

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 of the Conveyancing Act 1919.

Lengths are in Metres

Sheet 1 of 6 Sheets

Plan:

DP1171492

Plan of Subdivision of Lot 1191 in
 DP1171491 and Easements within Lot
 1192 DP1171491 covered by Council's
 Subdivision Certificate No. Cc034/13

<u>Full Name and address of Proprietor of land:</u>	Landcom Level 14 60 Station Street PARRAMATTA NSW 2150
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Part 1

	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 1 Wide	1213 1214 1215	1214, 1215, 1216 1215, 1216 1216
2.	Easement for Access and Maintenance 0.9 Wide	1202 1203 1204 1205 1206 1207 1208 1209 1210 1214 1215 1216 1220	1201, 1203 1202 1203 1204, 1206 1205 1208 1209 1210 1211 1213 1214, 1216 1217 1217
3.	Easement for Support 0.25 Wide	1203 1204	1204 1203
4.	Easement for Padmount Substation 5.5 Wide	1192/1171491	Endeavour Energy
5.	Restriction on the Use of Land	1192/1171491	Endeavour Energy
6.	Restriction on the Use of Land	1192/1171491	Endeavour Energy

APPROVED BY PENRITH CITY COUNCIL


 General Manager / Authorised Officer

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ePlan
Sheet 2 of 6 Sheets

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7/5/13

Part 2

Terms of easement, profit à prendre, restriction or positive covenant numbered 2 in the plan.

The proprietor of the lot benefited and persons authorised by him may:

- (a) enter upon the burdened lot but only within the site of this easement.
- (b) do anything reasonably necessary for the purpose of constructing, renewing, replacing, painting, repairing and maintaining the dwelling adjacent to this easement.
- (c) remain on the site of this easement for any reasonable time for the said purposes.

In exercising those powers the proprietor of the lot benefited must:

- (a) ensure that all work is done properly and carried out as quickly as practicable; and
- (b) cause as little inconvenience to the proprietor or occupier of the burdened lot; and
- (c) cause as little damage as possible to the burdened lot and any improvement on it and
- (d) restore as nearly as is practicable the burdened lot to its former condition; and
- (e) make good any collateral damage; and

The proprietor of the burdened lot shall not place any obstructions within the site of the easement nor erect any building or other structure of any kind on or over the site of the easement except for any eave and/or gutter and/or roof structure attached to any dwelling that has been granted development approval by Penrith City Council, and

The owner of the lot burdened and the owner of the lot benefited acknowledge that it is not the responsibility of Penrith City Council to determine any dispute in relation to the Easement for Access & Maintenance and that any dispute is a civil matter to be resolved with the relevant parties.

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Sheet 3 of 6 Sheets

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7/5/13

Part 2 (cont)

Terms of easement, profit à prendre, restriction or positive covenant numbered 3 in the plan.

Full and free right and liberty for every person who is at any time entitled to an estate or interest in the lot benefited to have any wall presently erected or to be erected on so much of the lot burdened as is marked 'C' on the plan continued in such manner that any structure supported or to be supported in whole or in part thereby shall have the support of the whole of such wall and the footings thereof.

Terms of easement, profit à prendre, restriction or positive covenant numbered 4 in the plan.

An Easement for Padmount Substation having terms as detailed in Memorandum No. 9262886 registered with the Land Titles Office, subject to changing Integral Energy Australia to Endeavour Energy in Clause 5.1.

Name of Authority empowered to release vary or modify easement numbered 4 in the plan is Endeavour Energy.

Terms of easement, profit à prendre, restriction or positive covenant numbered 5 in the plan.

1. No building shall be erected or permitted to remain within the restriction site denoted 'H' on the abovementioned plans unless:
 - the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating, and
 - 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.
2. The fire ratings mentioned in Clause 1 must be achieved without the use of fire fighting systems such as automatic sprinklers.
3. Definitions
 - "**building**" means a substantial structure with a roof and walls and includes any projections from the external walls
 - "**erect**" includes construct, install, build and maintain
 - "**restriction site**" means that part of the lot burdened subject to the restriction on the use of land.

Part 2 (cont)

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General Manager / Authorised Officer

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Sheet 4 of 6 Sheets

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"120/120/120 fire rating" and **"60/60/60 fire rating"** mean 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.

Name of Authority empowered to release vary or modify easement numbered 5 in the plan is Endeavour Energy.

Terms of easement, profit à prendre, restriction or positive covenant numbered 6 in the plan.

1. No swimming pool or spa shall be erected or permitted to remain within the restriction site denoted 'I' on the abovementioned plan
2. Definitions
 "erect" includes construct, install, build and maintain
 "restriction site" means that part of the lot burdened subject to the restriction on the use of land.

Name of Authority empowered to release vary or modify easement numbered 6 in the plan is Endeavour Energy.

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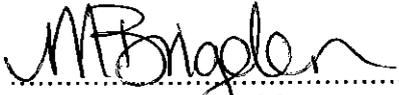
Sheet 5 of 6 Sheets

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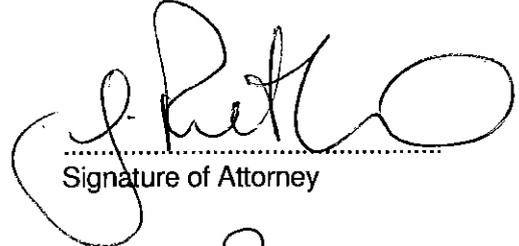
Part 2 (cont)

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:)


.....
Signature of WITNESS

MATTHEW BRIGDIEN
.....
Name of Witness (BLOCK LETTERS)

C/- Endeavour Energy
51 Huntingwood Drive
HUNTINGWOOD NSW 2148



.....
Signature of Attorney

Geoff Riethmuller
.....
Name of Attorney

Network Property Mgr
.....
Position

Date of Execution: **4-4-2013**

Reference: **URS 12610**

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Part 2 (cont)

SIGNED by me, MATTHEW KENNETH WHITE
as Delegate of **LANDCOM**
who hereby declares that he has no notice of the
revocation of such delegation in the presence of

) *Matthew White*
)
)

MW

.....
Signature of WITNESS

MICHAEL WILLIAMS
.....
Name of Witness (BLOCK LETTERS)

Level 14, 60 Station Street
.....
Address of Witness *Parramatta NSW*

9 May 2013
.....
Date of execution