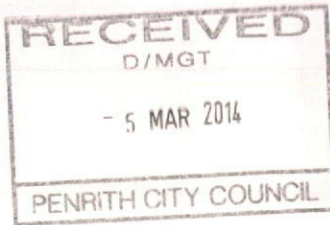


**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A PRENDRE INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919**

(Sheet 1 of 14 sheets)

Plan:



Plan of Subdivision of Lot 4123 in DP1179649 and Easements and Restrictions on the Use of Land over Lots 3998 and 4000 in DP1179646 covered by Subdivision Certificate

No .....of.....

Full name and address of the owner of the land:

St Marys Land Limited  
ABN 32 088 278 602  
Level 4, 30 The Bond  
30 Hickson Road  
Millers Point NSW 2000

**PART 1 (Creation)**

Number of item shown in the intention panel on the plan	Identity of easement, profit a 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.	Restriction on the Use of Land	4123 to 4129 inclusive 4131 to 4198 inclusive	Every other lot
2.	Restriction on the Use of Land	4123 to 4129 inclusive 4131 to 4198 inclusive	Penrith City Council
3.	Easement for Access and Maintenance 0.9 wide (A)	4124 4125 4127 4128 4129 4132 4133 4134 4135 4136 4137 4138 4139 4140 4141	4123 4124 4126 4127 4128 4131 4132 4133 4134 4135 4136 4137 4138 4139 4140

**FILE COPY**

JTWSZHBVXY

Authorised Officer  
Penrith City Council

**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 2 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

Number of item shown in the intention panel on the plan	Identity of easement, profit a 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
3. (cont)		4143 4144 4145 4146 4147 4148 4149 4150 4151 4152 4153 4154 4160 4161 4162 4164 4165 4166 4167 4168 4169 4170 4171 4172 4173 4174 4175 4176 4177 4178	4142 4143 4144 4145 4148 4149 4150 4151 4152 4153 4154 4155 4159 4160 4161 4163 4164 4165 4166 4167 4168 4169 4170 4171 4172 4173 4176 4177 4178 4179

**FILE COPY**

Authorised Officer  
Penrith City Council

JTWSZHBVXY



**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 3 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

Number of item shown in the intention panel on the plan	Identity of easement, profit a 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
3. (cont)		4179 4180 4181 4182 4183 4184 4185 4188 4189 4190 4191 4193 4194 4195 4196 4197	4180 4181 4182 4183 4184 4185 4186 4187 4188 4189 4190 4192 4193 4194 4195 4196
4.	Easement to Drain Water 1.5 wide (B)	4127 4128 4129 4157 4158 4159 4160 4161 4195  4196	4126 4126 and 4127 4126, 4127 and 4128 4156 4159 to 4162 inclusive 4160, 4161 and 4162 4161 and 4162 4162 That part of 3998/1179646 marked (E) That part of 3998/1179646 marked

**FILE COPY**

JTWSZHBVXY

Authorised Officer  
Penrith City Council

**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 4 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

Number of item shown in the intention panel on the plan	Identity of easement, profit a 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
4. (cont.)		4197	(E) and 4195 That part of 3998/1179646 marked (E), 4195 and 4196
5.	Easement to Drain Water 2.0 wide (C)	4189  4190  4191	That part of 3998/1179646 marked (G) That part of 3998/1179646 marked (G) and 4189 That part of 3998/1179646 marked (G), 4189 and 4190
6.	Restriction on the Use of Land (Y)	That part of 3998/1179646 and 4000/1179646 marked (Y)	Endeavour Energy
7.	Easement for Padmount Substation 2.75 wide and variable width (J)	4000/1179646	Endeavour Energy
8.	Restriction on the Use of Land	4123 to 4129 inclusive 4131 to 4192 inclusive and 4194 to 4198 inclusive	Penrith City Council

**FILE COPY**

JTWSZHBVXY

Authorised Officer  
Penrith City Council



**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 5 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in DP1179649 and Easements and Restrictions on the Use of Land over Lots 3998 and 4000 in DP1179646 covered by Subdivision Certificate

No .....of.....

Number of item shown in the intention panel on the plan	Identity of easement, profit a 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
9.	Positive Covenant (H)	That part of 4123 and 4198 marked (H)	Penrith City Council
10.	Positive Covenant	4123 to 4198 inclusive	Penrith City Council
11.	Easement for Padmount Substation 2.75 wide (X)	3998/1179646	Endeavour Energy
12.	Restriction on the Use of Land (Z)	That part of 3998/1179646 marked (Z)	Endeavour Energy

**PART 2 (Terms)**

**1. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED ONE IN THE PLAN**

- (a) The Burdened Lot shall not be used for any purpose other than as a site for residential premises.
- (b) No building shall be constructed on the Burdened Lot, and the Owner shall not make application to Council for a development consent to approve a building to be constructed on the Burdened Lot, unless the building and ancillary landscaping and fencing complies with the Building and Siting Guidelines which St Marys Land Limited (**SML**) requires to apply to the Land from time to time.



JTWSZHBVXY

\_\_\_\_\_  
 Authorised Officer  
 Penrith City Council

**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 6 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

(c) The Owner must not do any of the following unless and until the Owner obtains the prior written approval of SML:

- (i) erect any building or structure
- (ii) carry out any siteworks (including fencing, excavation, filling or retaining walls)
- (iii) erect a fence or wall
- (iv) erect any external sign, hoarding, tank, clothes line, letter box, mast, pole, television antenna, satellite dish or radio aerial either freestanding or fixed to any building, or
- (v) erect or place any external floodlights or spotlights or any lights illuminating any pool or tennis court or other similar enclosure.

SML will not unreasonably or capriciously refuse or withhold any such approval. A refusal shall not be or be deemed unreasonable or capricious if an expert in the field as nominated by both parties shall have certified that the proposed works:

- (A) do not comply with the Building and Siting Guidelines
  - (B) do not conform with the general standards of design and planning of the Development, or
  - (C) are undesirable by reason of the effect they would have upon the Development, appearance, health or amenity of the Development or any part of it.
- (d) The Burdened Lot will not be subdivided other than whilst SML shall be the owner.
- (e) (i) The Owner (other than whilst SML shall be the owner) shall not lease or transfer the Burdened Lot before 31 December 2020 unless a

**FILE COPY**

Authorised Officer  
Penrith City Council



**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 7 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

dwelling approved by SML in accordance with paragraph (b) has been  
completed upon the Burdened Lot, and

- (ii) Sub-paragraph (e) (i) shall not apply in the case of a transfer of the  
Burdened Lot from the executor of the will or the administrator of the  
estate of the Owner to a person entitled to the Burdened Lot under the  
will or upon the intestacy of the Owner,

**PROVIDED ALWAYS THAT** SML may from time to time in its absolute  
discretion by written instrument modify waive or release any of these restrictions  
on the use of land in respect of the Burdened Lot.

- (f) These restrictions on the use of the land shall expire and have no further force  
or effect upon the Sunset Date.

**2. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED TWO IN THE  
PLAN**

- (a) The Owner must not:

- (i) erect any retaining wall which will be publicly visible or which has a  
proposed height in excess of 900 mm on the Burdened Lot unless it is  
a masonry retaining wall
- (ii) construct a building on the Burdened Lot which has a two storey zero  
lot line wall. The second or upper storey dwelling component on the  
Burdened Lot above the single storey zero lot line wall must be set  
back a minimum distance of 900 mm from the lot boundary other than  
any upper storey eaves and gutter components which must be set  
back a minimum of 450 mm from the boundary of the Burdened Lot
- (iii) erect or allow to remain on the Burdened Lot any eaves, guttering or  
services to overhang the boundary of the Burdened Lot, or
- (iv) erect a building platform on the Burdened Lot unless it is minimised  
above natural ground level and the use of drop edge beams is over  
the use of retaining walls.

**FILE COPY**

Authorised Officer  
Penrith City Council

**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 8 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

**3. TERMS OF EASEMENT FOR ACCESS AND MAINTENANCE 0.9 WIDE (A)  
NUMBERED THREE IN THE PLAN**

- (a) The proprietor of the Benefited Lot and persons authorised by him may:
- (i) enter upon the Burdened Lot but only within the site of this easement
  - (ii) do anything reasonably necessary for the purpose of renewing, replacing, painting, repairing and maintaining the dwelling adjacent to this easement
  - (iii) remain on the site of this easement for any reasonable time for the said purposes, and
  - (iv) provide a 650 mm drop edge beam to all zero boundary construction walls, and if required to retaining walls also.
- (b) In exercising those powers the proprietor of the Benefited Lot must:
- (i) cause as little inconvenience to the Owner or occupier of the Burdened Lot
  - (ii) cause as little damage as possible to the Burdened Lot, and
  - (iii) restore as nearly as is practicable the Burdened Lot to its former condition.
- (c) The Owner shall not do the following over the site of the easement:
- (i) carry out any excavation or filling greater than 500 mm. Any excavation or filling shall be located and retained so as not to impact on any adjoining building, structure or property
  - (ii) erect any building or other structure of any kind other than the eaves and gutter on the first floor storey of any building or structure on the Burdened Lot, or

**FILE COPY**

\_\_\_\_\_  
Authorised Officer  
Penrith City Council



**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 9 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

- (iii) place any obstructions, for example, services such as electrical meter boxes, stormwater or sewer pipes or eaves but excepting any fascia and gutter on the ground floor.

**4. TERMS OF EASEMENT TO DRAIN WATER 1.5 WIDE (B) NUMBERED FOUR IN THE PLAN**

An easement to drain water within the meaning of Part 3 of Schedule 8 of the Act as amended.

**5. TERMS OF EASEMENT TO DRAIN WATER 2.0 WIDE (C) NUMBERED FIVE IN THE PLAN**

An easement to drain water within the meaning of Part 3 of Schedule 8 of the Act as amended.

**6. TERMS OF RESTRICTION ON THE USE OF LAND (Y) NUMBERED SIX IN THE PLAN**

- (a) No building shall be erected or permitted to remain within the restriction site unless:

- (i) the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating, and  
(ii) the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating

and the Owner provides the authority benefited with an engineer's certificate to this effect.

- (b) The fire ratings mentioned in paragraph (a) above must be achieved without the use of fire fighting systems such as automatic sprinklers.  
(c) In this restriction, the following words shall have the meanings given:

**FILE COPY**

JTWSZHBVXY

Authorised Officer  
Penrith City Council



**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 10 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

- (i) **"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.
- (ii) **"building"** means a substantial structure with a roof and walls and includes any projections from the external walls.
- (iii) **"erect"** includes construct, install, build and maintain.
- (iv) **"restriction site"** means that part of the Burdened Lot affected by the restriction on the use of land numbered six as shown on the Plan.

**7. TERMS OF EASEMENT FOR PADMOUNT SUBSTATION 2.75 WIDE AND  
VARIABLE WIDTH (J) NUMBERED SEVEN IN THE PLAN**

An easement for padmount substation in the terms set out in Memorandum 9262886 filed in the office of Land and Property Information subject to changing Integral Energy Australia to Endeavour Energy in clause 5.1.

**8. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED EIGHT IN THE  
PLAN**

The Owner must not carry out any development on the Burdened Lot unless the design, approval and construction of a dwelling and any associated ancillary structure on the Burdened Lot complies with the bushfire protection construction provisions within the current version of *AS 3959 Construction of buildings in bushfire-prone areas* including any related variation to the standard such as the bushfire attack assessment methodology or construction provisions as mandated by all relevant authorities.

**9. TERMS OF POSITIVE COVENANT (H) NUMBERED NINE IN THE PLAN**

All parts of a dwelling, including but not limited to eaves and stairs, must be constructed outside of the Asset Protection Zone (APZ). Detached structures may be permitted within the APZ provided they satisfy the relevant bushfire construction

**FILE COPY**

JTWSZHBVXY

Authorised Officer  
Penrith City Council



**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 11 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

standard under AS 3959 as specified by a certified bushfire consultant and approved  
by Council

**10. TERMS OF POSITIVE COVENANT NUMBERED TEN IN THE PLAN**

All Burdened Lots must have landscaping and vegetative fuels managed in  
accordance with an Inner Protection Area (IPA) standard as outlined within section  
4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural  
Fire Service's document 'Standards for Asset Protection Zones'.

**11. TERMS OF EASEMENT FOR PADMOUNT SUBSTATION 2.75 WIDE (X)  
NUMBERED ELEVEN IN THE PLAN**

An easement for padmount substation in the terms set out in Memorandum 9262886  
filed in the office of Land and Property Information subject to changing Integral  
Energy Australia to Endeavour Energy in clause 5.1.

**12. TERMS OF RESTRICTION ON THE USE OF LAND (Z) NUMBERED TWELVE IN  
THE PLAN**

- (a) No swimming pool or spa shall be erected or permitted to remain within the  
restriction site.
- (b) In this restriction, the following words shall have the meanings given:
  - (i) **"erect"** includes construct, install, build and maintain, and
  - (ii) **"restriction site"** means that part of the Burdened Lot affected by the  
restriction on the use of land numbered twelve as shown on the Plan.

NAME OF AUTHORITY EMPOWERED TO RELEASE VARY OR MODIFY THE  
RESTRICTION NUMBERED ONE IN THE PLAN

St Marys Land Limited

**FILE COPY**

Authorised Officer  
Penrith City Council

**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 12 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

NAME OF AUTHORITY EMPOWERED TO RELEASE VARY OR MODIFY EASEMENTS  
NUMBERED THREE, FOUR AND FIVE AND THE RESTRICTIONS NUMBERED TWO AND  
EIGHT AND POSITIVE COVENANTS NUMBERED NINE AND TEN IN THE PLAN

Penrith City Council

NAME OF AUTHORITY EMPOWERED TO RELEASE VARY OR MODIFY THE  
EASEMENTS NUMBERED SEVEN AND ELEVEN AND THE RESTRICTION NUMBERED  
SIX AND TWELVE IN THE PLAN

Endeavour Energy

**DEFINITIONS & INTERPRETATION**

1. In this instrument:

- (a) unless repugnant to the context words importing any particular gender shall include all other genders and words importing the singular number shall include the plural and vice versa, and
- (b) if there shall be more than one person responsible hereunder as the Owner the liability of all such persons shall be both joint and several.

2. In this instrument, the following words shall have the meanings given:

**"Act"** means the *Conveyancing Act 1919* (NSW).

**"Benefited Lot"** means any lot which has the benefit of an easement or restriction on the use of land created by the Plan.

**"Building and Siting Guidelines"** means the design guidelines which regulate all building and ancillary landscaping work within the Land as may be varied from time to time.

**"Burdened Lot"** means any lot burdened by a restriction on the use of land, positive covenant or an easement created by the Plan and includes:



JTWSZHBVXY

\_\_\_\_\_  
Authorised Officer  
Penrith City Council



**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 13 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

- (i) each and every part of a Burdened Lot, and
- (ii) each and every lot created hereafter pursuant to each and every subdivision of the Burdened Lot or any part thereof.

**"Council"** means Penrith City Council.

**"Development"** means the proposed residential development of the Western Precinct.

**"Land"** means the parcel of land described in the Plan.

**"Owner"** means the registered proprietor from time to time of the Burdened Lot (including those claiming under or through the registered proprietor).

**"Plan"** means the plan of subdivision to which this instrument relates.

**"SML"** means St Marys Land Limited ABN 32 088 278 602 the registered proprietor of the land and includes its successor, permitted assigns, any attorney, delegate or appointees of St Marys Land Limited.

**"Sunset Date"** means the first to occur of:

- (i) 31 December 2020, and
- (ii) two years after the date an occupancy certificate is issued to the Owner of a dwelling approved by SML to be erected within the Development upon the last remaining lot in the Development such that there are then no further vacant lots in the Development (excluding any lot upon which no dwelling is permitted to be erected).

**"Western Precinct"** means the land comprised in Lot 2 in Deposited Plan 1132380.

**FILE COPY**

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 14 of 14 sheets)

Plan:

Plan of Subdivision of Lot 4123 in  
DP1179649 and Easements and Restrictions  
on the Use of Land over Lots 3998 and 4000  
in DP1179646 covered by Subdivision  
Certificate

No .....of.....

Signed by **St Marys  
Land Limited** ABN  
32 088 278 602

\_\_\_\_\_

sign

\_\_\_\_\_

sign

\_\_\_\_\_

office (director or secretary)

\_\_\_\_\_

office (director or secretary)

\_\_\_\_\_

full name

\_\_\_\_\_

full name

Signed on behalf of  
**Endeavour  
Energy** ABN 59  
253 130 878 by its  
Attorney pursuant  
to Power of  
Attorney  
Book 4640  
No 572 in the  
presence of:

\_\_\_\_\_

sign (attorney) the attorney states that he or she  
has no notice of termination or suspension of the  
power

\_\_\_\_\_

sign (witness)  
the witness states that he or she is not a  
party and was present when the attorney  
signed

\_\_\_\_\_

full name (attorney)

\_\_\_\_\_

full name (witness)

Position:  
Date of execution:  
Reference:

c/ - Endeavour Energy  
51 Huntingwood Drive,  
Huntingwood NSW 2148

\_\_\_\_\_

address (witness)

**FILE COPY**

JTWSZHBVXY

\_\_\_\_\_  
Authorised Officer  
Penrith City Council