

**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 1242333

Plan of Subdivision of Lot 104 in a
subdivision of Lot 22 DP 577893, Lot 11
DP 39157, Lot 1 DP 347514 and Lot 1
DP 10157 and Part Lot 21 DP 577893
and Part Lot 101 DP 1208879 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	307 308 309 310 311 312 313 314 315 320	308 to 316 inclusive 309 to 316 inclusive 310 to 316 inclusive 311 to 316 inclusive 312 to 316 inclusive 313 to 316 inclusive 314 to 316 inclusive 315, 316 316 1421 in a subdivision of 21 DP 577893
2	Easement for Padmount Substation 2.75 wide	311	Epsilon Distribution Ministerial Holding Corporation
3	Easement for Maintenance and Repairs 0.9 wide	307 308 309 320 321 322 323 324 325 326 327 328 329 330 331 332 333	308 309 310 321 322 323 324 325 326 327 328 329 330 331 332 333 Part 334

Approved by Hills Shire Council _____

Authorised Officer

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PART 1 (CONT)

4	Restriction on the use of Land	Part 310 and part 311 designated (C)	Epsilon Distribution Ministerial Holding Corporation
5	Restriction on the use of Land	Part 310 and part 311 designated (D)	Epsilon Distribution Ministerial Holding Corporation
6	Restriction on the use of Land	301 to 333 inclusive	The Hills Shire Council
7	Restriction on the use of Land	301 to 333 inclusive	Every other lot, 1011, 1421, 250, 251, 252, 268, 269 Stage 2

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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 fourthly 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 fifthly 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 sixthly referred to is: **The Hills Shire Council**

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PART 2 (CONT)

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

For so long as Legpro 67B Pty Limited or Susanne Linda Kruusamagi or
Anthony Michael Borg or Lillian Borg remains the registered proprietor of
any benefited lot:

1. No fence shall be erected on the lot(s) hereby burdened to divide it from any adjoining land owned by, Legpro 67B Pty Limited or Susanne Linda Kruusamagi or Anthony Michael Borg or Lillian Borg without their consent but such consent shall not be withheld if such fence is erected without expense to, Legpro 67B Pty Limited or Susanne Linda Kruusamagi or Anthony Michael Borg or Lillian Borg. This restriction shall remain in force only during such time as, Legpro 67B Pty Limited or Susanne Linda Kruusamagi or Anthony Michael Borg or Lillian Borg 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 benefited lots.**

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EXECUTION BY THE OWNER

Executed by

(ACN)

Signature
Director/Secretary

(print name)

Approved by Hills Shire Council _____

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

Signature:

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

Name:

.....