

**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 12 Sheets)

Plan: **DP1262414**

Plan of Subdivision of Lot 906 in DP
1252688, covered by Subdivision
Certificate No. 20/2022/SC
Dated 27/10/2021

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

LEGPRO 67 PTY LTD
(ACN 623 173 320)
MLC Centre, Level 45
19-29 Martin Place,
SYDNEY NSW 2000

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 (A)	501 502 505 506 507 508 509 510 511	502, 503 503 504 504, 505 504, 505, 506 504 to 507 inclusive 504 to 508 inclusive 501, 502, 503 504 to 509 inclusive
2	Easement for Padmount Substation 2.75 wide (B)	510	Epsilon Distribution Ministerial Holding Corporation
3	Restriction on the Use of Land	Part 501 and part 510 designated (C)	Epsilon Distribution Ministerial Holding Corporation
4	Restriction on the Use of Land	Part 501 and part 510 designated (D)	Epsilon Distribution Ministerial Holding Corporation

Approved by Hills Shire Council



Electronically signed by me Ben Hawkins,
affixed by me on 27/10/2021

Authorised Officer

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PART 1 (Creation)(continued)

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:
5	Easement for Repairs 0.9 wide (E)	502 503 504 505 506 507 508 509 511	501 502 503 504 505 506 507 508 509
6	Easement for Drainage of Water variable width (F)	510 511	The Hills Shire Council
7	Restriction on the Use of Land	Part 510 designated (G) Part 511 designated (G)	The Hills Shire Council
8	Positive Covenant	Part 510 designated (H) Part 511 designated (H)	The Hills shire Council
9	Restriction on the Use of Land	501 to 509 inclusive	The Hills Shire Council
10	Restriction on the Use of Land	501 to 509 inclusive	Every other lot

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PART 2 (Terms)

1. TERMS OF EASEMENT TO DRAIN WATER NUMBERED ONE IN THE PLAN

Easement to Drain Water within the meaning of Schedule 8 Part 3 of the Conveyancing Act 1919
(as amended)

2. TERMS OF EASEMENT FOR PADMOUNT SUBSTATION NUMBERED TWO IN THE PLAN

The terms set out in Memorandum No AK104621 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**

3. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED THREE 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.

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3.0 The fire ratings mentioned in clause 2 must be achieved without the use of fire fighting systems such as automatic sprinklers.

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**

Approved by Hills Shire Council



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affixed by me on 27/10/2021

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4. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED FOUR 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.

3.0 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**

Approved by Hills Shire Council


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5. TERMS OF EASEMENT FOR REPAIRS NUMBERED FIVE IN THE PLAN

Easement for Repairs within the meaning of Schedule 8 Part 5 of the Conveyancing Act 1919 (as amended) together with the following additions:

1. The grant of this easement is made subject to the existence of, and the right of the owner of the lot burdened to construct, eaves and guttering from the structure on the lot burdened, that overhang the site of the easement.
2. 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 at the entrance to the site of the easement from the front of the building structure on the lot burdened.

6. TERMS OF EASEMENT FOR DRAINAGE OF WATER NUMBERED SIX IN THE PLAN

Easement for Drainage of Water within the meaning of Schedule 4A Part 7 of the Conveyancing Act 1919 (as amended) together with the following addition:

1. The easement will be extinguished upon the removal of the temporary stormwater management measures to which it relates. The "temporary stormwater management measures" are detailed on the plans approved by 'Land Development Certificates' as Construction Certificate No. 16296 dated 15-01-2021.

Name of authority empowered to release, vary or modify easement sixthly referred to is:
The Hills Shire Council

Approved by Hills Shire Council



Electronically signed by me Ben Hawkins,
affixed by me on 27/10/2021

Authorised Officer

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7. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED SEVEN IN THE PLAN

1. The registered proprietor shall not make or permit or suffer the making of any alterations to the temporary stormwater management measures constructed on the lot(s) burdened without the prior consent in writing of The Hills Shire Council.
2. The registered proprietor shall not erect or suffer the erection of any dwelling house or other structure on the lot(s) hereby burdened unless the temporary stormwater management measures have been removed complying with the requirements of The Hills Shire Council.

The "temporary stormwater management measures" are detailed on the plans approved by 'Land Development Certificates' as Construction Certificate No. 16296 dated 15-01-2021.

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

8. TERMS OF POSITIVE COVENANT NUMBERED EIGHT IN THE PLAN

The registered proprietor(s) covenant as follows with the Council benefited in respect to the temporary stormwater management measures constructed on the lot(s), that they will:

1. Keep the temporary stormwater management measures clean and free from silt, rubbish and debris
2. Maintain and repair the temporary stormwater management measures at the sole expense of the registered proprietor(s), so that they function in a safe and efficient manner, until they are no longer required and can be removed complying with the requirements of The Hills Shire Council.

The "temporary stormwater management measures" are detailed on the plans approved by 'Land Development Certificates' as Construction Certificate No. 16296 dated 15-01-2021.

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

Approved by Hills Shire Council



Authorised Officer

Electronically signed by me Ben Hawkins,
affixed by me on 27/10/2021

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9. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED NINE 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 ninthly referred to is:
The Hills Shire Council

10. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED TEN IN THE PLAN

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

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

Approved by Hills Shire Council



Electronically signed by me Ben Hawkins,
affixed by me on 27/10/2021

Authorised Officer

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EXECUTED BY THE REGISTERED PROPRIETOR
LEGPRO 67 PTY LTD (ACN 623 173 320)
BY THE AUTHORISED PERSON(S) WHOSE SIGNATURE(S)
APPEAR BELOW PURSUANT TO THE AUTHORITY IN SECTION
127 OF THE CORPORATIONS ACT 2001



Electronic signature of me, Elton Matthew Hyder IV affixed by me, or at my direction,
on 1/11/2021

SIGNATURE OF ELTON MATTHEW HYDER IV
SOLE DIRECTOR AND SECRETARY

Approved by Hills Shire Council



Electronically signed by me Ben Hawkins,
affixed by me on 27/10/2021

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EXECUTION BY MORTGAGEE

**Executed for MCH Agency
Services Pty Ltd
(ACN 636 392 928)**

by its attorneys under power of
attorney dated 14 January 2020
registered number 620 book
number 4770 in the presence of


Electronically signed by me,
Matthew Neave affixed by me,
or at my direction, on 4/11/2021

Signature of witness

Matthew Neave

Name of witness (print)

L39 / 274 Botany Road, Alexandria
2015, NSW

Address of witness




Signature of attorney

Graham McNamara

Name of attorney (print)

Electronically signed by me, Graham McNamara affixed by me,
or at my direction, on 4/11/2021


Electronically signed by me,
Matthew Neave affixed by me,
or at my direction, on 4/11/2021

Signature of witness

Matthew Neave

Name of witness (print)

L39 / 274 Botany Road, Alexandria
2015, NSW

Address of witness




Signature of attorney

Andrew Tremain

Name of attorney (print)

Electronically signed by me, Andrew Tremain affixed by me,
or at my direction, on 4/11/2021

Approved by Hills Shire Council


Electronically signed by me Ben Hawkins,
affixed by me on 27/10/2021

Authorised Officer

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

LEGPRO 67 PTY LTD
(ACN 623 173 320)
MLC Centre, Level 45
19-29 Martin Place,
SYDNEY NSW 2000

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:

Megan Dowds

Name of witness:

MEGAN DOWDS

Address of witness:

c/- Endeavour Energy
51 Huntingwood Drive
Huntingwood NSW 2148

Signature of attorney:

Simon Lawton

Name and position of attorney:
Simon Lawton
Strategic Property Manager

Signing on behalf of:

Endeavour Energy Network Asset
Partnership ABN 30 586 412 717

Power of attorney: Book 4782
No. 292

Endeavour Energy reference:

URS24388

Date of signature:

3 JUNE 2021

Approved by Hills Shire Council

Ben Hawkins
Electronically signed by me Ben Hawkins,
affixed by me on 27/10/2021

Authorised Officer

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Electronically signed by me Ben Hawkins, affixed by me on 27/10/2021

.....
Signature of delegate

Ben Hawkins

.....
Name of delegate

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



Signature: Electronically signed by me Leanne
Pracy, affixed by me on 27/10/2021

Name:

Leanne Pracy
3 Columbia Court
Norwest NSW 2153

.....

Approved by

Ben Hawkins

.....
Name of delegate

on behalf of

The Hills Shire Council

REGISTERED:



8/11/2021

Approved by Hills Shire Council



Authorised Officer

Electronically signed by me Ben Hawkins,
affixed by me on 27/10/2021