

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.

Plan:

Plan of Subdivision of Lot 3 DP1229889
covered by Subdivision Certificate No. 047/18

Full name and address
of the owner of the land:

Legpro 54C Pty. Ltd
Suite 2704, Level 27
19-29 Martin Place
SYDNEY. 2000.

(Sheet 1 of 14 Sheets)

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 (E1)	301 347 346 345 344 343 342 341 340 310 338 337 336 335 334 333 332 331 330 329 328	339-347 incl 339-346 incl 339-345 incl 339-344 incl 339-343 incl 339-342 incl 339-341 incl 339-340incl 339 338-327 incl 337-327 incl 336-327 incl 335-327 incl 334-327 incl 333-327 incl 332-327 incl 331-327 incl 330-327 incl 329-327 incl 327 & 328 327

(Signatory LegPro 54C)

Ref: 20467-3C

Delegate
Penrith City Council

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Plan:

Plan of Subdivision of Lot 3 DP1229889
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(Sheet 2 of 14 Sheets)

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. (cont.)	Easement to drain water 2 wide (E1)	325 324 381 382 383 384 385 386 387 388 389 390 391 365 364 363 368 369 370 371 372 373 374 375 354	326 325 & 326 'C' within 4/1229890 'C' within 4/1229890 & 381 'C' within 4/1229890 381 & 382 'C' within 4/1229890 381-383 incl 384 384 & 385 384, 385, 386 384-387 incl 384-388 incl 384-389 incl 384-390 incl 366 365 & 366 364-366 incl 367 367 & 368 367-369 incl 367-370 incl 367-371 incl 367-372 incl 367-373 incl 367-374 incl 367-375 incl



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Plan of Subdivision of Lot 3 DP1229889
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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. (cont.)	Easement to drain water 2 wide (E1)	376 377 378 379 380	375 375 & 376 375-377 incl 375-378 incl 375-379 incl
2.	Easement for padmount substation 2.75 wide (E4)	326	Epsilon Distribution Ministerial Holding Corporation
3.	Restriction on the use of land (R1)	Pt. 326 & 327 designated (R1)	Epsilon Distribution Ministerial Holding Corporation
4.	Restriction on the use of land (R2)	Pt. 326 & 327 designated (R2)	Epsilon Distribution Ministerial Holding Corporation
5.	Easement for access and maintenance 0.9 wide (E5)	301 302 303 304 305 306 307 308 309 310 311 312 313 314 315	302 303 304 305 306 307 308 309 310 311 312 313 314 315 316

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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:
5. (cont.)	Easement for access and maintenance 0.9 wide (E5)	316 317 318 319 320 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346	317 318 319 320 321 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345

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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:
5. (cont.)	Easement for access and maintenance 0.9 wide (E5)	347 348 349 350 380 379 358 359 381 382 383 384 385 386 387 388 389 390 391 324	346 349 350 351 379 378 359 360 'E' within 4/1229890 381 382 383 384 385 386 387 388 389 390 322
6.	Easement to drain water 1.5 wide (E9)	321	324-326 incl
7.	Easement for access and maintenance 0.9 wide (E54)	324 391	323 'F' within 5/1229890
8.	Easement for access and maintenance 0.9 wide (E55)	391	'G' within 5/1229890

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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:
9.	Restriction on the use of land	302, 303, 305, 306, 308, 309, 311, 312, 314, 315, 317, 318, 320, 321, 322, 323, 327, 328, 330, 331, 333, 334, 336, 337, 339, 340, 342, 343, 345, 346, 383, 386, 389	Penrith City Council

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 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 underground cables 1 wide (E3) (D.P.1229230)	3/1229889	Epsilon Distribution Ministerial Holding Corporation
2.	Right of access variable width (E7) (D.P.1229230)	3/1229889	Penrith City Council

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Part 2 (Terms)

1. Terms of Easement for Padmount Substation (E4) 2.75 wide numbered two in the abovementioned plan

The terms set out in Memorandum No AK104621 registered at NSW Land Registry Services are incorporated into this document, subject to changing "Endeavour Energy" to "Epsilon Distribution Ministerial Holding Corporation".

2. Terms of Restriction on the Use of Land (R1) numbered three in the abovementioned plan

2.1 Definitions:

2.1.1 120/120/120 fire rating and 60/60/60 fire rating means 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;

2.1.2 building means a substantial structure with a roof and walls and includes any projections from the external walls;

2.1.3 erect includes construct, install, build and maintain;

2.1.4 restriction site means that part of the lot burdened affected by the restriction on the use of land shown as (R1) on the plan.

2.2 No building shall be erected or permitted to remain within the restriction site unless:

2.2.1 the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating; and

2.2.2 the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating; and

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- 2.2.3 the owner provides the authority benefited with an engineer's certificate to this effect.

Part 2 (Terms)

- 2.3 The fire ratings mentioned in clause 2.2 must be achieved without the use of fire fighting systems such as automatic sprinklers.
- 2.4 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System
- 2.4.1 Notwithstanding any other provision in this Restriction on the Use of Land, the owner acknowledges and agrees that any lessee of Epsilon Distribution Ministerial Holding Corporation's distribution system, and any nominee of such lessee (which may include a sublessee of Epsilon Distribution Ministerial Holding Corporation's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation as if that lessee or nominee were Epsilon Distribution Ministerial Holding Corporation, but only for so long as the lessee leases Epsilon Distribution Ministerial Holding Corporation's distribution system from Epsilon Distribution Ministerial Holding Corporation.
- 2.4.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation.
3. **Terms of Restriction on the Use of Land (R2) numbered four in the abovementioned plan**
- 3.1 Definitions:
- 3.1.1 **erect** includes construct, install, build and maintain.
- 3.1.2 **restriction site** means that part of the lot burdened affected by the restriction on the use of land shown as (R2) on the plan.
- 3.2 No swimming pool or spa shall be erected or permitted to remain within the restriction site.

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Part 2 (Terms)

3.3 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System

3.3.1 Notwithstanding any other provision in this Restriction on the Use of Land, the owner acknowledges and agrees that any lessee of Epsilon Distribution Ministerial Holding Corporation's distribution system, and any nominee of such lessee (which may include a sublessee of Epsilon Distribution Ministerial Holding Corporation's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Epsilon Distribution Ministerial Holding Corporation's distribution system from Epsilon Distribution Ministerial Holding Corporation.

3.3.2. The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation.

4. Terms of Easement for Access & Maintenance 0.9 wide (E5), (E54) & (E55) numbered five, seven and eight in the abovementioned plan

4.1 The owner of the lot benefited may:

- (a) use the easement site to assist in undertaking any works on the lot benefited including construction, repair, painting, landscaping and maintenance;
- (b) enter onto the lot burdened to inspect and survey any structure on the lot benefited; and
- (c) do anything reasonably necessary for those purposes, including:
 - entering the lot burdened;
 - taking anything on to the lot burdened; and
 - carrying out works within the site of this easement.

4.2 In exercising those powers, the owner of the lot benefited must:

- (a) ensure all work is done properly;

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Part 2 (Terms)

- (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened;
- (c) cause as little damage as is practicable to the lot burdened and any improvements on it;
- (d) restore the lot burdened as nearly as practicable to its former condition; and
- (e) make good any collateral damage.

4.3 The owner of the lot burdened must not :-

- (a) allow any building or other structure to be erected or placed on the easement site except an eave or gutter of the main building on the lot burdened or any permanent underground services to the main building;
- (b) carry out any excavation or filling greater than 500mm. Any excavation or filling shall be located and retained so as not to impact on any adjoining building, structure or property.

The grant of this easement is made subject to the right of the owner of the lot burdened to carry out repairs and maintenance or improvements to any landscaping within the site of the easement including installing a security gate across the easement site from the building structure on the lot burdened.

5. Terms of restriction on the use of land numbered nine in the abovementioned plan

No dwelling (including a detached garage) shall be erected on the burdened lot(s) unless constructed in accordance with the Caddens Hill Design Guidelines (Dated December 2016, Version A) and Building Envelope Plan (Project Number 11494, Drawing No. DA2000, Dated 21-12-2016) approved under DA16/1166 as modified. There shall be no encroachment on the Building Envelope Plan without prior approval from Penrith City Council.

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Name of Authority whose consent is required to release, vary or modify terms of Easements and Restrictions numbered two, three and four in the abovementioned plan

Epsilon Distribution Ministerial Holding Corporation.

Name of Authority empowered to release, vary or modify terms of easement, restriction and positive covenant numbered one in the abovementioned plan

Penrith City Council.

Executed on behalf of the Corporation named below
by the authorised persons whose signatures appear
below pursuant to the authority specified.

Corporation: Legpro 54C Pty Limited ACN 617 223 480

Authority: Section 127 Corporations Act 2001

.....
Signature of authorised person:

.....
Signature of authorised person:

Elton Matthew Hyder IV

.....
Name of authorised person:
Office held: Director / Secretary

.....
Name of authorised person:
Office held: Director

MLC CENTRE, LEVEL 27
19-29 MARTIN PLACE

SYDNEY NSW 2000

.....
Address of authorised person:

.....
Address of authorised person:

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(Signatory LegPro 54C)

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Delegate
Penrith City Council

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Signed at Sydney the 7th day of June 2018
For Commonwealth Bank of Australia ACN 123 123 124 4548
by its duly appointed Attorney under Power of Attorney Book No. 494

.....
Signature of Attorney

.....
Signature of Witness

Stephen Nichol
.....
Name of Attorney

DANIEL KENT
.....
Name of Witness

9/201 Sussex St Sydney
.....
Address of Witness

MA
.....
(Signatory LegPro 54C)

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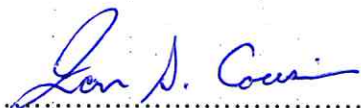
Plan:

Plan of Subdivision of Lot 3 DP1229889
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I certify that the attorney signed this
instrument in my presence

Signed by the attorney named below who signed
this instrument pursuant to the power of attorney
specified for Endeavour Energy Network Asset
Partnership (ABN 30 586 412 717) on behalf of
Epsilon Distribution Ministerial Holding
Corporation (ABN 59 253 130 878) pursuant to
Section 36 of the Electricity Network Assets
(Authorised Transactions) Act 2015 (NSW)



Signature of Witness

IAN STEWART COUSIN

Name of Witness

Address of Witness:

c/- Endeavour Energy
51 Huntingwood Drive
HUNTINGWOOD NSW 2148



Signature of Attorney

Name and position of Attorney: Helen Smith
Manager Property and Fleet

Power of Attorney: Book 4734 N° 883

Signing on behalf of:

Endeavour Energy Network Asset Partnership
ABN 30 586 412 717

Endeavour Energy reference:

URS19387

Date of signature: 27 March 2018



(Signatory LegPro 54C)

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Penrith City Council by its authorised delegate
pursuant to s.377 Local Govt. Act, 1993

.....
Signature of delegate

.....
Name of delegate

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

.....
Signature of Witness

.....
Name of Witness

.....
Address of Witness

.....
(Signatory LegPro 54C)

Ref: 20467-3C

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Delegate
Penrith City Council