

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 12 Sheets

Plan of Subdivision of Lot 11 in
DP1302833, Lot 20 & 21 in DP1304679
& Lot 1088 & 1089 in DP

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 Wide	2009 2004 2003 2002 2001 2007 2006 2070 2035 2034 2033 2043 2044 2045 2046 2049 2048 2047 2058 2059 2060 2052 2061	Lots 1077-1083 in DP (stage 1) 2005 2004 & 2005 2003-2005 inclusive 2002-2005 inclusive 2008 2007 & 2008 2006-2008 inclusive 2038-2041 inclusive 2038-2041 inclusive 2038-2041 inclusive 2042 2042 & 2043 2042-2044 Inclusive 2042-2045 Inclusive 2050 2049 & 2050 2048-2050 Inclusive 2057 2057 & 2058 2057-2059 Inclusive 2057-2060 Inclusive 2052 & 2057-2060 Incl.

Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

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2	Easement to Drain Water 2 Wide	2025 2026 2027 2028 2038 2039 2040 2062 2063 2064	2024 2024 & 2025 2024-2026 Inclusive 2024-2027 Inclusive 2039 -2041 Inclusive 2040 & 2041 2042 Lots 1073-1076 incl. DP(STAGE 1) Lots 1073-1076 Incl. DP(STAGE 1) Lots 1073-1076 Incl. DP(STAGE 1)
3	Easement for retaining wall support 0.5 wide	2016 2018 2019 2020 2021 2022 2023 2029 2030 2031 2032 2035 2036 2037 2038 2039 2054 2055 2056 2059	2062 & 2063 2028 2027 2026 & 2027 2025 & 2026 2024 & 2025 2024 2041 & 2071 2040 2039 2038 2038 2038 2038 2039 2040 2058 2058 2057 2058

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4	Easement for Retaining wall support 0.5 wide	2031 2032	2030 2031
5	Easement for Access & maintenance 0.9 wide	2003 2004 2005 2011 2012 2014 2015 2018 2019 2020 2021 2031 2032 2033 2034 2035 2036 2037 2038 2039 2044 2046 2050 2062 2063 2064	2004 2005 2006 2012 2013 2015 2016 2019 2020 2021 2022 2030 2031 2032 2032 2036 2038 2038 2039 2040 2043 2045 2049 2074 2062 2063
6	Easement for Access & maintenance 0.9 wide	2033	2034
7	Right of Carriageway Variable Width	2073	Penrith City Council
8	Easement to Drain Water Variable Width	2073	Penrith City Council
9	Easement for Pad mount substation 2.75 wide	2024	Epsilon Distribution Ministerial Holding Corporation

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10	Restriction on the use of land (fire rating of buildings)	2023 2024	Epsilon Distribution Ministerial Holding Corporation
11	Restriction on the use of land (swimming pools)	2023 2024	Epsilon Distribution Ministerial Holding Corporation
12	Restriction on the use of Land	Lots 2009-2016 Lots 2018-2032 Lots 2035-2041 Lots 2054-2059 Lot 2062 & 2063	Penrith City Council

Part 1A (Release)

1	Easement to Drain Water (whole of Lot)	Lot 11 in DP1302833	Penrith City Council
2	Easement to Drain Water 2 wide	Lot 20 in DP1304679	Penrith City Council

Part 2 (Terms)

Terms of Easement for retaining wall support 0.5 wide numbered 3 & 4 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.

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Part 2 (Terms Continued)

- 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.
- 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 5 & 6 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.

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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 Easement for Padmount substation 5.5 wide numbered 9 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

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Part 2 (Terms Continued)

Terms of Restriction on the Use of Land numbered 10 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.

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

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Part 2 (terms continued)

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 11 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.

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

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Part 2 (terms continued)

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 12 in the plan. (retaining walls)

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

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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

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Authorised Officer

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No.:

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This sheet is for Endeavour Energy to endorse

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No.:

Dated:

This sheet is for registered proprietors endorsement

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Authorised Officer

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Registered Proprietor