

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: DP1201629

Plan of Subdivision of Lot 102 DP1166542
 and Lot 31 DP520322
 covered by Subdivision Certificate No. *CC 077/17*
14/9/17
LEGPRO 54A PTY LTD.
~~Legacy Property~~
 Suite 2704, Level 27
 19-29 Martin Place
 SYDNEY, 2000.

Full name and address
 of the owner of the land:

(Sheet 1 of 15 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)	11 10 9 8 7 33 32 31 30 29 28 26 25 24 36 37 38 58 57 56 55 54	12 11 & 12 10-12 incl 9-12 incl 8-12 incl 34 33 & 34 32-34 incl 31-34 incl 30-34 incl 29-34incl 28-34 incl 26 & 28-34 incl 25, 26 & 28-34 incl 35 35 & 36 35-37 incl 59 58& 59 57-59 incl 56-59 incl 55-59 incl

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 (Signatory LegPro 54A)

.....
 Authorised Person
 Penrith City Council

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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 1.5 ² wide (E1)	52 51 50 61 62 63 64 77 76 75	54-59 incl 52 & 54-59 incl 51, 52 & 54-59 incl 60 60 & 61 60-62 incl 60-63 incl 101 77 & 101 76, 77 & 101
2.	Easement to drain water 2.5 wide (E2)	13 38 39 64	35-38 & Penrith city Council 35-37 & Penrith City Council 60-64 & Penrith city Council 60-63 & Penrith City Council
3.	Easement for underground cables 1 wide (E3)	100	Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878
4.	Easement for padmount substation 2.75 wide (E4)	100, 53	Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878

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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.	Restriction on the use of land (R1)	Part 100, 53 & 54 designated (R1)	Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878
6.	Restriction on the use of land (R2)	Part 100, 53 & 54 designated (R2)	Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878
7.	Easement for access and maintenance 1 wide (E5)	1 4 5 6 7 8 9 12 17 18 19 20 21 22 23 24 25 26 27 28 29	2 3 4 5 8 9 10 11 16 17 18 19 20 21 22 25 26 27 28 29 30

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Part 1 (Creation)

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7. (cont.)	Easement for access and maintenance 1 wide (E5)	30 31 32 33 34 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 66 67	31 32 33 34 35 42 43 44 45 46 47 48 51 52 53 54 55 56 57 58 59 60 61 67 68

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Plan: DP1201629

Plan of Subdivision of Lot 102 DP1166542
 and Lot 31 DP520322
 covered by Subdivision Certificate No. CC 077117
 141917

(Sheet 5 of 15 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:
7. (cont.)	Easement for access and maintenance 1 wide (E5)	70 71 72 73 74 75 76 77 78 80 81 83 82	69 70 71 72 73 76 77 78 101 79 80 84 83
8.	Easement for access and maintenance 2 wide (E6)	24 50 75	23 49 74
9.	Right of access 4 wide (E7)	11, 12, 13, 14, 37, 38, 39, 40, 63, 64, 65 & 66	Penrith City Council
10.	Positive covenant	100	Penrith City Council
11.	Restriction on the use of land	100	Penrith City Council
12.	Restriction on the use of land	1-99 incl.	Penrith City Council

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Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement or profit à prendre to be released and referred to in the plan	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
13.	Positive covenant	24-27 incl, 50-53 incl, 75-78 incl, 81, 82, 86-99 incl.	Penrith City Council

Part 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement or profit à prendre to be released 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 variable width (L) (DP1166546)	102/1166542	Penrith City Council
2.	Right of carriageway variable width (M) (DP1166546)	102/1166542	Penrith City Council

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Part 2 (Terms)

1. Terms of Easement for Underground Cables (E3) 1 wide numbered three in the abovementioned plan

The terms set out in Memorandum N^o AK104616 registered at Land & Property Information NSW are incorporated into this document subject to replacing the words 'Endeavour Energy' with 'Epsilon Distribution Ministerial Holding Corporation'.

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

The terms set out in Memorandum N^o AK104621 registered at Land & Property Information NSW are incorporated into this document subject to replacing the words 'Endeavour Energy' with 'Epsilon Distribution Ministerial Holding Corporation'.

3. Terms of Restriction on the Use of Land (R1) numbered five in the abovementioned plan

3.1 Definitions:

3.1.1 120/120/120 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;

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

3.1.3 erect includes construct, install, build and maintain;

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

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

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

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Part 2 (Terms)

- 3.2.2 the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating; and
- 3.2.3 the owner provides the authority benefited with an engineer's certificate to this effect.
- 3.3 The fire ratings mentioned in clause 3.2 must be achieved without the use of fire fighting systems such as automatic sprinklers.
- 3.4 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System
- 3.4.1 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.
- 3.4.2 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.
- 4. Terms of Restriction on the Use of Land (R2) numbered six in the abovementioned plan**
- 4.1 Definitions:
- 4.1.1 **erect** includes construct, install, build and maintain.
- 4.1.2 **restriction site** means that part of the lot burdened affected by the restriction on the use of land shown as (R2) on the plan.

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Plan: **DP1201629**

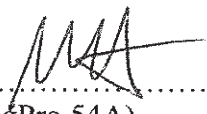
Plan of Subdivision of Lot 102 DP1166542
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covered by Subdivision Certificate No. *CCO 77/17*
14/9/17


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Part 2 (Terms)

- 4.2 No swimming pool or spa shall be erected or permitted to remain within the restriction site.
- 4.3 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System
- 4.3.1 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 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.
- 4.3.2. 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 .
5. **Terms of Easement for Access & Maintenance 1 wide (E5) numbered seven and 1.5 wide (E6) numbered eight in the abovementioned plan**
- 5.1 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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14(917)

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Part 2 (Terms)

5.2 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.

5.3 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.

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Part 2 (Terms)

6. Terms of rights of access 3.5 wide (E7) numbered nine in the abovementioned plan.

A right of access in the terms set out in Part 11 Schedule 4A of the Conveyancing Act 1919 (as amended) is created. These rights of access extinguish automatically when that part of the public road adjoining the lot(s) is extended to the north. In these easements, "easement site" means the rights of access (E7) on the plan.

7. Terms of positive covenants numbered ten in the abovementioned plan

The owner of the lot burdened must maintain the Detention Basin/Water Quality Facility located on the burdened lot at all times to a level sufficient to ensure efficient operation of the Detention Basin/Water Quality Facility and Penrith Council must have the right to enter upon the burdened lots with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time without notice in case of an emergency) to:

(a) view the state of repair of the Detention Basin/Water Quality Facility and;

(b) to execute any work required to remedy a breach of the terms of this covenant if the registered proprietor has not within fourteen (14) days of the date of receipt by the registered proprietor of written notice from Penrith Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to Penrith Council's other remedies Penrith Council may recover as a liquidated debt the cost of such remedial work from the registered proprietor forthwith upon demand.

8. Terms of restrictions on the use of land numbered eleven in the abovementioned plan

The owner of the lots burdened must not alter, remove, in part or whole, or erect any structure on, or over, the Detention Basin/Water Quality Facility located on the burdened lot without the written permission of Penrith Council

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14/9/17
(Sheet 12 of 15 Sheets)

Part 2 (Terms)

- 9. Terms of restrictions on the use of land numbered twelve in the abovementioned plan**

No Dual Occupancy shall be constructed or permitted to remain on the Lot(s) hereby burdened.

- 10. Terms of positive covenant numbered thirteen in the abovementioned plan**

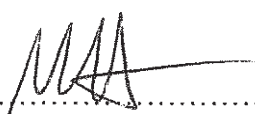
Any dwelling constructed on the Lot(s) hereby burdened must comply with the recommendations of the report titled "Re: Caddens - Central Bypass Road Traffic Noise" prepared by Wilkinson Murray Pty. Limited dated 26 July (Ref.MW 260716 TRAFFIC)

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


Epsilon Distribution Ministerial Holding Corporation.

Name of Authority empowered to release, vary or modify easement, restriction and positive covenant numbered one, two, nine ten, eleven, twelve, thirteen in the abovementioned plan

Penrith City Council.


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(Signatory LegPro 54A)

Ref: 20467-1C DP1201629


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(Sheet 13 of 15 Sheets)

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

Corporation: LegPro 54A Pty Limited ACN 614 602 532

Authority: Section 127 Corporations Act 2001

[Signature]
.....
Signature of authorised person:

.....
Signature of authorised person:

Elton Matthew Hyder IV
.....

.....

Name of authorised person:

Name of authorised person:

Office held: Director / Secretary
(SOLE)

Office held: Director

5/04/17/LEVEL 21
19-29 MARTIN PLACE
SYDNEY 2000
.....

.....

Address of authorised person:

Address of authorised person:

Signed at *Sydney* the *20th* day of *September 2017*
For Commonwealth Bank of Australia ACN 123 123 124 *4548*
by its duly appointed Attorney under Power of Attorney Book No. *494*

[Signature]
.....
Signature of Attorney

[Signature]
.....
Signature of Witness

Stephen Nichol
.....
Name of Attorney

ANNA STEPANOVA
.....
Name of Witness

L9 DP1 201 SUSSEX ST SYDNEY NSW
.....
Address of Witness

[Signature]
.....
(Signatory LegPro 54A)

[Signature]
.....
Authorised Person
Penrith City Council

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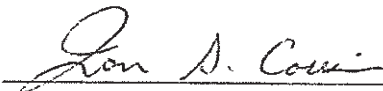
Plan of Subdivision of Lot 102 DP1166542
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14/9/17
(Sheet 14 of 15 Sheets)

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:

Signature of attorney:





Name of witness:

Name and position of attorney:
Helen Smith
Manager Property & Fleet

IAN STEWART COUSIN

Address of witness:
c/- Endeavour Energy
51 Huntingwood Drive
Huntingwood NSW 2148

Power of attorney:
Book 4727 No 524

Signing on behalf of:
Endeavour Energy Network Asset
Partnership ABN 30 586 412 717


Endeavour Energy reference:

URS 18475

Date of signature:

28 August 2017


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(Signatory Legacy Property)


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Authorised Person
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(Sheet 15 of 15 Sheets)

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

.....
Signature of delegate

.....
Name of delegate *Gavin Cherry - Development Assessment Coordinator*

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

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(Signatory LegPro 54A)

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Authorised Person
Penrith City Council

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