

CERTIFICATE ORDER SUMMARY

Transaction Details

Date: 14/12/2018 09:45
Order No. 54720767
Certificate No: 85404084
Your Reference: caddens
Certificate Ordered: NSW LRS - Copy of Plan or Plan Documents - Deposited Plan - 88B 1230584
Available: Y
Size (KB): 560
Number of Pages: 17
Scan Date and Time: 06/12/2018 12:01

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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: DP1230584

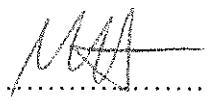
Plan of Subdivision of Lot 5 DP1229890
 and easements over Lot 6 DP1229890
 and Lot 399 DP1229232 covered by
 Subdivision Certificate No. SC18/0071
 Legpro 54D Pty Ltd ABN 23 640 241 581
 Legpro 54E Pty Ltd ABN 79 272 569 078
 Legpro 54F Pty Ltd ABN 62 116 286 095
 Suite 2704, Level 27
 19-29 Martin Place
 SYDNEY. 2000.

**Full name and address
 of the owner of the land:**


(Sheet 1 of 17 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)	522 521 520 519 603 604 605 600 599 598 597 596 595 594 579 593 592 591 590 589 588 585	523 522 & 523 521-523 incl 520-523 incl 602 602 & 603 602-604 incl 601 600 & 601 599-601 incl 598-601 incl 597-601 incl 596-601 incl 595-601 incl 594-601 incl 594 593 & 594 592-594 incl 591-594 incl 590-594-incl 589-594 incl 588-594 incl



 (Signatory LegPro)



 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: **DP1230584**

Plan of Subdivision of Lot 5 DP1229890
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(Sheet 2 of 17 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)	562 563 564 565 566 567 568 569 570 571 548 549 550 551 552 532 533 534 529	area 'G' within 6/1229890 area 'G' within 6/1229890 & 562 area 'G' within 6/1229890, 562 & 563 area 'G' within 6/1229890 & 562-564 incl area 'G' within 6/1229890 & 562-565 incl area 'G' within 6/1229890 & 562-566 incl area 'G' within 6/1229890 & 562-567 incl area 'G' within 6/1229890 & 562-568 incl area 'G' within 6/1229890 & 562-569 incl area 'G' within 6/1229890 & 562-570 incl 547 547 & 548 547-549 incl 547-550 incl 547-551 incl 531 531 & 532 531-533 incl 530

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 (Signatory LegPro)

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 Penrith City Council

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Plan: DP1230584

Plan of Subdivision of Lot 5 DP1229890
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 Subdivision Certificate No. *SCS/0071*

(Sheet 3 of 17 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)	528 527 526 525 524 544 545 546	529, 530 528-530 incl 527-530 incl 526-530 incl 525-530 incl 524-530 incl 524-530 incl & 544 524-530 incl, 544 & 545
2.	Easement for padmount substation 2.75 wide (E4)	606, 6/1229890 399/1229232	Epsilon Distribution Ministerial Holding Corporation
3.	Restriction on the use of land (R1)	Pts. 552, 562, 606, 6/1229890, 399/1229232 designated (R1)	Epsilon Distribution Ministerial Holding Corporation
4.	Restriction on the use of land (R2)	Pts. 552, 562, 606, 6/1229890, 399/1229232 designated (R2)	Epsilon Distribution Ministerial Holding Corporation



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Plan: **DP1230584**

Plan of Subdivision of Lot 5 DP1229890
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 Subdivision Certificate No. SC18/0071


(Sheet 4 of 17 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)	505 506 507 508 509 510 511 512 513 514 515 516 517 519 520 521 522 563 564 565 566 567 568 569 570 571	506 507 508 509 510 511 512 513 514 515 516 517 518 520 521 522 562 563 564 565 566 567 568 569 570



 (Signatory LegPro)



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Plan of Subdivision of Lot 5 DP1229890
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 Subdivision Certificate No. SC18/0071

(Sheet 5 of 17 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. (cont.)	Easement for access and maintenance 0.9 wide (E5)	574 575 576 577 578 579 581 582 583 584 585 586 587 588 589 590 592 594 595 596 597 598 599 525 528 529 530	573 574 575 576 577 578 580 581 582 583 584 585 588 589 590 591 593 595 596 597 598 599 600 526 527 528 529

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Plan: **DP1230584**

Plan of Subdivision of Lot 5 DP1229890 and easements over Lot 6 DP1229890 and Lot 399 DP1229232 covered by Subdivision Certificate No. *SC18/0071*

(Sheet 6 of 17 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. (cont.)	Easement for access and maintenance 0.9 wide (E5)	536 537 538 539 540 542 543 544 545 546 548 549 550 551 552 555 556 557 559 560 561	535 536 537 538 539 541 541 543 544 545 547 548 549 550 551 551 554 555 556 556 558 559 560
6.	Easement for access and maintenance 0.9 wide (E51)	505 546	503 & 504 524
7.	Easement for underground cables 1 wide (E3)	606	Epsilon Distribution Ministerial Holding Corporation

[Signature]

 (Signatory LegPro)

[Signature]

 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: DP1230584

Plan of Subdivision of Lot 5 DP1229890
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 Subdivision Certificate No. SC18/0071

(Sheet 7 of 17 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:
8.	Restriction on the use of land	each lot except 606	every other lot except 606
9.	Restriction on the use of land	501, 502, 503, 504, 507, 510, 513, 520, 521, 522, 524, 526, 536, 537, 539, 541, 543, 544, 545, 548, 551, 554, 555, 556, 558, 559, 560, 563, 565, 567, 569, 574, 576, 578, 583, 584, 589, 590, 595, 597, 599	Penrith City Council
10.	Positive covenant (P3)	606	Penrith City Council
11.	Restriction on the use of land (R3)	606	Penrith City Council

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 (Signatory LegPro)

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 Delegate
 Penrith City Council

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Plan: DP1230584

Plan of Subdivision of Lot 5 DP1229890
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Subdivision Certificate No. *SC18/0071*

(Sheet 8 of 17 Sheets)

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 N^o AK104621 registered at NSW Land Registry Services 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;

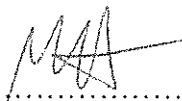
2.1.2 building means a substantial structure with a roof and walls and includes any projections from the external walls;


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)


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Delegate
Penrith City Council

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Plan: DP1230584

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(Sheet 9 of 17 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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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: DP1230584

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Subdivision Certificate No. SC18/0071

(Sheet 10 of 17 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 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.

3.3.2. 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 and (E51) numbered six 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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(Sheet 11 of 17 Sheets)

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.

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(Signatory LegPro)

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Delegate
Penrith City Council

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(Sheet 12 of 17 Sheets)

Part 2 (Terms)

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 Easement for underground cables 1 wide (E3) numbered seven in the abovementioned plan

The terms set out in Memorandum No AK104616 registered at NSW Land Registry Services are incorporated into this document, subject to changing "Endeavour Energy" to "Epsilon Distribution Ministerial Holding Corporation".

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

For so long as Legpro 54E Pty Limited, Legpro 54F or Legpro 54D Pty Limited (hereafter referred to as Legpro) 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 without their consent but such consent shall not be withheld if such fence is erected without expense to, Legpro. This restriction shall remain in force only during such time as, Legpro is the registered proprietor of that adjoining land.

7. 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 DA17/0099.04 as modified. There shall be no encroachment on the Building Envelope Plan without prior approval from Penrith City Council.

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

.....
[Signature]
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: DP1230584

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Subdivision Certificate No. *SC18/0071*

(Sheet 13 of 17 Sheets)

Part 2 (Terms)

8. Terms of positive covenant (P3) 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.

9. Terms of restrictions on the use of land (R3) 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.

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

Epsilon Distribution Ministerial Holding Corporation.

Name of Authority whose consent is required to release, vary or modify easement, restriction and positive covenant numbered one, nine, ten and eleven in the abovementioned plan

Penrith City Council.

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(Signatory LegPro)

.....
Delegate
Penrith City Council

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(Sheet 14 of 17 Sheets)

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

Corporation: Legpro 54E Pty Limited ABN 79 272 569 078
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

Name of authorised person:
Office held: Director / Secretary
(SOLE)

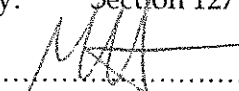
Suite 2704, 19-29 Martin Place
.....

Sydney NSW 2000
.....

.....
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 54F Pty Limited ABN 62 116 286 095
Authority: Section 127 Corporations Act 2001


.....
Signature of authorised person:

.....
Signature of authorised person:

Elton Matthew Hyder IV
.....

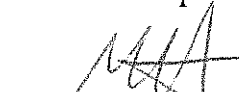
.....
Name of authorised person:
Office held: Director

Name of authorised person:
Office held: Director / Secretary
(SOLE)

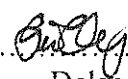
Suite 2704, 19-29 Martin Place
.....

Sydney NSW 2000
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.....
Address of authorised person:


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(Signatory LegPro)


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Delegate
Penrith City Council

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(Sheet 15 of 17 Sheets)

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 ABN 23 640 241 581
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

Suite 2704, 19-29 Martin Place
.....

Sydney NSW 2000
.....
Address of authorised person:

.....
Address of authorised person:

Land and Property Information	
NEW SOUTH WALES	
I certify the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.	Certified correct for the purposes of the Real Property Act 1900 by the person(s) named below who signed this instrument pursuant to the power of attorney specified
Signature of witness: <i>[Signature]</i>	Signature of attorney: <i>[Signature]</i>
Name of witness: CHRISTOPHER ALDER	Attorney's name: <i>KELVIN RUI</i>
Address of witness: 1/19, 201 SUSSEX ST SYDNEY NSW 2000	Attorney's position: <i>RISK EXECUTIVE</i>
	Signing on behalf of: COMMONWEALTH BANK OF AUSTRALIA ABN 48 123 123 124
	Power of attorney -Book <i>494</i> No: <i>494</i>

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

[Signature]
.....
Delegate
Penrith City Council

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(Sheet 16 of 17 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~~ **Rob Dows**
Manager Property and Fleet

.....
Address of Witness:
c/- Endeavour Energy
51 Huntingwood Drive
HUNTINGWOOD NSW 2148

Power of Attorney: Book ~~4727~~ N^o ~~524~~
4734 883 **RJD**
Signing on behalf of:
Endeavour Energy Network Asset Partnership
ABN 30 586 412 717

Endeavour Energy reference:
.....
URS19777

Date of signature: **7/9/18**

.....
(Signatory LegPro)

.....
Delegate
Penrith City Council

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(Sheet 17 of 17 Sheets)

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

..... *Giulio*
Signature of delegate

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

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

..... *Abby Mounan*
Signature of Witness

..... *Abby Mounan*
Name of Witness

..... *C160 High Street Penrith*
Address of Witness

..... *[Signature]*
(Signatory LegPro)

..... *Giulio*
Delegate
Penrith City Council

Ref: 20467-5C

REGISTERED  5.12.2018