

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A 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 OF THE CONVEYANCING ACT 1919**

(Sheet 1 of 8 Sheets)

Plan: PP DP 1242126

Plan of Subdivision of Lot 101 in a
subdivision of Lot 22 DP 577893, Lot 11
DP 39157, Lot 1 DP 347514 and Lot 1
DP 10157, covered by Subdivision
Certificate No. Dated

**Full name and address of the
Proprietors of the Land**

PART 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s):	Benefitted lot(s), bodies or Prescribed Authorities:
1	Easement to Drain Water 1.5 wide	261 262 263 264 265 266 269 270 271 275 277 278 279	262 to 267 inclusive 263 to 267 inclusive 264 to 267 inclusive 265 to 267 inclusive 266, 267 267 307 to 316 inclusive Stage 3 269, 307 to 316 inclusive Stage 3 269, 270, 307 to 316 inclusive Stage 3 415 to 427 inclusive Stage 4 275,278,279,415 to 427 inclusive Stage 4 275,279,415 to 427 inclusive Stage 4 275,415 to 427 inclusive Stage 4
2	Easement for Padmount Substation 2.75 wide	223	Epsilon Distribution Ministerial Holding Corporation
3	Easement for Maintenance and Repairs 0.9 wide	249 259 262 269 270 271 272 273 274 277 278 279 532 Stage 5	248 258 263 307 Stage 3 269 270 273 274 414 Stage 4 278 279 Part 280 249
4	Restriction on the use of Land	Part 223 and part 243 designated (C)	Epsilon Distribution Ministerial Holding Corporation
5	Restriction on the use of Land	Part 223 and part 243 designated (D)	Epsilon Distribution Ministerial Holding Corporation

Approved by Hills Shire Council _____ Authorised Officer

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(Sheet 2 of 8 Sheets)

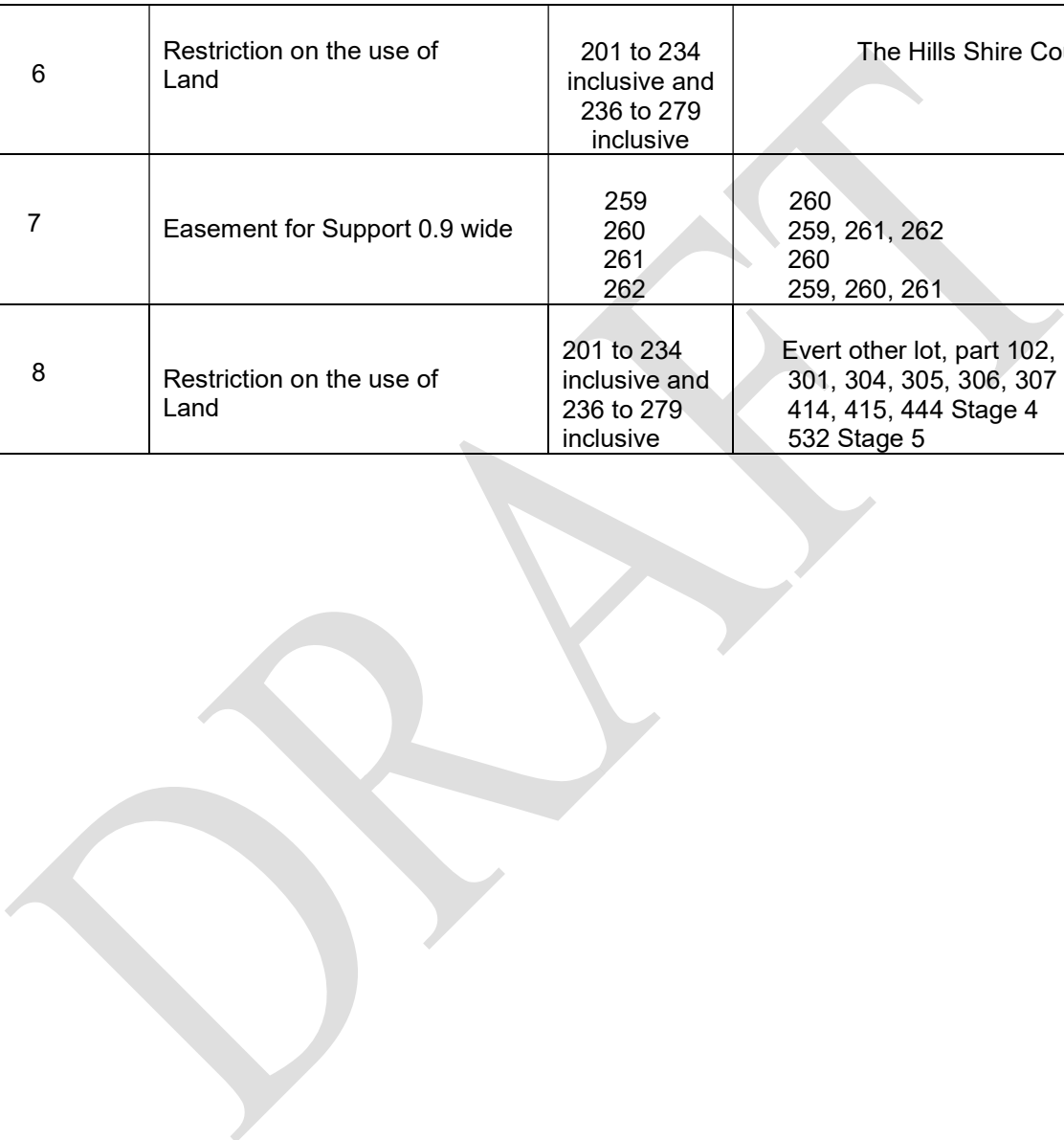
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PART 1 (CONT)

6	Restriction on the use of Land	201 to 234 inclusive and 236 to 279 inclusive	The Hills Shire Council
7	Easement for Support 0.9 wide	259 260 261 262	260 259, 261, 262 260 259, 260, 261
8	Restriction on the use of Land	201 to 234 inclusive and 236 to 279 inclusive	Evert other lot, part 102, 103, 301, 304, 305, 306, 307 Stage 3, 414, 415, 444 Stage 4 532 Stage 5



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PART 2 (Terms)

1. **TERMS OF EASEMENT FOR PADMOUNT SUBSTATION 2.75 WIDE (B) NUMBERED TWO IN THE PLAN**

The terms set out in Memorandum No AK104621 registered at Land Registry Services NSW are incorporated into this document, subject to replacing the words Endeavour Energy' with 'Epsilon Distribution Ministerial Holding Corporation'.

Name of Authority having the power to release vary or modify the easement secondly referred to is: **Epsilon Distribution Ministerial Holding Corporation**

2. **TERMS OF RESTRICTION ON USE (C) NUMBERED FOUR IN THE PLAN**

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 authority benefited 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.

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PART 2 (CONT)

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 Authority having the power to release vary or modify the restriction thirdly referred to is: **Epsilon Distribution Ministerial Holding Corporation**

3. **TERMS OF RESTRICTION ON USE (D) NUMBERED FIVE IN THE PLAN**

1. Definitions:

1.1 **erect** includes construct, install, build and maintain.

1.2 **restriction site** means that part of the lot burdened affected by the restriction on the use of land as shown on the plan.

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

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PART 2 (CONT)

3. Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System

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.

3.2 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 Authority having the power to release vary or modify the restriction fourthly referred to is: **Epsilon Distribution Ministerial Holding Corporation**

4. **TERMS OF RESTRICTION ON USE NUMBERED SIX IN THE PLAN**

No dwelling shall be constructed on the lot(s) hereby burdened unless the registered proprietor has first constructed or has made provision for the construction of a rainwater tank with a minimum capacity of 3,000 litres in accordance with the requirements of The Hills Shire Council.

Name of authority empowered to release, vary or modify restriction fifthly referred to is: **The Hills Shire Council**

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PART 2 (CONT)

5. TERMS OF RESTRICTION ON USE NUMBERED EIGHT IN THE PLAN

For so long as Legpro 67A Pty Limited (LGP 67A) 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 67A Pty Limited without its consent but such consent shall not be withheld if such fence is erected without expense to Legpro 67A Pty Limited. This restriction shall remain in force only during such time as Legpro 67A Pty Limited is the Registered Proprietor of that adjoining land.

Name of authority empowered to release, vary or modify restriction seventhly referred to is:
The registered proprietors of the lots benefited

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EXECUTION BY THE OWNER

Executed by

(ACN)

Signature
Director/Secretary

(print name)

DRAFT

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Authorised Officer

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The Hills Shire Council by its authorised delegate
pursuant to s.377 Local Government Act 1993

.....
Signature of delegate

.....
Name of delegate

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

Approved by

.....
Name of delegate
on behalf of
The Hills Shire Council

Signature:

Name:

.....