

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 19 Sheets

Plan:

Plan of Subdivision of Lots 101, 102, 103 & 104 DP 1245089 covered by Council's Subdivision Certificate No.

Dated:

|   |  |
|---|--|
| <u>Full Name and address of Proprietor of land:</u> | Crownland Kelly Street Pty Ltd<br>(ACN 617 014 972)<br>Suite 301, Level 3<br>95 Pitt Street<br>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<br>1.5 Wide  | 501<br>509<br>510<br>515<br>516<br>517<br>518<br>519<br>520<br>521<br>522<br>523<br>524<br>525<br>526 | 508<br>510, 511<br>511<br>514<br>514, 515<br>514, 515, 516<br>514, 515, 516, 517<br>514, 515, 516, 517, 518<br>514, 515, 516, 517, 518, 519<br>514 to 520 inclusive<br>514 to 521 inclusive<br>514 to 522 inclusive<br>514 to 523 inclusive<br>514 to 524 inclusive<br>514 to 525 inclusive |

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General Manager / Authorised Officer

Lengths are in Metres

Sheet 2 of 19 Sheets

Plan:

Plan of Subdivision of Lots 101,102, 103  
& 104 DP 1245089 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:-  |
|----|--|--|--|
| 1. | Easement to Drain Water<br>1.5 Wide  | 527<br>528<br>529<br>530<br>531<br>532, 534<br>533                 | 514 to 526 inclusive<br>514 to 527 inclusive<br>514 to 528 inclusive<br>514 to 529 inclusive<br>514 to 530 inclusive<br>514 to 531 inclusive<br>514 to 532 inclusive |
| 2. | Easement to Drain Water<br>1 Wide  | 501  | 508  |
| 3. | Easement to Drain Water<br>(Whole Lot)   | 532, 533, 534, 535,<br>536   | Liverpool City Council   |
| 4. | Easement for Access,<br>Maintenance & Overhang<br>0.9 Wide   | 502<br>503<br>504<br>507<br>515<br>516<br>517<br>518<br>519<br>520 | 503<br>504<br>505<br>506<br>514<br>515<br>516<br>517<br>518<br>519   |

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Lengths are in Metres

Sheet 3 of 19 Sheets

Plan:

Plan of Subdivision of Lots 101,102, 103 & 104 DP 1245089 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:- |
|-----|--|--------------------------------|---|
| 4.  | Easement for Access, Maintenance & Overhang 0.9 Wide   | 521                            | 520   |
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Lengths are in Metres

Sheet 4 of 19 Sheets

Plan:

Plan of Subdivision of Lots 101,102, 103 & 104 DP 1245089 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:- |
|-----|--|--------------------------------|---|
| 4.  | Easement for Access, Maintenance & Overhang 0.9 Wide   | 545                            | 546   |
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Sheet 5 of 19 Sheets

Plan:

Plan of Subdivision of Lots 101,102, 103  
& 104 DP 1245089 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:- |
|-----|--|---|---|
| 4.  | Easement for Access, Maintenance & Overhang 0.9 Wide   | 570<br>571<br>572   | 569<br>570<br>571   |
| 5.  | Easement for Padmount Substation 2.75 Wide   | 500, 505, 506   | Epsilon Distribution Ministerial Holding Corporation          |
| 6.  | Restriction on Use of Land   | Part 500, Part 505<br>Part 506 & Part 572<br>denoted 'K'                  | Epsilon Distribution Ministerial Holding Corporation          |
| 7.  | Restriction on Use of Land   | Part 500, Part 505,<br>Part 506 & Part 572<br>denoted 'L'                 | Epsilon Distribution Ministerial Holding Corporation          |
| 8.  | Restriction on Use of Land   | Each Lot 501 to<br>572 inclusive  | Every other Lot 501 to 572<br>inclusive                       |
| 9.  | Restriction on Use of Land   | 505 to 511<br>inclusive, 514 to<br>547 inclusive, 559<br>to 572 inclusive | Liverpool City Council  |
| 10. | Restriction on Use of Land   | 532, 533, 534, 535,<br>536  | Liverpool City Council  |
| 11. | Positive Covenant  | 532, 533, 534, 535,<br>536  | Liverpool City Council  |
| 12. | Restriction on Use of Land   | 532, 533, 534, 535,<br>536  | Liverpool City Council  |
| 13. | Positive Covenant  | 532, 533, 534, 535,<br>536  | Liverpool City Council  |

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Plan:

Plan of Subdivision of Lots 101,102, 103  
& 104 DP 1245089 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 & 3 in the plan is Liverpool City Council.**

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

4.1 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.

4.2 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.

4.3 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.

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Plan:

Plan of Subdivision of Lots 101,102, 103 & 104 DP 1245089 covered by Council's Subdivision Certificate No.

Dated:

**Part 2 (cont)**

4.4 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

4.5 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 4 in the plan is Liverpool City Council.**

**Terms of easement, profit à prendre, restriction or positive covenant numbered 5 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 6 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.

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Plan:

Plan of Subdivision of Lots 101,102, 103  
& 104 DP 1245089 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 7 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.

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Plan:

Plan of Subdivision of Lots 101,102, 103 & 104 DP 1245089 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 5, 6 & 7 in the plan is Epsilon Distribution Ministerial Holding Corporation.**

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

8.1 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.

8.2 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.

8.3 No building or any part thereof shall be erected or be permitted to remain on any lot burdened unless constructed entirely of new materials

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Plan:

Plan of Subdivision of Lots 101,102, 103  
& 104 DP 1245089 covered by Council's  
Subdivision Certificate No.

Dated:

**Part 2 (cont)**

- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 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
- 8.8 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.
- 8.9 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

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Plan:

Plan of Subdivision of Lots 101,102, 103 & 104 DP 1245089 covered by Council's Subdivision Certificate No.

Dated:

**Part 2 (cont )**

8.10 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.

8.11 The person having the power to release, vary or modify the terms of Restriction numbered 8 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 9 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 9 in the plan is Liverpool City Council.**

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

The Registered Proprietor(s) covenant as follows with the Authority benefited in respect to the Temporary On-site Detention Storage Area & Outlet Works (hereinafter referred to as 'the system') constructed within the lots hereby burdened that they will not, without the prior and express written consent of the Authority benefited:

1. Do any act, matter or thing which would prevent the system from operating in a safe and efficient manner.
2. Make or permit or suffer the making of any alterations or additions to the system.
3. Allow any development within the meaning of the Environmental Planning and Assessment Act 1979 to encroach upon the device.

This restriction shall bind all persons who are of claim under the registered proprietor(s) as stipulated in Section 88E (5) of the Conveyancing Act 1919.

For the purpose of this restriction, 'the system' means the Temporary On-site Detention Storage Area & Outlet Works to be constructed and/or installed on the land as

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Plan:

Plan of Subdivision of Lots 101,102, 103 & 104 DP 1245089 covered by Council's Subdivision Certificate No.

Dated:

**Part 2 (cont )**

required by Development Consent No 540/2017/B and as detailed on the plans approved by Liverpool City Council as Construction Certificate No. CCE-xx/xxxx on xx xxxxxx xxxx including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to treat stormwater, as well as all surfaces graded to direct stormwater to the device. A copy of this Construction Certificate is held on Council File CCE-xx/xxxx

Liverpool City Council will have no objection to the release of this restriction upon the relevant regional downstream basins being constructed and commissioned and the decommissioning of the temporary onsite detention and outlet works and future temporary quality control devices and outlet works within the lots hereby burdened.

**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.**

1. The registered proprietor(s) covenant as follows with the Authority benefited in respect to the Temporary On-Site Detention Storage Area & Outlet Works (hereinafter referred to as 'the system') constructed and/or installed on the lots hereby burdened, that they will:

- (a) Keep the system clean and free from silt, rubbish and debris
- (b) Maintain and repair, at the sole expense of the registered proprietor(s) that part of the system contained within the registered proprietor's own lot, so that it functions in a safe and efficient manner, in accordance with the Maintenance Schedule, a copy of which is held on Council File CCE-xx/xxxx. A copy of this Schedule is available to all owners and occupiers of the burdened lot(s).
- (c) For the purpose of ensuring observance of this covenant, permit Liverpool City Council or its authorised agents (hereinafter referred to as 'the Council') from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter the land and inspect the condition of the system and the state of construction, maintenance or repair of the system, for compliance with the requirements of this covenant.
- (d) Notify Council in writing after each programmed maintenance inspection.
- (e) Comply with the terms of any written notice issued by the Council to attend to any matter and carry out such work within the time stated in the notice, to ensure the proper and efficient performance of the system and to that extent

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Plan:

Plan of Subdivision of Lots 101,102, 103 & 104 DP 1245089 covered by Council's Subdivision Certificate No.

Dated:

**Part 2 (cont )**

Section 88F (2) (a) of the Conveyancing Act 1919 (hereinafter referred to as 'the Act') is hereby agreed to be amended accordingly.

2. Pursuant to Section 88F (3) of the Act the Council shall have the following additional powers pursuant to this covenant:

(a) In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above, the Council may enter the land with all necessary equipment and carry out any work considered by Council to be reasonable to comply with the said notice referred to in 1(e) above.

(b) The Council may recover from the registered proprietor in a court of competent jurisdiction:

I. Any expense reasonably incurred by it in exercising its powers in sub-paragraph 2(a) above. Such expense shall include reasonable wages for employees engaged in effecting, supervising and administering the said work, together with costs, reasonable estimated by Council, for the use of materials, machinery, tools and equipment used in conjunction with the said work.

II. Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs, charges and expenses of registration of a covenant charge pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act.

3. This covenant shall bind all persons who are or claim under the registered proprietor(s) as stipulated in Section 88E (5) of the Act.

For the purpose of this restriction, 'the system' means the Temporary On-Site Detention Storage Area & Outlet Works constructed and/or installed on the land as required by Development Consent No. 540/2017/B and as detailed on the plans approved by Liverpool City Council as approved Construction Certificate No. CCE-xx/xxxx on xx xxxxxx xxxx including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to detain stormwater, as well as all surfaces graded to direct stormwater to the temporary storage. A copy of this Construction Certificate is held on Council File CCE-xx/xxxx.

Liverpool City Council will have no objection to the release of this positive covenant upon the relevant regional downstream basins being constructed and commissioned and the decommissioning of the temporary onsite detention and outlet works within the lots hereby burdened.

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Plan:

Plan of Subdivision of Lots 101,102, 103 & 104 DP 1245089 covered by Council's Subdivision Certificate No.

Dated:

**Part 2 (cont)**

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

**Terms of easement, profit à prendre, restriction or positive covenant numbered 12 in the plan.**

The Registered Proprietor(s) covenant as follows with the Authority benefited in respect to the Temporary Stormwater Pre-treatment System (hereinafter referred to as 'the system') constructed within the lots hereby burdened that they will not, without the prior and express written consent of the Authority benefited:

1. Do any act, matter or thing which would prevent the system from operating in a safe and efficient manner.
2. Make or permit or suffer the making of any alterations or additions to the system.
3. Allow any development within the meaning of the Environmental Planning and Assessment Act 1979 to encroach upon the device.

This restriction shall bind all persons who are of claim under the registered proprietor(s) as stipulated in Section 88 E (5) of the Conveyancing Act 1919.

For the purpose of this restriction, 'the system' means the Temporary On-site Detention Storage Area & Outlet Works to be constructed and/or installed on the land as required by Development Consent No 540/2017/B and as detailed on the plans approved by Liverpool City Council as Construction Certificate No. CCE-xx/xxxx on xx xxxxxx xxxx including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to treat stormwater, as well as all surfaces graded to direct stormwater to the device. A copy of this Construction Certificate is held on Council File CCE-xx/xxxx.

Liverpool City Council will have no objection to the release of this restriction upon the relevant regional downstream basins being constructed and commissioned and the decommissioning of the Temporary Stormwater Pre-treatment system and temporary stormwater quality control devices and outlet works within the lots hereby burdened.

**Name of Authority whose consent is required to release vary or modify the term of the restriction numbered 12 in the plan is Liverpool City Council.**

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Plan:

Plan of Subdivision of Lots 101,102, 103  
& 104 DP 1245089 covered by Council's  
Subdivision Certificate No.

Dated:

## Part 2 (cont)

### Terms of easement, profit à prendre, restriction or positive covenant numbered 13 in the plan.

1. The registered proprietor(s) covenant as follows with the Authority benefited in respect to the Temporary Stormwater Pre-treatment System (hereinafter referred to as 'the system') constructed and/or installed on the lots hereby burdened, that they will:
  - (a) Keep the system clean and free from silt, rubbish and debris
  - (b) Maintain and repair, at the sole expense of the registered proprietor(s) that part of the system contained within the registered proprietor's own lot, so that it functions in a safe and efficient manner, in accordance with the Maintenance Schedule, a copy of which is held on Council File CCE-xx/xxxx. A copy of this Schedule is available to all owners and occupiers of the burdened lot(s).
  - (c) For the purpose of ensuring observance of this covenant, permit Liverpool City Council or its authorised agents (hereinafter referred to as 'the Council') from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter the land and inspect the condition of the system and the state of construction, maintenance or repair of the system, for compliance with the requirements of this covenant.
  - (d) Notify Council in writing after each programmed maintenance inspection.
  - (e) Comply with the terms of any written notice issued by the Council to attend to any matter and carry out such work within the time stated in the notice, to ensure the proper and efficient performance of the system and to that extent Section 88F (2) (a) of the Conveyancing Act 1919 (hereinafter referred to as 'the Act') is hereby agreed to be amended accordingly.
2. Pursuant to Section 88F (3) of the Act the Council shall have the following additional powers pursuant to this covenant:
  - (a) In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above, the Council may enter the land with all necessary equipment and carry out any work considered by Council to be reasonable to comply with the said notice referred to in 1(e) above.

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Plan:

Plan of Subdivision of Lots 101,102, 103 & 104 DP 1245089 covered by Council's Subdivision Certificate No.

Dated:

**Part 2 (cont)**

- (b) The Council may recover from the registered proprietor in a court of competent jurisdiction:
  - I. Any expense reasonably incurred by it in exercising its powers in sub-paragraph 2(a) above. Such expense shall include reasonable wages for employees engaged in effecting, supervising and administering the said work, together with costs, reasonable estimated by Council, for the use of materials, machinery, tools and equipment used in conjunction with the said work.
  - II. Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs, charges and expenses of registration of a covenant charge pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act.
- 3. This covenant shall bind all persons who are or claim under the registered proprietor(s) as stipulated in Section 88E (5) of the Act.

For the purpose of this restriction, 'the system' means the Temporary On-Site Detention Storage Area & Outlet Works constructed and/or installed on the land as required by Development Consent No. 540/2017/B and as detailed on the plans approved by Liverpool City Council as approved Construction Certificate No. CCE-xx/xxxx on xx xxxxxx xxxx including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to detain stormwater, as well as all surfaces graded to direct stormwater to the temporary storage. A copy of this Construction Certificate is held on Council File CCE-xx/xxxx.

Liverpool City Council will have no objection to the release of this positive covenant upon the relevant regional downstream basins being constructed and commissioned and the decommissioning of the Temporary Stormwater Pre-treatment System within the lots hereby burdened.

**Name of Authority whose consent is required to release vary or modify the term of the positive covenant numbered 13 in the plan is Liverpool City Council.**

APPROVED BY LIVERPOOL CITY COUNCIL .....

General Manager / Authorised Officer



Lengths are in Metres

Sheet 17 of 19 Sheets

Plan:

Plan of Subdivision of Lots 101,102, 103  
& 104 DP 1245089 covered by Council's  
Subdivision Certificate No.

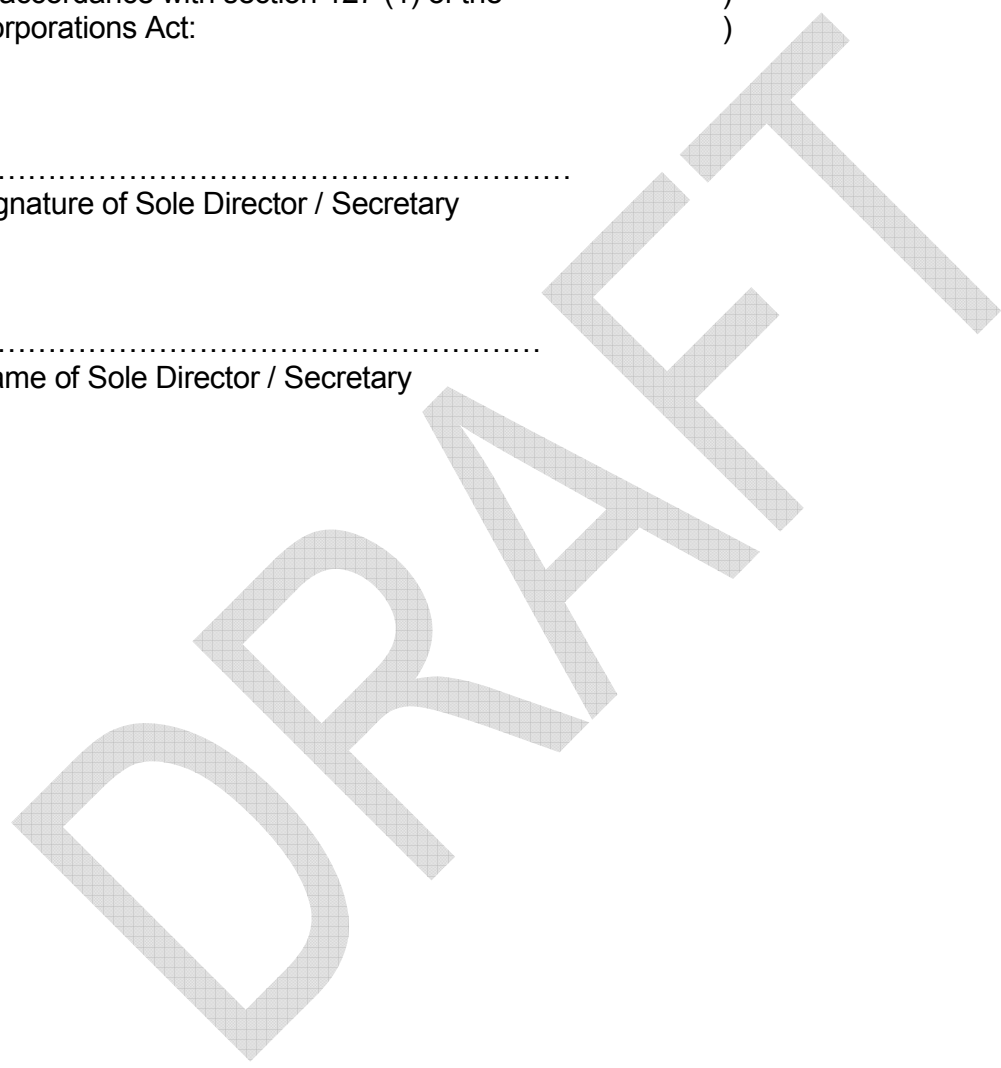
Dated:

**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 18 of 19 Sheets

Plan:

Plan of Subdivision of Lots 101,102, 103 & 104 DP 1245089 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 19 of 19 Sheets

Plan:

Plan of Subdivision of Lots 101,102, 103  
& 104 DP 1245089 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