

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 14 Sheets

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

<u>Full Name and address of Proprietor of land:</u>	Crownland Kelly Street Pty Ltd (ACN 617 014 972) Suite 301, Level 3 95 Pitt Street SYDNEY NSW 2000
---	---

Part 1 (Creation)

	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 1.5 Wide	636 646 647 648 649 652 653 654 655 656 657 658 659	651 to 659 inclusive 647, 648, 649, 650 648, 649, 650 649, 650 650 651 651, 652 651, 652, 653 651, 652, 653, 654 651, 652, 653, 654, 655 651, 652, 653, 654, 655, 656 651 to 657 inclusive 651 to 658 inclusive
2.	Easement to Drain Water 1 Wide	637	651 to 659 inclusive

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Lengths are in Metres

Sheet 2 of 14 Sheets

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 1 (cont)

	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:-
		601	602
		602	603
		603	604
		604	605
		605	606
		606	607
		607	608
		608	609
		609	610
		610	611
		611	612
		612	613
		615	616
		616	617
		617	618
		620	619
		621	620
		622	621
		623	624
		624	625

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Lengths are in Metres

Sheet 3 of 14 Sheets

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 1 (cont)

	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:-
3.	Easement for Access, Maintenance & Overhang 0.9 Wide (D)	625 628 629 630 632 633 634 636 637 638 639 640 641 642 643 644 649 652 653 654 655	626 629 630 631 633 634 635 637 638 639 640 641 642 643 644 645 648 651 652 653 654

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Lengths are in Metres

Sheet 4 of 14 Sheets

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 1 (cont)

	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:-
3.	Easement for Access, Maintenance & Overhang 0.9 Wide (D)	656 657 658 659	655 656 657 658
4.	Easement for Access, Maintenance & Overhang 0.9 Wide (D1)	628, 629	627
5.	Right of Carriageway (Whole Lot)	666, 667	Liverpool City Council
6.	Easement for Padmount Substation 2.75 Wide	632	Epsilon Distribution Ministerial Holding Corporation
7.	Restriction on Use of Land	Part 631 & Part 632 denoted 'K'	Epsilon Distribution Ministerial Holding Corporation
8.	Restriction on Use of Land	Part 631 & Part 632 denoted 'L'	Epsilon Distribution Ministerial Holding Corporation
9.	Restriction on Use of Land	Each Lot 601 to 659 inclusive	Every other Lot 601 to 659 inclusive
10.	Restriction on Use of Land	601 to 659 inclusive	Liverpool City Council
11.	Restriction on Use of Land	666, 667	Liverpool City Council

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Lengths are in Metres

Sheet 5 of 14 Sheets

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 1A (Release)

	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 5 Wide Vide DP1233827	500/.....	Liverpool City Council

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 2

Name of Authority whose consent is required to release vary or modify easement numbered 1 & 2 in the plan is Liverpool City Council.

Terms of easement, profit à prendre, restriction or positive covenant numbered 3 & 4 in the plan.

1.1 The owner of the lot benefitted and persons authorized by them may:

- (a) With prior reasonable notice given to the owner or occupier of a lot burdened, use the easement site for the purpose of carrying out necessary work (including construction, maintenance and repair) on:
 - (i) The lot benefitted;
 - (ii) Any structure constructed or to be constructed by the owner of the lot benefitted, which cannot otherwise reasonably be carried out;
- (b) Do anything reasonably necessary for that purpose including:
 - (i) Entering into the lot burdened; and
 - (ii) Taking anything onto the lot burdened; and
 - (iii) Carrying out the necessary works.

1.2 In exercising the rights under this clause 1, the owner of the lot benefitted must:

- (a) Ensure that all work on the lot benefitted is done properly and carried out as quickly as practicable; and
- (b) Cause as little inconvenience to the owner and any occupier of the lot burdened; and
- (c) Cause as little damage as practicable to the lot burdened and any improvement on it; and
- (d) Restore the lot burdened as nearly as is practicable to its former condition; and
- (e) Make good any collateral damage.

1.3 The owner of the lot benefitted indemnifies the owner of the lot burdened against any damage, injury, costs, expenses, liability, claim, suits or other actions arising from the exercise of the rights under this easement.

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 2 (cont)

- 1.4 The owner of the lot burdened must not place any obstructions within the easement site or erect any building or other structure of any kind on or over the easement site except for any dwelling or garage or wall and/or slab, eave and/or gutter, meter boxes and/or roof structure attached to any dwelling or garage that has been granted development approval by Liverpool City Council, and
- 1.5 The owner of the lot burdened and the owner of the lot benefited acknowledge that it is not the responsibility of Liverpool City Council to determine any dispute in relation to the Easement for Access, Maintenance & Overhang and any dispute is a civil matter to be resolved with the relevant parties.

Name of Authority whose consent is required to release vary or modify the terms of the easement numbered 3 & 4 in the plan is Liverpool City Council.

Name of Authority whose consent is required to release vary or modify the terms of the easement numbered 5 in the plan is Liverpool City Council.

Terms of easement, profit à prendre, restriction or positive covenant numbered 6 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'.

Terms of easement, profit à prendre, restriction or positive covenant numbered 7 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.

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 2 (cont)

- 2.0 No building shall be erected or permitted to remain within the restriction site denoted 'K' on the abovementioned plan 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.
- 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.

Terms of easement, profit à prendre, restriction or positive covenant numbered 8 in the plan.

1.0 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.

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 2 (cont)

- 2.0 No swimming pool or spa shall be erected or permitted to remain within the restriction site denoted 'L' on the abovementioned plan.
- 3.0 Lessee of Epsilon Distribution Ministerial Holding Corporation 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 distribution system, and any nominee of such lessee (which may include a sublessee of Epsilon Distribution Ministerial Holding Corporation 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 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 whose consent is required to release vary or modify the terms of the easement and restrictions numbered 6, 7 & 8 in the plan is Epsilon Distribution Ministerial Holding Corporation.

Terms of easement, profit à prendre, restriction or positive covenant numbered 9 in the plan.

- 9.1 No garage outbuildings or other structures shall be erected or be permitted to remain on any lot burdened unless erected concurrently with or subsequently to the erection of a residential building.
- 9.2 No existing dwelling house or building or part thereof shall be partly or wholly moved to or placed and re-erected upon or re-constructed on or be permitted to remain on any lot burdened.
- 9.3 No building or any part thereof shall be erected or be permitted to remain on any lot burdened unless constructed entirely of new materials

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 2 (cont)

- 9.4 No building or buildings shall be erected or be permitted to remain erected on any lot burdened other than with external walls of brick and/or brick veneer and/or stone and/or concrete and/or glass and/or timber and/or hardiplank or similar product. No building or buildings shall be erected or permitted to remain erected on any lot burdened having a roof other than clay tiles, cement tiles, slate or non reflective surface corrugated iron. All roofing materials shall be black or shades of grey only.
- 9.5 No vehicle of any make or kind having a tare weight exceeding 5 tonnes shall be garaged, housed, parked, serviced or mechanical repairs carried out thereon or allowed to remain on any lot burdened except where such vehicles are being used for the delivery of goods or purposes of construction of any improvement on any lot burdened.
- 9.6 No fence shall be erected or permitted to remain on any lot hereby burdened unless the fencing is of a timber lapped and/or lapped and capped construction or colourbond construction provided such colourbond fence is of either surf mist, shale grey, dune, basalt or woodland grey colour only. No colourbond fence shall be erected on any street frontage or within the front building setback line.
- 9.7 No fence shall be erected on each lot burdened to divide it from any adjoining land owned by the abovenamed proprietors without the consent of the abovenamed proprietors but such consent shall not be withheld if such fence is erected without expense to the abovenamed proprietors provided that this restriction shall remain in force only during such time as the abovenamed proprietors are the Registered Proprietors of any land and shall bind the adjoining owner of such land successive owners and assigns of each lot burdened
- 9.8 No advertising hoarding signs or matter shall be displayed or erected on any lot burdened (other than a sign advertising that the said lot is for sale) without the prior written consent of Crownland Kelly Street Pty Limited or its successors in title or assigns.
- 9.9 No driveway shall be constructed on any lot burdened unless its surface is comprised of faux or stamped or coloured concrete or pavers or as approved by Crownland Kelly Street Pty Limited or its assigns AND unless driveway construction is undertaken prior to practical completion of the main building

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 2 (cont)

- 9.10 No dwelling shall be erected or permitted to remain on any lot burdened unless the area between the building line and the front boundary of the lot burdened is turfed.
- 9.11 The person having the power to release, vary or modify the terms of Restriction numbered 9 in the plan is **Crownland Kelly Street Pty Ltd of Suite 301, 95 Pitt Street, Sydney NSW 2000** for such period as they are the registered proprietor of any lot in this plan of subdivision or any lot in a plan of re-subdivision of any part of this plan and thereafter the person or persons shall be **the registered proprietors of the lots having the benefit**. All costs associated with any such release, variation or modification shall be borne by the applicant.

Terms of easement, profit à prendre, restriction or positive covenant numbered 10 in the plan.

No building shall be erected on the lot hereby burdened being a filled lot unless constructed on pier and beam footings to safe and uniform strata or alternatively on footings or slab designed and certified by a Chartered Professional Engineer.

Name of Authority whose consent is required to release vary or modify the term of the restriction numbered 10 in the plan is Liverpool City Council.

Terms of easement, profit à prendre, restriction or positive covenant numbered 11 in the plan.

The Lots hereby burdened shall not be sold without the prior written consent of Liverpool City Council.

Liverpool City Council shall not reasonably withhold permission for removal of this restriction when proper legal access is completed over neighbouring lands and temporary access road works and services removed or relocated and land re-instated to Liverpool City Council's satisfaction.

No further development of the lot hereby burdened is to take place unless it is approved by Development Consent.

Name of Authority whose consent is required to release vary or modify the term of the restriction numbered 11 in the plan is Liverpool City Council.

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Lengths are in Metres

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 2 (cont)

EXECUTED by Crownland Kelly Street Pty Ltd)
(ACN 617 014 972))
In accordance with section 127 (1) of the)
Corporations Act:)

.....
Signature of Sole Director / Secretary

.....
Name of Sole Director / Secretary

APPROVED BY LIVERPOOL CITY COUNCIL
General Manager / Authorised Officer

Lengths are in Metres

Sheet 13 of 14 Sheets

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 2 (cont)

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:

Address of witness:
c/- Endeavour Energy
51 Huntingwood Drive
Huntingwood NSW 2148

Power of attorney:
Book 4727 No 524

Signing on behalf of:
Endeavour Energy Network Asset Partnership
ABN 30 586 412 717

Endeavour Energy reference:

Date of signature:

APPROVED BY LIVERPOOL CITY COUNCIL

General Manager / Authorised Officer

Lengths are in Metres

Sheet 14 of 14 Sheets

Plan:

Plan of Subdivision of Lot 500 DP
covered by Council's Subdivision
Certificate No.
Dated:

Part 2 (cont)

Liverpool City Council by its authorised delegate pursuant to s.377 of Local Government
Act 1993 No 30

(name of delegate)

.....
Signature of Delegate

.....
Name of Delegate (print)

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

.....
Signature of Witness

.....
Name of Witness (print)

.....
Address of Witness

APPROVED BY LIVERPOOL CITY COUNCIL
General Manager / Authorised Officer