

CERTIFICATE ORDER SUMMARY

Transaction Details

Date: 14/09/2018 13:03
Order No. 53205548
Certificate No: 83305502
Your Reference: Caddens
Certificate Ordered: NSW LRS - Copy of Plan or Plan Documents - Deposited Plan - 88B 1229232
Available: Y
Size (KB): 447
Number of Pages: 14
Scan Date and Time: 10/09/2018 14:04

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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 Lots 101 & 102 DP1201629
 Lot 4 DP1229890 and Lots 2 & 6 DP502333
 covered by Subdivision Certificate No. *CC.067/18*
21/08/2018


DP1229232

Full name and address of the owner of the land:
 Legpro 54A Pty. Ltd.
 Legpro 54D 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)	442 443 444 445 446 447 397 465 464 463 462 461 440 439 438 437 436 435 434 433 449 450 451 452	441 441 & 442 441-443 incl 441-444 incl 441-445 incl 441-446 incl 398 397 & 398 397, 398, 465 397, 398, 464, 465 397, 398, 463-465 incl 397, 398, 462-465 incl 499 499, 440 439, 440, 499 438-440 incl, 499 437-440 incl, 499 436-440 incl, 499 435-440 incl, 499 434-440 incl, 499 448 448 & 449 448-450 incl 448-451 incl



(Signatory Legpro 54A)



Delegate
 Penrith City Council

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 Lots 101 & 102 DP1201629
 Lot 4 DP1229890 and Lots 2 & 6 DP502333
 covered by Subdivision Certificate No. *CC067/18*
21/8/18

(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)	475 466 467 468 473 472 478 479 480 481 482 493 492 489 488 487 496 497 419	476 475 & 476 475, 476, 466 475, 476, 466, 467 474 473, 474 477 477, 478 477-479 incl 477-480 incl 477-481 incl 494 493, 494 492-494 incl 492-494 incl, 489 492-494 incl 488, 489 495 495, 496 areas desig. 'Y' within 500 & 3/502333
2.	Easement for padmount substation 5.5 wide (E4)	498	Epsilon Distribution Ministerial Holding Corporation
3.	Restriction on the use of land (R1)	Pt. 498 designated (R1)	Epsilon Distribution Ministerial Holding Corporation
4.	Restriction on the use of land (R2)	Pt. 498 designated (R2)	Epsilon Distribution Ministerial Holding Corporation

MAA

 (Signatory Legpro 54A)

Bill De

 Delegate
 Penrith City Council

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 Lots 101 & 102 DP1201629
 Lot 4 DP1229890 and Lots 2 & 6 DP502333
DP1229232 covered by Subdivision Certificate No. *CC067/18*
2/18/18

(Sheet 3 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:
5.	Easement for access and maintenance 0.9 wide (E5)	406 407 408 444 445 446 447 432 433 479 480 481 482 493 492 491 487 488 489 497 484 485 458 459 460 461 462 463	407 408 409 443 444 445 446 431 434 478 479 480 481 494 493 492 488 489 490 496 485 486 457 458 459 462 463 464



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 (Signatory Legpro 54A)



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 Delegate
 Penrith City Council

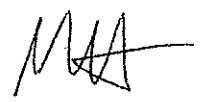
Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

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Lot 4 DP1229890 and Lots 2 & 6 DP502333
covered by Subdivision Certificate No. *CC067/18*
21/8/18

(Sheet 4 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:
6.	Positive Covenant	410-432 incl	Penrith City Council
7.	Restriction on the use of land	each lot except 396, 399, 498, 499, 500	every other lot except 396, 399, 498, 499, 500
8.	Restriction on the use of land	397, 398, 401-497 incl	Penrith City Council



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(Signatory Legpro 54A)

Ref: 20467-4C



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Delegate
Penrith City Council

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DP1229232 Lot 4 DP1229890 and Lots 2 & 6 DP502333
 covered by Subdivision Certificate No. *CC 067/18*
21/8/18

(Sheet 5 of 14 Sheets)

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 to drain water 2 wide (E1) (D.P.1201629)	75/1201629	101/1201629
2.	Easement to drain water 2 wide (E1) (D.P.1201629)	76/1201629	101/1201629
3.	Easement to drain water 2 wide (E1) (D.P.1201629)	77/1201629	101/1201629
4.	Easement for support 0.1, 0.5, 0.9 & 1.5 wide (G) (D.P.1166546)	35/1166546	4/1229890
5.	Easement for support 0.1, 0.5, 0.9 & 1.5 wide (G) (D.P.1166546)	72/1166546	4/1229890
6.	Easement to drain water over whole lot (E1) (D.P.1180111)	754/1180111	4/1229890



(Signatory Legpro 54A)

Ref: 20467-4C



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DP1229232 Lot 4 DP1229890 and Lots 2 & 6 DP502333
covered by Subdivision Certificate No. *CC067/18*
21/8/18

(Sheet 6 of 14 Sheets)

Part 2 (Terms)

1. Terms of Easement for Padmount Substation (E4) 5.5 wide numbered two in the abovementioned plan

The terms set out in Memorandum N^o AK104621 registered at NSW LRS are incorporated into this document.

‘subject to replacing the words ‘Endeavour Energy’ with ‘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

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(Signatory Legpro 54A)

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Delegate
Penrith City Council

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Plan: Plan of Subdivision of Lots 101 & 102 DP1201629
DP1229232 Lot 4 DP1229890 and Lots 2 & 6 DP502333
covered by Subdivision Certificate No. *CC 06718*
21/8/18

(Sheet 7 of 14 Sheets)

Part 2 (Terms)

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

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

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

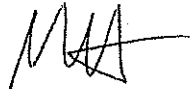
2.4.1 Notwithstanding any other provision in this Restriction on the Use of Land, the owner acknowledges and agrees that any lessee of Epsilon Distribution Ministerial Holding Corporation's distribution system, and any nominee of such lessee (which may include a sublessee of Epsilon Distribution Ministerial 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.

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(Signatory Legpro 54A)

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Delegate
Penrith City Council

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 Lots 101 & 102 DP1201629
DP1229232 Lot 4 DP1229890 and Lots 2 & 6 DP502333
covered by Subdivision Certificate No. CC 067/18
21/8/18

(Sheet 8 of 14 Sheets)

Part 2 (Terms)

- 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.
- 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) numbered five 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

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(Signatory Legpro 54A)

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Deputy
Penrith City Council

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Plan: Plan of Subdivision of Lots 101 & 102 DP1201629
DP1229232 Lot 4 DP1229890 and Lots 2 & 6 DP502333
covered by Subdivision Certificate No. *CC067/18*
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Part 2 (Terms)

- (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.

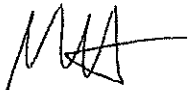
4.2 In exercising those powers, the owner of the lot benefited must:


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


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(Signatory Legpro 54A)


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Penrith City Council

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Plan: Plan of Subdivision of Lots 101 & 102 DP1201629
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21/8/18

(Sheet 10 of 14 Sheets)

Part 2 (Terms)

5. Terms of positive covenant numbered six 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 Stages 2-6" prepared by Wilkinson Murray Pty. Limited dated 2nd November, 2016 (Ref.MW 021116 TRAFFIC Ver. 2).

6. Terms of restriction on the use of land numbered seven in the abovementioned plan

For so long as Legpro 54A Pty Limited or Legpro 54D Pty Limited remains the registered proprietor of any benefited lot:

No fence shall be erected on the lot(s) hereby burdened to divide it from any adjoining land owned by, Legpro 54A Pty Limited or Legpro 54D Pty Limited without their consent but such consent shall not be withheld if such fence is erected without expense to, Legpro 54A Pty Limited or Legpro 54D Pty Limited. This restriction shall remain in force only during such time as, Legpro 54A Pty Limited or Legpro 54D Pty Limited is the registered proprietor of that adjoining land.

7. Terms of restriction on the use of land numbered eight 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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(Signatory Legpro 54A)

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Delegate
Penrith City Council

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 Lots 101 & 102 DP1201629
DP1229232 Lot 4 DP1229890 and Lots 2 & 6 DP502333
covered by Subdivision Certificate No. CC 067 18

(Sheet 11 of 14 Sheets)

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 Person/Authority whose consent is required to release, vary or modify terms of easement and positive covenant numbered one, six and eight in the abovementioned plan

Penrith City Council.

Signed at Sydney the 4th day of September 2018
For Commonwealth Bank of Australia ABN 48 123 123 124
by its duly appointed Attorney under Power of Attorney Book 4548 No. 494

.....
Signature of Attorney
Stephen Nichol
Name of Attorney
Executive Manager
Position of Attorney

.....
Signature of Witness
CHRISTOPHER ALDER
Name of Witness
1/19, 201 SUSSEX ST, SYDNEY NSW 2000.....
Address of Witness

Certified correct for the purposes of the Real Property Act, 1900 by the person named above who signs this instrument pursuant to the power of attorney specified.

I certify the person signing above with whom I am personally acquainted or as to whose identity I am otherwise satisfied signed this instrument in my presence

.....
(Signatory Legpro 54A)

.....
Delegate
Penrith City Council


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.

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DP1229232 Lot 4 DP1229890 and Lots 2 & 6 DP502333
covered by Subdivision Certificate No. 067/18

(Sheet 12 of 14 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 of authorised person:

.....
Signature of authorised person:

Elton Matthew Hyder IV

.....
Name of authorised person:
Office held: Director / ~~Secretary~~ **SOLE Secretary**
MLC CENTRE, 19-29,
MARTIN PLACE
SYDNEY NSW 2000

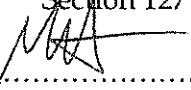
.....
Name of authorised person:
Office held: Director
.....
.....

Address of authorised person:

Address of authorised person:

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

Corporation: Legpro 54D Pty Limited ACN 617 223 720
Authority: Section 127 Corporations Act 2001


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Signature of authorised person:

.....
Signature of authorised person:

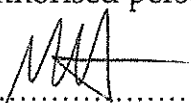
Elton Matthew Hyder IV

.....
Name of authorised person:
Office held: Director / ~~Secretary~~ **SOLE Secretary**
MLC CENTRE, 19-29,
MARTIN PLACE
SYDNEY NSW 2000

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

Address of authorised person:

Address of authorised person:


.....
(Signatory Legpro 54A)

.....
Delegate
Penrith City Council

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:
DP1229232

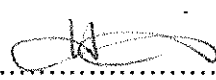
Plan of Subdivision of Lots 101 & 102 DP1201629
Lot 4 DP1229890 and Lots 2 & 6 DP502333
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(Sheet 13 of 14 Sheets)

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 **Epsilon Distribution Ministerial Holding Corporation 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

Michelle Allambay
.....
Name of Witness

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

.....
Address of Witness:
c/- Epsilon Distribution Ministerial Holding Corporation
51 Huntingwood Drive
HUNTINGWOOD NSW 2148


Power of Attorney: Book ~~4727~~ No ~~524~~
4734 883 

Signing on behalf of:
Epsilon Distribution Ministerial Holding Corporation Network Asset Partnership
ABN 30 586 412 717

Epsilon Distribution Ministerial Holding Corporation reference:

URS19388
.....

Date of signature: *30 July 2018*
.....


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(Signatory Legpro 54A)

.....
Delegate
Penrith City Council

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DP1229232 Lot 4 DP1229890 and Lots 2 & 6 DP502333
covered by Subdivision Certificate No. CC 067/18
2.15/18

(Sheet 14 of 14 Sheets)

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

Billy
.....
Signature of delegate

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

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

Christine Martin
.....
Signature of Witness

CHRISTINE MARTIN
.....
Name of Witness

41-601 HIGH ST PENRITH
.....
Address of Witness

MA
.....
(Signatory Legpro 54A)

Billy
.....
Delegate
Penrith City Council

Ref: 20467-4C

