

**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 10 Sheets)

Plan:

Plan of Subdivision (Stage 2) of Lot 1 in
DP 1257802, covered by Subdivision
Certificate No.
Dated

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

LegPro 77 Pty Ltd
(ACN 639 637 291)
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)	227 226 225 224 223 222 221 201 209 208 207 206 205 204	220, 221, 222, 223, 224, 225 and 226 220, 221, 222, 223, 224 and 225 220, 221, 222, 223 and 224 220, 221, 222 and 223 220, 221 and 222 220 and 221 220 202 203, 204, 205, 206, 207 and 208 203, 204, 205, 206 and 207 203, 204, 205 and 206 203, 204 and 205 203 and 204 203
2	Easement for Repairs (B)	201 203 218 219 216 221	202 204 217 220 215 222
3	Easement for Padmount Substation 2.75 wide (E)	130	Epsilon Distribution Ministerial Holding Corporation
4	Restriction on the Use of Land (F)	201	Epsilon Distribution Ministerial Holding Corporation
5	Restriction on the Use of Land (G)	201	Epsilon Distribution Ministerial Holding Corporation

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(Sheet 2 of 10 Sheets)

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Plan of Subdivision (Stage 2) of Lot 1 in DP 1257802, covered by Subdivision Certificate No. Dated

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6	Restriction on the Use of Land	201-247 inclusive	The Hills Shire Council
7	Restriction on the Use of Land	201-247 inclusive	Every other Lot
8	Right of Public Access (H)	236 and 237	The Hills Shire Council

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Plan: Plan of Subdivision (Stage 2) of Lot 1 in DP 1257802, covered by Subdivision Certificate No. Dated

Full name and address of the Proprietors of the Land LegPro 77 Pty Ltd (ACN 639 637 291) MLC Centre, Level 45 19-29 Martin Place, SYDNEY NSW 2000

PART 1A (Release)

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	Right of Public Access (H1), (H2) and (H3)	227, 228, 209, 210, 201 and 247	The Hills Shire Council

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 REPAIRS NUMBERED TWO 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.

Name of authority empowered to release, vary or modify the easement numbered 2 in the plan is: **The Hills Shire Council**

3. TERMS OF EASEMENT FOR PADMOUNT SUBSTATION NUMBERED THREE IN THE PLAN

Approved by Hills Shire Council _____ Authorised Officer

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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 numbered 3 in the plan is: **Epsilon Distribution Ministerial Holding Corporation**

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

Definitions:

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.

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 affected by the restriction on the use of land as shown on the plan.

No building shall be erected or permitted to remain within the restriction site 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.

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

Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System

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

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Distribution Ministerial Holding Corporation's distribution system from Epsilon Distribution Ministerial Holding Corporation.

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 numbered 4 in the plans is: **Epsilon Distribution Ministerial Holding Corporation**

5. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED FIVE IN THE PLAN

Definitions:

erect includes construct, install, build and maintain.

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

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

Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System

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.

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 numbered 5 in the plan is: **Epsilon Distribution Ministerial Holding Corporation**

6. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED SIX IN THE PLAN

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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 numbered 6 is:
The Hills Shire Council

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

For so long as LegPro 77 Pty Ltd 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 LegPro 77 Pty Ltd without its consent but such consent shall not be withheld if such fence is erected without expense to LegPro 77 Pty Ltd. This restriction shall remain in force only during such time as LegPro 77 Pty Ltd is the Registered Proprietor of that adjoining land.

Name of authority empowered to release, vary or modify the restriction numbered 7 is:
The registered proprietors of the lots benefited

8. TERMS OF RIGHT OF PUBLIC ACCESS NUMBERED EIGHT IN THE PLAN

Terms of Right of access as per Part 11 Schedule 4A of the Conveyancing Act 1919 as amended together with the following addition:

1. The easement is a temporary extension of the adjoining public road and will function as a public road in accordance with the definition of "public road" included in the Roads Act 1993 for the purposes of providing access across the easement site.
2. The easement site is made accessible to the public.
3. The easement will be extinguished upon the extension of the adjoining public road to which it relates.

Name of Authority having the power to release vary or modify the easement numbered 8 in the plan is:

The Hills Shire Council

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**EXECUTION BY REGISTERED PROPRIETOR
OF LOT 101 DP 1242532**

EXECUTED BY THE REGISTERED PROPRIETOR LOT 1 IN DP 1257802
LEGPRO 77 PTY LTD (ACN 639 637 291)
BY THE AUTHORISED PERSON(S) WHOSE SIGNATURE(S)
APPEAR BELOW PURSUANT TO THE AUTHORITY IN SECTION
127 OF THE CORPORATIONS ACT 2001

SIGNATURE OF XXX XXX XX
SOLE DIRECTOR AND SECRETARY

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SYDNEY NSW 2000

EXECUTION BY MORTGAGEE

Executed on behalf of the Corporation named below by the authorised persons whose signatures appear below pursuant to the authority specified.

Corporation: XXXX Pty Ltd (ACN XXX XXX XXX)

Authority: Section 127 Corporations Act 2001

Signature of authorised person:

Signature of authorised person:

Name of authorised person:
Office held: Director / Secretary

Name of authorised person:
Office held: Director

Address of authorised person

Address of authorised person

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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:

Signature of attorney:

Name of witness:

Name and position of attorney:
Helen Smith
Manager Property & Fleet

Address of witness:

c/- Endeavour Energy
51 Huntingwood Drive
Huntingwood NSW 2148

Power of attorney:

Book No

Signing on behalf of:

Endeavour Energy Network Asset
Partnership ABN 30 586 412 717

Endeavour Energy reference:

Date of signature:

Approved by Hills Shire Council _____

Authorised Officer

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SYDNEY NSW 2000

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: