff with the appropriate delegated authority is of the opinion it may impact on an adjoining property and submissions were received to the original application.

As no changes are proposed which would have any impact on adjoining properties, it is considered that notification of the modification is not necessary in this instance.

Taking the above into consideration, it is evident that the proposed modifications can be assessed under the parameters of Section 4.55(1A) of the EP&A Act and is therefore submitted to DPE for approval.

4.2 RELEVANT ISSUES UNDER SECTION 79C

Under section 4.15C of the EP&A Act 1979, the following matters need be considered as part of the assessment of the modification:

(a)(i) the provisions of any environmental planning instrument

The planning controls at the time of project approval were SEPP Major Projects and Gwandalan DCP. The controls applicable now are Wyong LEP 2013 and Wyong DCP 2013.

State Environmental Planning Policies (SEPPs)

The proposed modifications to the development are not inconsistent with any SEPPs.

Wyong Local Environmental Plan 2013 (WLEP 2013)

The proposed modifications to the development are not inconsistent with WLEP 2013. In this regard, the following is noted:

- The proposed allotments continue to be permissible within the R2 Low Density Residential Zone pursuant to Clause 2.6;
- The modified subdivision will continue to achieve the objectives of the R2 Low Density Residential Zone; and
- The modified allotments will continue to achieve the 450m² minimum lot size.

(a)(ii) the provisions of any draft environmental planning instruments

There are no draft environmental planning instruments relevant to the application.

(a)(iii) any development control plans

Wyong Development Control Plan 2013 (DCP 2013) – Part 4 Subdivision

The amended subdivision layout has no impact on any matters previously assessed under Council's DCP with the following exceptions:

4.1 – Lot Size

The minimum width of a lot is 15 metres, measured at the building line.

The following table describes the proposed allotments which do not meet the 15m lot width requirement:

| Proposed Lot | Lot Width | Variation | % |
|----------------|-----------|-----------|-----|
| Lot 738 | 13.8m | 1.2m | 8% |
| Lot 739 | 12.8m | 3.2m | 21% |

Whilst the controls within a DCP are not mandatory, where a development does not comply with a control, it must prove that it continues to achieve the objectives of the control. In this case, the objectives of the Lot Size controls are:

Lots are to have sufficient area and take into account opportunities:

- *To enable water and energy efficient design of buildings and services.*

Both lots continue to have ample space to accommodate a dwelling which will be able to comply with BASIX in terms of water and energy efficiency.

- *To encourage waste minimisation, collection and disposal.*

Both lots have ample space to accommodate the standard Council bins and ample frontage for collection purposes.

- *To assist conservation of habitat for native fauna and flora.*

Increasing the allotment width would have no bearing on the ability to retain significant vegetation as all vegetation with the residential footprint is proposed to be removed in any case.

- *To retain of significant natural features.*

All significant natural features within the development have been previously addressed, with the proposed modifications having no bearing in this regard.

- *To ensure privacy and security of residents.*

The minor nature of the non-compliance will have no impact on future residents' privacy/security.

- *To preserve local character.*

The minor nature of the non-compliance will have no impact on the local character given the site is isolated from the existing development within Gwandalan.

In addition to the above, it is also worth noting that the soon to be adopted Greenfield Housing Code will allow complying dwellings on lots with a minimum width of 6m.

Taking the above into consideration, lots with a width of less than 15m are still considered to achieve the objectives of the lot size controls.

4.1.2 – Corner Lots

Corner lots should have a minimum area of 700m² for the purpose of providing adequate area for addressing dual streetscape impacts, privacy issues, setback implications and intersection sight lines. The larger area will also provide opportunities for subdividable corner lot Dual Occupancies.

The following table describes the proposed corner allotments which do not meet the 700m² requirement:

| Proposed Lot | Area (m ²) | Variation | % |
|----------------|------------------------|-----------|----|
| Lot 701 | 541.9 | 158.1 | 23 |
| Lot 733 | 668.7 | 31.3 | 4 |
| Lot 734 | 605 | 95 | 14 |

There are no objectives listed for corner lot sizes; however, it is assumed that the control is in place to ensure adequate area for future dwellings without impacting on sight lines and also to accommodate future dual-occupancy development given that 700m² is the minimum lot size for this type of development on a corner allotment under DCP Chapter 2.3. This being the case, whilst the proposed subdivision provides three (3) corner allotments which do not achieve the 700m² minimum lot size, the soon to be adopted *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017* will make dual-occupancy development complying on sites with a minimum lot size of 400m² and a minimum lot width of 12m – to which all the proposed corner lots achieve. With this in mind, despite the development not achieving the minimum corner lot size, full compliance of future dual-occupancies is possible under the SEPP.

In addition to the above, it is also relevant to assess the remaining requirements for corner allotments under Part 4, Section 4.1.2 as follows:

- a. *Safe intersection sight distance and essential sight distance are to be provided in accordance with Austroads Part 5 and 6 for conventional intersections and roundabouts respectively.*
- b. *A 5 metres x 5 metres corner boundary splay shall be provided on every corner lot to improve sight lines for vehicles and pedestrians.*

Each corner lot has been designed in accordance with this requirement to ensure safe sight distance can be achieved for future development.

- c. *Driveways for corner lots at non-signalised intersections are to be set back as far as possible from the intersection, and must be a minimum of 6 metres from the tangent point of the kerb return.*

Each corner lot is large enough to accommodate a 6m setback for future development.

Taking the above into consideration, corner lots with an area of less than 700m² are still considered to achieve the objectives of the lot size controls.

(a)(iv) any matters prescribed by the regulations

There are no matters prescribed by the regulations relevant to the application.

- (b) *the likely impacts of the development*

Context and Setting

The proposed modifications continue to provide a wide variety of allotment sizes within a growing residential area. With this in mind, the proposed amendments continue to fit within the context and setting of the locality.

Access, Transport and Traffic

The proposed modifications will have no impact on the existing road layout or traffic demand of the development.

Landscaping

The proposed modifications will have no impact on the landscaping as approved.

Utilities

The proposed modifications will have no impact on the provision of utilities, albeit connection points to each allotment may slightly move.

Stormwater, Drainage and Water Quality

The overall stormwater management system for the approved subdivision will not be impacted in any way as there will be no change to the amount or configuration of impervious surfaces.

Flora and Fauna

The proposed amendments will have no additional impact on the vegetation removal already approved across the site.

Natural Hazards

Whilst the subject site is located within a bushfire prone area, the proposed modification will have no impact on any existing requirements of the NSW Rural Fire Service and as such, a re-referral is not required.

Social & Economic Impacts

The proposed amended subdivision will have social benefits through providing a broader range of housing product, both smaller and larger, to accommodate wider market.

Site Design and Internal Design

The overall site design continues the same layout envisaged under the original approval with all roads, pathways, servicing and landscaping being unaffected.

(c) the suitability of the site for the development

The subject site remains entirely suitable for the approved subdivision.

(d) any submissions made in accordance with the Act or regulations

As discussed above, the proposed modifications will not require notification to those who made a submission to the original development given that only minor changes are proposed and none which would impact adjoining land owners.

(e) the public interest

It is considered that the proposed modification is in the public interest given that it results in a wider range of product to the market.

5.0 Conclusion

Having regard for the provisions of Section 4.55(1A) of the EP&A Act, it is considered that the amended proposal is substantially the same development as that originally approved by DPE in 2011.

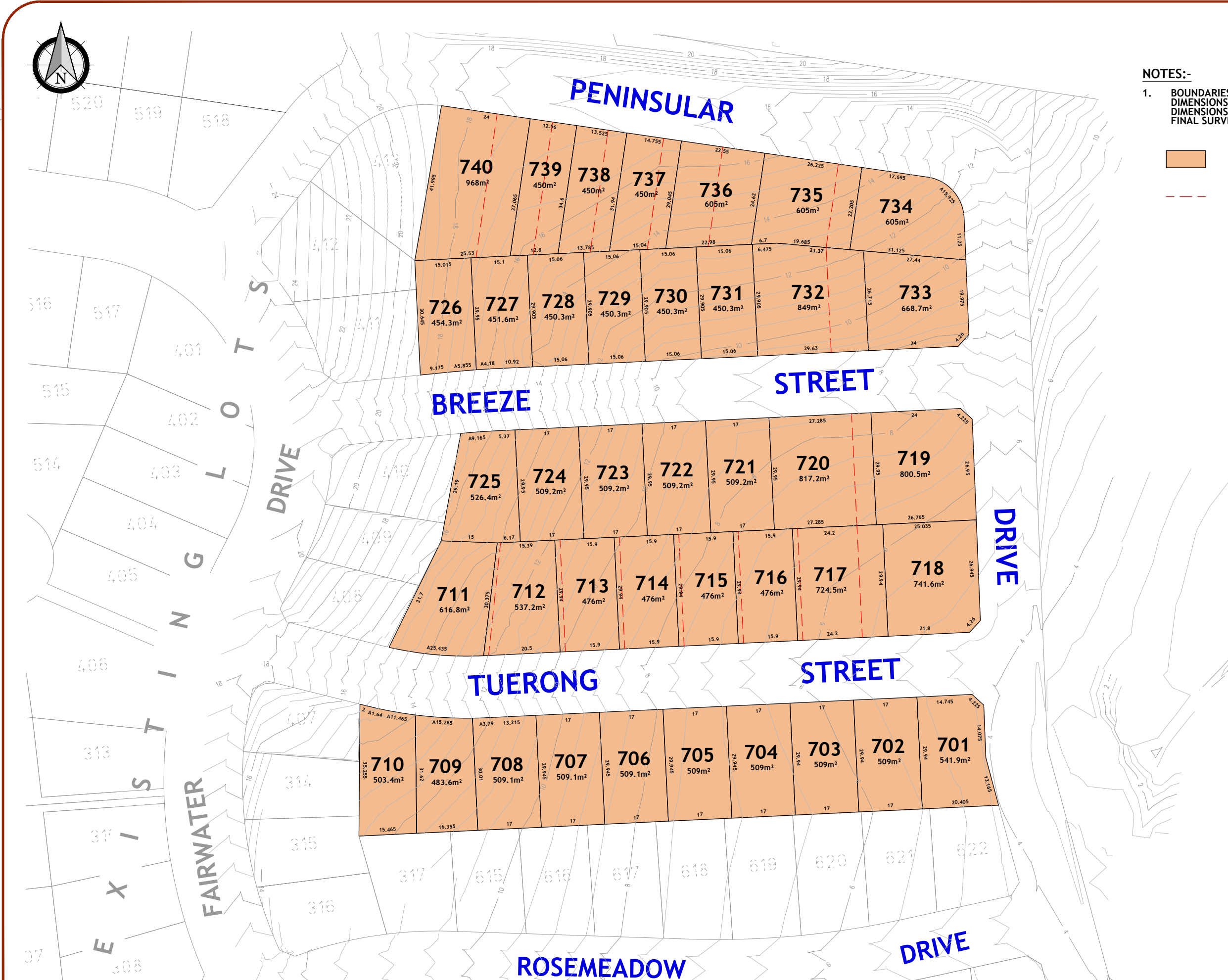
The proposed modifications will facilitate a wider allotment product whilst having no impact on the existing lot yield, road layout, or any other matters as originally approved.

In summary, the proposed development complies with the relevant provisions of Wyong LEP 2013 as well as the aims and objectives of Wyong DCP 2013. Where variations are requested, they have been adequately justified ensuring that they will still provide allotments which will accommodate future building envelopes able to support good building design.

DPE is therefore requested to amend MP10_0205 in the manner identified within the report.

Appendix 1

PROPOSED MODIFIED SUBDIVISION PLANS AND LATEST STAGING PLAN



NOTES:-

1. BOUNDARIES HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY AND HAVE NOT BEEN SURVEYED. ALL DIMENSIONS, AREAS AND EASEMENTS ARE SUBJECT TO FINAL SURVEY.



STAGE 7 - 40 LOTS



PREVIOUS OPTION STAGE BOUNDARY (11778(7)-SUB-002-A)

drawing title:

STAGE 7
SITE PLAN

location: GWANDALAN

council: CENTRAL COAST

dwg ref: 11778(7)-SUB-003

client: LAKESIDE LIVING



central coast office ph: (02) 4305 4300
hunter office ph: (02) 4978 5100
sydney office ph: (02) 8046 7411

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| ver. | date | comment | drawn | pm | level information | scale (A3 original size) | notes |
|------|----------|---------------|-------|----|--------------------------------------|----------------------------------|-------|
| A | 11.04.18 | INITIAL ISSUE | CM | IB | DATUM: N/A CONTOUR INTERVAL: 0.5m | 0 25 50m SCALE: 1:1000 (FULL) | |

• project management • civil engineering • infrastructure • superintendency • economic analysis • social impact • town planning • surveying • development feasibility • visualisation • urban design



LOT 617
D.P. 821603

LOT 1
D.P. 801982

LOT 32
D.P. 1166853

LOT 2
D.P. 801982

- STAGE 1 - 37 LOTS
- STAGE 2 - 32 LOTS
- STAGE 3 - 18 LOTS
- STAGE 4 - 13 LOTS
- STAGE 5 - 25 LOTS
- STAGE 6 - 22 LOTS
- STAGE 7 - 40 LOTS

NOTES:-

- BOUNDARIES HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY AND HAVE NOT BEEN SURVEYED. ALL DIMENSIONS, AREAS AND EASEMENTS ARE SUBJECT TO FINAL SURVEY.

| ver. | date | comment | drawn | pm | level information | scale (A3 original size) |
|------|----------|---------------|-------|----|-------------------------------------|-----------------------------------|
| A | 13.06.18 | INITIAL ISSUE | GH | IB | DATUM: N/A CONTOUR INTERVAL: N/A | 0 50 100m SCALE: 1:2000 (FULL) |

drawing title:
OVERALL STAGING
PLAN

| | |
|-----------------------------------|--------------------|
| location: | GWANDALAN |
| council: | CENTRAL COAST |
| dwg ref: | 11778(8)-DA-001 |
| client: | LAKESIDE LIVING |
| <div><div></div><div></div></div> | |
| central coast office | ph: (02) 4305 4300 |
| hunter office | ph: (02) 4978 5100 |
| sydney office | ph: (02) 8046 7411 |

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working beyond expectations

Appendix 2

DEPOSITED PLAN

| SCHEDULE OF SHORT AND CURVED BOUNDARIES | | | |
|---|--------------|--------|--------|
| No | BEARING | CHORD | RADIUS |
| 1 | 67° 05' 55" | 42.285 | 4.335 |
| 2 | 51° 17' 00" | 5.985 | 4.335 |
| 3 | 21° 28' 15" | 56.65 | 59.285 |
| 4 | 164° 06' 45" | 13.115 | 75.66 |
| 5 | 37° 48' 35" | 28.3 | 96 |
| 6 | 175° 24' 20" | 17.85 | - |
| 7 | 82° 39' 40" | 10.6 | - |

| CLAUSE 35(1)(b) AND CLAUSE 6(12) OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2012 | | | | | |
|---|-------------|---------------|-------|-------|--------|
| MARK | EASTING | NORTHING | CLASS | ORDER | METHOD |
| P.M. 76955 | 367 935.880 | 6 332 860.984 | B | 2 | FOUND |
| P.M. 21238 | 367 900.831 | 6 332 749.657 | B | 2 | FOUND |
| S.S.M. 84056 | 367 658.138 | 6 332 679.925 | B | 2 | FOUND |
| S.S.M. 42175 | 367 564.17 | 6 333 288.16 | D | 4 | FOUND |
| S.S.M. 172459 | 367 577.67 | 6 333 089.33 | D | 4 | FOUND |
| S.S.M. 172459 | 367 694.45 | 6 333 192.34 | D | 4 | FOUND |
| S.S.M. 195547 | 367 698.33 | 6 333 324.42 | - | - | FOUND |

MGA CO-ORDINATES ADOPED FROM SCHEMATIC AS AT 26TH JUNE 2017
COMBINED SEA LEVEL & SCALE FACTOR = 8999808.206 26

| | | | | | | | | | | | | | |
|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|
| 10 | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 90 | 100 | 110 | 120 | 130 | 140 |
|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|

Surveyor: CHRISTOPHER CHARLES MALLON
Date of Survey: 20th June 2017
Surveyor's Ref: 11778(3)-DP-002.8

PLAN OF SUBDIVISION OF LOT 319 IN D.P. 1222031

LGA: CENTRAL COAST
Locality: GYMALAN
Subdivision No: 462201
Lengths are in metres, Reduction Ratio: 1:2000

Registered
31.07.2017

DP1232559



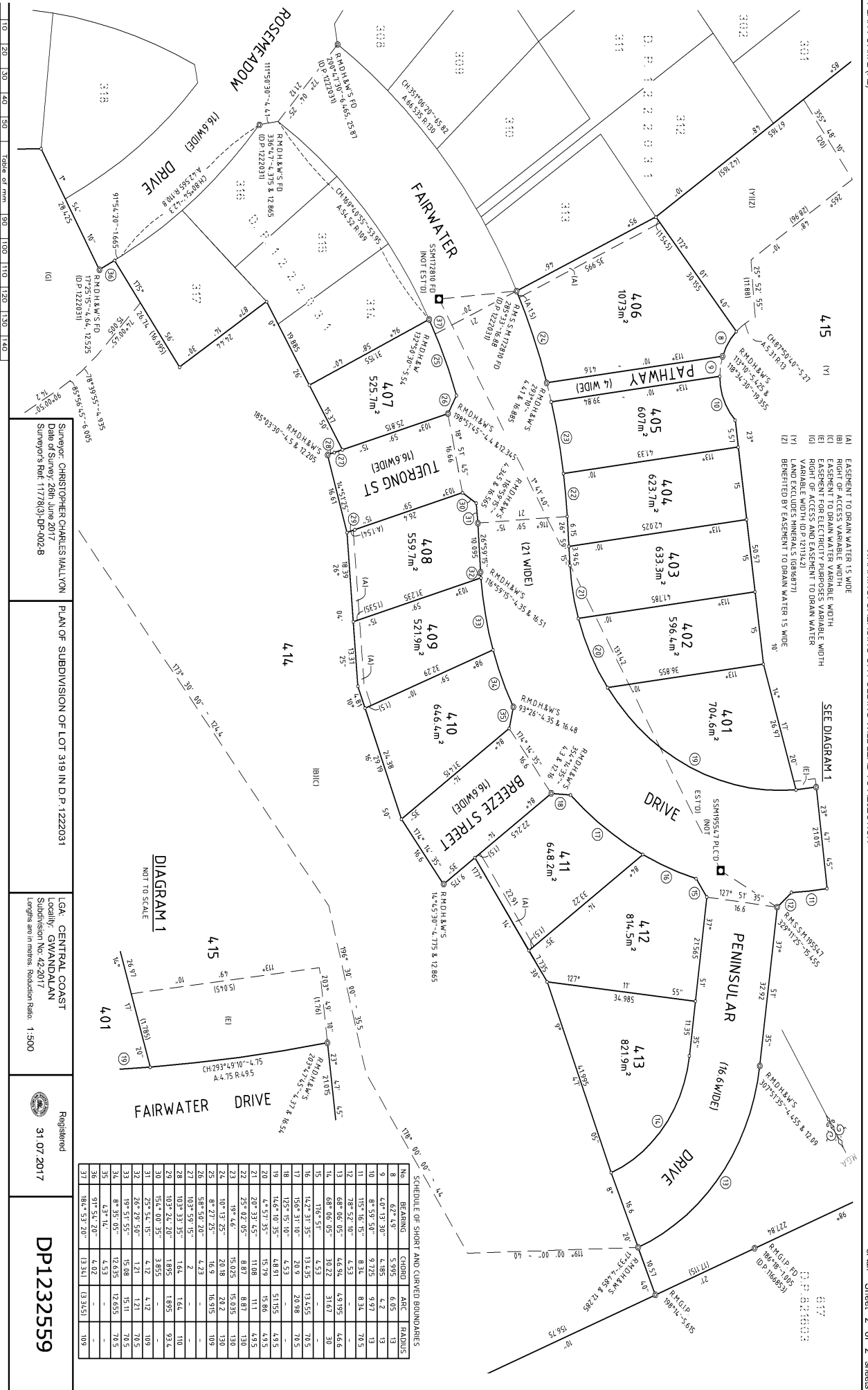
| P.M. 21238 - P.M. 76955 | | |
|-------------------------|-----------------|--|
| BEARING | DISTANCE | |
| T7° 26' 46" | 16.921 MGA GRND | |
| T7° 27' 14" | 16.937 SURVEY | |

- (B) RIGHT OF ACCESS VARIABLE WIDTH
- (C) EASEMENT TO DRAIN WATER VARIABLE WIDTH
- (D) RIGHT OF ACCESS AND EASEMENT TO DRAIN WATER
- (E) LAND EXCLUDES MINERALS (SEE CROWN GRANTS)
- (F) LAND EXCLUDES MINERALS (G816871)
- (G) BENEFITED BY EASEMENT TO DRAIN WATER 15 WIDE

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION


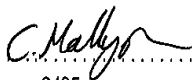

Plan Sheet 2 of 2 sheets



PLAN FORM 6 (2012)

WARNING: Creasing or folding will lead to rejection



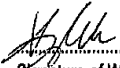
ePlan

| DEPOSITED PLAN ADMINISTRATION SHEET | | SHEET 1 OF 4 SHEET(S) | |
|---|--|--|--|
| <p>Registered:  31.07.2017</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p> | | <p>Office Use Only</p> <p>Office Use Only</p> <p>DP1232559</p> | |
| <p>PLAN OF SUBDIVISION OF LOT 319 IN D.P.1222031</p> | | <p>LGA: CENTRAL COAST Locality: GWANDALAN Parish: WALLARAH County: NORTHUMBERLAND</p> | |
| <p>Crown Lands NSW/Western Lands Office Approval</p> <p>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.</p> <p>Signature:.....</p> <p>Date:.....</p> <p>File Number:.....</p> <p>Office:.....</p> | | <p>Survey Certificate</p> <p>I, CHRISTOPHER CHARLES MALLYON of ADW JOHNSON PTY LIMITED P.O. BOX 3717 TUGGERAH NSW 2259 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(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</p> <p>The part of the land shown in the plan being Lots 401 to 415 inclusive was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on 26th June 2017, the part not surveyed was compiled in accordance with that Regulation.</p> <p>*(b) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012.</p> <p>Signature:  Dated: 26-6-2017</p> <p>Surveyor ID: 8495</p> <p>Datum Line: 'X' - 'Y'</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep Mountainous.</p> <p>*Strike through if inapplicable.</p> <p>*Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p> | |
| <p>Subdivision Certificate</p> <p>I, <u>ROSS PETERSON</u> *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: </p> <p>Accreditation number:</p> <p>Consent Authority: <u>CENTRAL COAST COUNCIL</u></p> <p>Date of endorsement: <u>14-7-2017</u></p> <p>Subdivision Certificate number: <u>42-2017</u></p> <p>File number:</p> <p>*Strike through if inapplicable.</p> | | <p>Plans used in the preparation of this survey / compilation</p> <p>D.P.1166853 D.P.1206605 D.P.1211342 D.P.1222031 D.P. 592126 R2303.1603 R23203.1603</p> <p>If space insufficient continue on PLAN FORM 6A</p> | |
| <p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p> <p>IT IS INTENDED TO DEDICATE PENINSULAR DRIVE, BREEZE STREET, TUERONG STREET, THE PATHWAY AND THE EXTENSION OF FAIRWATER DRIVE TO THE PUBLIC AS PUBLIC ROAD.</p> | | <p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p> | |
| | | <p>SURVEYOR'S REFERENCE: 11778(3)-DP-002-B</p> | |

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection


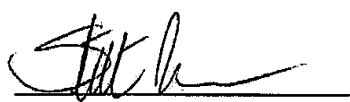
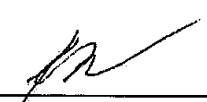
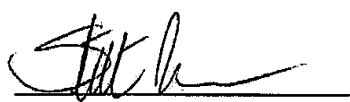
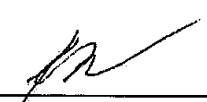
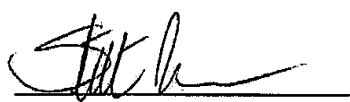
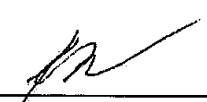
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| DEPOSITED PLAN ADMINISTRATION SHEET | | SHEET 2 OF 4 SHEET(S) |
|--|-----------------|--|
| Registered:  31.07.2017 | Office Use Only | Office Use Only |
| PLAN OF SUBDIVISION OF LOT 319 IN D.P.1222031 | | DP1232559 |
| Subdivision Certificate No: 42-2017 Date of Endorsement: 14-7-2017 | | |
| <p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, AS AMENDED, IT IS INTENDED TO:</p> <p>CREATE:-</p> <ol style="list-style-type: none">1. EASEMENT TO DRAIN WATER 1.5 WIDE (A)2. EASEMENT FOR ELECTRICITY PURPOSES VARIABLE WIDTH (E)3. RIGHT OF ACCESS VARIABLE WIDTH (B) (M)4. EASEMENT TO DRAIN WATER VARIABLE WIDTH (C) (M) <p>STREET ADDRESSES OF ALL LOTS ARE NOT AVAILABLE AT THE TIME OF REGISTRATION.</p> | | |
| EXECUTED for and on behalf of ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION by 67 505 337 385 | |  Signature of Agent for Rob Whitfield, NSW Treasury Secretary (NSW Treasurer's delegate under delegation dated 24 November 2015), on behalf of Alpha Distribution Ministerial Holding Corporation |
|  Signature of Witness | | ANGELO WILKINSON Name of Agent in full |
| KEVIN PEK Name of Witness (please print) | | |
| 52 Martin Place Sydney NSW 2000 Address of Witness | | |
| If space insufficient use additional annexure sheet | | |
| SURVEYOR'S REFERENCE: 11778(3)-DP-002-B | | |

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

| DEPOSITED PLAN ADMINISTRATION SHEET | | SHEET 3 OF 4 SHEET(S) | | | | |
|--|---|-----------------------|--|---|---------------------------------|---|
| Registered:  31.07.2017 | Office Use Only | Office Use Only | | | | |
| PLAN OF SUBDIVISION OF LOT 319 IN D.P.1222031 | | DP1232559 | | | | |
| Subdivision Certificate No: ... 42-2017 ... Date of Endorsement: ... 14-7-2017 ... | | | | | | |
| <p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none">• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2012</i>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. | | | | | | |
| <p>EXECUTED BY LAKESIDE LIVING PTY. LTD. (ACN 054 400 814) IN ACCORDANCE WITH SECTION 127 OF THE CORPORATIONS ACT 2001 BY:</p> <table><tbody><tr><td> Signature of Director</td><td> Signature of Director/Secretary</td></tr><tr><td>STUART ROSE Name of Director</td><td>STEVEN ALPERSTEIN Name of Director/Secretary</td></tr></tbody></table> | | |  Signature of Director |  Signature of Director/Secretary | STUART ROSE Name of Director | STEVEN ALPERSTEIN Name of Director/Secretary |
|  Signature of Director |  Signature of Director/Secretary | | | | | |
| STUART ROSE Name of Director | STEVEN ALPERSTEIN Name of Director/Secretary | | | | | |
| If space insufficient use additional annexure sheet | | | | | | |
| SURVEYOR'S REFERENCE: 11778(3)-DP-002-B | | | | | | |

WARNING: Creasing or folding will lead to rejection

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DEPOSITED PLAN ADMINISTRATION SHEET

SHEET 4 OF 4 SHEET(S)

Registered:  31.07.2017

Office Use Only

Office Use Only

**PLAN OF SUBDIVISION OF LOT 319 IN
D.P.1222031**

DP1232559

Subdivision Certificate No: 42-2017
 Date of Endorsement: 14-7-2017

- 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.

SCHEDULE OF STREET ADDRESSES

| CLAUSE 60(C) OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2012 | | | | |
|---|------------|-------------|-------------|-----------|
| LOT | STREET No. | STREET NAME | STREET TYPE | LOCALITY |
| 401 | 66 | FAIRWATER | DRIVE | GWANDALAN |
| 402 | 64 | FAIRWATER | DRIVE | GWANDALAN |
| 403 | 62 | FAIRWATER | DRIVE | GWANDALAN |
| 404 | 60 | FAIRWATER | DRIVE | GWANDALAN |
| 405 | 58 | FAIRWATER | DRIVE | GWANDALAN |
| 406 | 56 | FAIRWATER | DRIVE | GWANDALAN |
| 407 | 47 | FAIRWATER | DRIVE | GWANDALAN |
| 408 | 49 | FAIRWATER | DRIVE | GWANDALAN |
| 409 | 51 | FAIRWATER | DRIVE | GWANDALAN |
| 410 | 53 | FAIRWATER | DRIVE | GWANDALAN |
| 411 | 55 | FAIRWATER | DRIVE | GWANDALAN |
| 412 | 2 | PENINSULAR | DRIVE | GWANDALAN |
| 413 | 4 | PENINSULAR | DRIVE | GWANDALAN |
| 414 | UNKNOWN | UNKNOWN | UNKNOWN | GWANDALAN |
| 415 | UNKNOWN | UNKNOWN | UNKNOWN | GWANDALAN |

If space insufficient use additional annexure sheet

SURVEYOR'S REFERENCE: 11778(3)-DP-002-B

ePlan

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND
AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF
THE CONVEYANCING ACT, 1919.**

Lengths are in metres

Page 1 of 5 Pages

Plan: **DP1232559**

Plan of Subdivision of Lot 319 in DP 1222031 and
covered by Subdivision Certificate No. **42-2017**

Dated: 14 July 2017

Full name and address of the
Proprietor of the land

Lakeside Living Pty Ltd
(ACN 054 400 814)
51 Riley Street
Woolloomooloo NSW 2011

PART 1

| 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 | Easement to Drain Water 1.5 Wide (A) | 406 408 409 411 | Pt. 415 denoted (Z) on the plan 409 and 410 410 412 |
| 2 | Easement for Electricity Purposes variable width (E) | 415 | Alpha Distribution Ministerial Holding Corporation ABN: 67 505 337 385 |
| 3 | Right of Access Variable Width (B) | 414 | Central Coast Council |
| 4 | Easement to Drain Water Variable Width (C) | 414 | Central Coast Council |



INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND
AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF
THE CONVEYANCING ACT, 1919.

Lengths are in metres

Page 2 of 5 Pages

Plan: **DP1232559**

Plan of Subdivision of Lot 319 in DP 1222031 and
covered by Subdivision Certificate No. *42-2017*
Dated: 14 July 2017

PART 2 (terms)

1. Terms of Easement to Drain Water 1.5 wide (A) firstly referred to in the abovementioned plan

An Easement to Drain Water on the terms as set out in Part 3 of Schedule 8 of the
Conveyancing Act 1919 (as amended) is created.

2. Terms of Easement for Electricity Purposes variable width (E) secondly referred to in the
abovementioned plan

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

3. Terms of Right of Access Variable Width (B) thirdly referred to in the abovementioned plan

A Right of Access on the terms as set out in Part 11 of Schedule 4A of the Conveyancing Act
1919 (as amended) is created.

4. Terms of Easement to Drain Water Variable Width (C) fourthly referred to in the
abovementioned plan

An Easement to Drain Water on the terms as set out in Part 3 of Schedule 4A of the
Conveyancing Act 1919 (as amended) is created.

NAME OF PERSON OR AUTHORITY EMPOWERED TO RELEASE VARY OR MODIFY THE
EASEMENTS NUMBERED 1, 3 & 4

Central Coast Council

NAME OF PERSON OR AUTHORITY EMPOWERED TO RELEASE VARY OR MODIFY THE
EASEMENT NUMBERED 2

Alpha Distribution Ministerial Holding Corporation
ABN: 67 505 337 385

ePlan

INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND
AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF
THE CONVEYANCING ACT, 1919.

Lengths are in metres

Page 3 of 5 Pages

Plan: **DP1232559**

Plan of Subdivision of Lot 319 in DP 1222031 and
covered by Subdivision Certificate No. **42-2017**

Dated: 14 July 2017

Executed for and on behalf of **Central Coast Council** by its authorised delegate pursuant to
s.377 Local Government Act 1993

R. Peterson
.....
(signature of delegate)

ROSS PETERSON
.....
(name of delegate)

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

P. Anderson
.....
(signature of witness)

PETER ANDERSON
.....
(name of witness)

2 HELY STREET
WYONG, NSW 2259
.....
(address of witness)

INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND
AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF
THE CONVEYANCING ACT, 1919.

Lengths are in metres

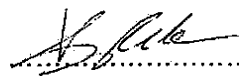
Page 4 of 5 Pages

Plan: **DP1232559**

Plan of Subdivision of Lot 319 in DP 1222031 and
covered by Subdivision Certificate No. **42-2017**
Dated: 14 July 2017

EXECUTED for and on behalf of
**ALPHA DISTRIBUTION MINISTERIAL
HOLDING CORPORATION** by

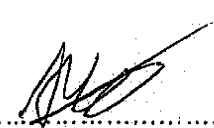
67 505 337 385


.....
Witness

KEVIN PEK
.....
Name of Witness (please print)

52 Martin Place Sydney NSW 2000

.....
Address of Witness


.....
Signature of Agent for Rob Whitfield,
NSW Treasury Secretary (NSW Treasurer's
delegate under delegation dated 24
November 2015), on behalf of Alpha
Distribution Ministerial Holding Corporation

ANGELO KZINETOS
.....
Name of Agent

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND
AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF
THE CONVEYANCING ACT, 1919.**

Lengths are in metres

Page 5 of 5 Pages


Plan: **DP1232559**

Plan of Subdivision of Lot 319 in DP 1222031 and
covered by Subdivision Certificate No. 42-2017
Dated: 14 July 2017

Executed by Lakeside Living Pty Limited)
ACN 054 400 814 in accordance with)
section 127 of the Corporations Act 2001)
by:



Signature of Director



Signature of ~~Director~~ Secretary

STUART ROSE

Print Name of Director

STEVEN ALPERSTEIN

Print Name of ~~Director~~ Secretary

REGISTERED



31.07.2017

Appendix 3

CERTIFICATE OF TITLE



FOLIO: 414/1232559

| SEARCH DATE | TIME | EDITION NO | DATE |
|-------------|----------|------------|-----------|
| ----- | ---- | ----- | ---- |
| 15/5/2018 | 10:17 AM | 1 | 31/7/2017 |

LAND

LOT 414 IN DEPOSITED PLAN 1232559
AT GWANDALAN
LOCAL GOVERNMENT AREA CENTRAL COAST
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP1232559

FIRST SCHEDULE

LAKESIDE LIVING PTY LIMITED

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 G816877 LAND EXCLUDES MINERALS
- 3 DP1211342 RIGHT OF ACCESS AND EASEMENT TO DRAIN WATER VARIABLE
WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE
TITLE DIAGRAM
- 4 DP1232559 RIGHT OF ACCESS VARIABLE WIDTH AFFECTING THE PART(S)
SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 DP1232559 EASEMENT TO DRAIN WATER VARIABLE WIDTH AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***