

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet 1 of 13 Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

Full name & address of the
owners of the land

REGISTERED OWNERS DETAILS
ADDRESS OF OWNER

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 parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Easement to Drain Water 1.5 & 2.0 Wide	1019 1022 1023 1024 1025 1026 1037 1036 1035 1034 1033 1068 1040 1041 1042 1043 1044 1045 1046 1058 1047 1048 1049 1052	1020 1021 1021 & 1022 1021-1023 Inclusive 1021-1024 Inclusive 1021-1025 Inclusive 1038 1037 & 1038 1036-1038 Inclusive 1035-1038 Inclusive 1034-1038 Inclusive 1033-1038 Inclusive 1039 1039 & 1040 1039-1041 Inclusive 1039- 1042 Inclusive 1039-1043 Inclusive 1039-1044 Inclusive 1039 -1045 Inclusive 1039-1046 Inclusive 1046 1046 & 1047 1046-1048 Inclusive 1046-1049 Inclusive

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **2** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

1 Continued	Easement to Drain Water 1.5 & 2.0 Wide	1053 1054 1075 1074 1073 1078 1079 1080 1081 1082 1083	1046-1049 Inclusive 1046-1049 Inclusive 1076 1075 & 1076 1074-1076 1077 1077 & 1078 1077-1079 Inclusive 1077-1080 inclusive 1077-1081 Inclusive 1077-1082 Inclusive
2	Easement for retaining wall support 0.5 wide	Lot 11 in DP1309130 1086 1085 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1032 1033 1027 1028 1029 1030 1018 1017 1016 1015	1073-1083 Inclusive, 1083 1083 & 1084 1049 & 1052 1048 1047 1046 1044 & 1045 1042 & 1043 1041, 1042 & 1038 1037 & 1038 1037 1037 1036 1035 1034 1033,1067 &1069 1032 & 1033 1031 & 1033 1034 1022-1025 Inclusive 1021 & 1022 1020 1019 Pt 2 DP1302831 Pt 2 DP1302831 1015 & Pt 2 DP1302831 Pt 2 DP1302831

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **3** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

2 Continued	Easement for Retaining wall support 0.5 wide	1014 1013 1012 1011 1010 1009 1008 1007 1006 1005 1004 1003 1002 1001 1038 1052 1054 1070 1071	Pt 2 DP1302831 Pt 2 DP1302831 1011 & Pt DP1302831 Pt 2 DP1302831 Pt 2 DP1302831 Pt 2 DP1302831 Pt 2 DP1302831 Pt 2 DP1302831 Pt 2 DP1302831 Pt 2 DP1302831 Pt 2 DP1302831 Pt 2 DP1302831 Pt 2 DP1302831 Pt 2 DP1302831 1039 & 1040 1049 1053 1068 1068
3	Easement for Access & maintenance 0.9 wide	1004 1005 1006 1009 1010 1011 1013 1014 1015 1017 1018 1025 1026 1034 1035 1036 1041 1042 1043 1045 1046 1048	1003 1004 1005 1008 1009 1010 1012 1013 1014 1016 1017 1024 1025 1035 1036 1037 1040 1041 1042 1044 1045 1047

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **4** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

3 Continued	Easement for Access & maintenance 0.9 wide	1049 1050 1051 1052 1053 1054 1055 1056 1056 1058 1059 1060 1060 1063 1064 1065 1066 1067 1070 1071 1073 1075 1078 1080 1081 1082 1086 1087 1088	1048 1051 1052 1053 1055 1055 1056 1057 1059 1060 1061 1062 1063 1064 1065 1066 1069 1070 1074 1076 1077 1079 1080 1081 1085 1086 1087
4	Restriction on the use of Land	1027-1030	Penrith City Council
5	Easement for Pad mount substation 2.75 wide	1022 Lot 12 in DP1309130	Epsilon Distribution Ministerial Holding Corporation
6	Restriction on the use of land (fire rating of buildings)	1021 1022 Lot 12 in DP1309130	Epsilon Distribution Ministerial Holding Corporation
7	Restriction on the use of land (swimming pools)	1021 1022 Lot 12 in DP1309130	Epsilon Distribution Ministerial Holding Corporation

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **5** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

8	Restriction on the use of Land	Lots 1001-1030 Lots 1032-1049 1052 Lots 1055-1071 Lots 1073-1087	Penrith City Council
---	--------------------------------	--	----------------------

Part 1A (Release)

1	Right of Carriageway	Lot 10 In DP1302833	Penrith City Council
---	----------------------	------------------------	----------------------

Part 2 (Terms)

Terms of Easement for retaining wall support 0.5 wide numbered 2 in the plan

1.1 The owner of the lot burdened must not:

- (a) interfere with the retaining wall or the support it offers, or
- (b) use the site of this easement, or any other part of the lot burdened, or any other land, in a way which may detract from the stability of or the support provided by the retaining wall.

1.2 If the owner of the lot burdened does or allows anything to be done which damages the retaining wall or impairs its effectiveness or fails to do something which results in damage to the retaining wall or the impairment of its effectiveness, the owner of the lot benefited may serve a notice on the owner of the lot burdened requiring the damage to be repaired or the impairment removed within 14 days.

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **6** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

Part 2 (Terms Continued)

1.3 If the owner of the lot burdened does not comply with the notice set out in clause 1.2 within 14 days, the owner of the lot benefited may:

- (a) enter the lot burdened and repair the damage or remove the impairment, and
- (b) recover its reasonable costs from the owner of the lot burdened.

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

- (a) ensure all work is done properly, and
- (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
- (c) cause as little damage as is practicable to the lot burdened and any improvement on it, and
- (d) restore the lot burdened as nearly as is practicable to its former condition, and
- (e) make good any collateral damage.

Terms of Easement for access and maintenance 0.9 wide numbered 3 in the plan

1.1 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.

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **7** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

Part 2 (Terms Continued)

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

- (a) ensure all work is done properly;
- (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.

1.3 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.

Terms of Restriction on the Use of Land numbered 4 in the plan

For split level lots, no additional retaining walls will be permitted onto the lots within 6 meters of the rear boundary, other than that constructed as part of the original subdivision.

Name of person empowered to release, vary or modify Restriction

Penrith City Council

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **8** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

Part 2 (Terms Continued)

Terms of Easement for Padmount substation 5.5 wide numbered 5 in the plan

The terms of the Easement for Padmount Substation set out in Memorandum Number AK104621. Subject to changing “Endeavour Energy” to “Epsilon Distribution Ministerial Holding Corporation”

Name of person empowered to release, vary or modify Easement

Epsilon Distribution Ministerial Holding Corporation

Terms of Restriction on the Use of Land numbered 6 in the plan. (fire rating)

1.0 Definitions

- 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.
- 1.2 **building** means a substantial structure with a roof and walls and includes any projections from the external walls.
- 1.3 **erect** includes construct, install, build and maintain.
- 1.4 **restriction site** means that part of the lot burdened affected by the restriction on the use of land as shown on the plan.

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

- 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 the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating, and
- 2.3 the owner provides the prescribed authority with an engineer’s certificate to this effect.

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **9** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

Part 2 (Terms Continued)

- 3.0 The fire ratings mentioned in clause 2 must be achieved without the use of fire fighting systems such as automatic sprinklers.
- 4.0 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System
 - 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.
 - 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.

Name of person empowered to release, vary or modify Restriction

Epsilon Distribution Ministerial Holding Corporation

Terms of Restriction on the Use of Land numbered 7 in the plan. (swimming pool)

1.0 Definitions

- 1.1 **erect** includes construct, install, build and maintain.
- 1.2 **Owner** means the registered proprietor of the lot or Torrens title land that is affected by this restriction and its successors(including those claiming under or through the registered proprietor)
- 1.3 **restriction site** means that part of the lot burdened affected by the restriction on the use of land as shown on the plan.

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **10** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

Part 2 (Terms Continued)

2.0 No swimming pool or spa shall be erected or permitted to remain within the restriction site.

3.0 Electricity network assets (Authorises Transactions) Act 2015

3.1 Notwithstanding any other provision in this restriction, the owner acknowledged and agrees that any lessee of the prescribed authority's distribution system, and any nominee of such lessee (which may include a sublessee of the prescribed authority's distribution system from that lease), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of the prescribed authority as if that lessee or nominee were the prescribed authority, but only for so long as the lessee leases the prescribed authority's distribution system from the prescribed authority.

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 the prescribed authority.

Name of person empowered to release, vary or modify Restriction

Epsilon Distribution Ministerial Holding Corporation

Terms of Restriction on the Use of Land numbered 8 in the plan. (fire rating)

No additional retaining walls are permitted within 6 meters of the rear boundary, other than the walls constructed as part of the original subdivision.

Name of person empowered to release, vary or modify Restriction

Penrith City Council

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **11** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

Signed on behalf of Penrith City Council by its Authorised Officer in accordance with S378 Local Government Act 1993

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

Authorised Officer

Witnessed by

Name: _____

Name: _____

Position: _____

c/- Penrith City Council
Po Box 60
Penrith NSW 2751

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1 Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **12** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

This sheet is for Endeavour Energy to endorse

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor

1Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919 .

DP

Sheet **13** of **13** Sheets

Plan of Subdivision of Lot 10 in
DP1302833 & Easement over lots 11 &
12 in DP1309130

Covered by Council Certificate

No.:

Dated:

This sheet is for registered proprietors endorsement

Approved by Penrith City Council

.....
Authorised Officer

.....
Registered Proprietor