

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON USE AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919**

Lengths are in metres

(Sheet 1 of 9 sheets)

**Plan:**

Plan of Subdivision of Lot 11 in DP534539 & Lot 6149 in DP1228464 covered by Subdivision Certificate No. dated

**Full name and address of the Owner of the land:**

Macarthur 215 Pty Ltd  
Suite 502 Level 5  
95 Pitt Street  
Sydney NSW 2000

**PART 1**

| No. of item shown in the intention panel on the plan | Identity of easements, restrictions and positive covenants to be created and referred to in the plan | Burdened lot(s) or parcel(s)     | Benefited lot(s) or Prescribed Authorities           |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------|------------------------------------------------------|
| 1                                                    | Easement for Drainage of Water 1.5 Wide (A)                                                          | 4<br>5<br>1                      | 3<br>3-4 (inclusive)<br>3-5 (inclusive)              |
| 2                                                    | Easement for On-Site Detention and Water Quality (Whole of Lot) (B)                                  | 50, 51                           | Camden Council                                       |
| 3                                                    | Easement for Repairs 0.9 Wide (C)                                                                    | 29                               | 28                                                   |
| 4                                                    | Easement for Padmount Substation 2.75 Wide (S)                                                       | 29                               | Epsilon Distribution Ministerial Holding Corporation |
| 5                                                    | Restriction on The Use of Land (R)                                                                   | Parts 29 & 30                    | Epsilon Distribution Ministerial Holding Corporation |
| 6                                                    | Restriction on The Use of Land (P)                                                                   | Parts 29 & 30                    | Epsilon Distribution Ministerial Holding Corporation |
| 7                                                    | Restriction on The Use of Land                                                                       | 1-49 (inclusive)                 | Every Other Lot 1-49 (inclusive)                     |
| 8                                                    | Restriction on The Use of Land                                                                       | 1, 6-9, 27-29, 50-51 (inclusive) | Camden Council                                       |
| 9                                                    | Positive Covenant                                                                                    | 50, 51                           | Camden Council                                       |
| 10                                                   | Restriction on The Use of Land                                                                       | 1, 4, 5                          | Camden Council                                       |
| 11                                                   | Restriction on The Use of Land                                                                       | 1-51 (inclusive)                 | Camden Council                                       |

Camden Council

.....  
Authorised Officer

**Plan:**

Plan of Subdivision of Lot 11 in DP534539 & Lot 6149 in DP1228464 covered by Subdivision Certificate No. dated

**PART 2 (Terms)**

**1. Terms of Easement numbered 1 in the plan**

An Easement for Drainage of Water as set out in Part 8 Schedule 8 of the Conveyancing Act 1919 as amended, is created.

Name of Authority whose consent is required to release, vary or modify the terms of Easement numbered 1 in the plan is **Camden Council**

**2. Terms of Easement numbered 2 in the plan**

1. Full and free right for the authority benefited, and every person authorised by that authority, from time to time and at all times to detain water (whether rain, storm, spring, soakage, or seepage water) in any quantities across and through the land herein indicated as the servient tenement, together with the right to use, for the purposes of the easement, any line of pipes already laid within the servient tenement for the purpose of detaining water or any pipe or pipes in replacement or in substitution therefor and where no such line of pipes exists, to lay, place and maintain a line of pipes of sufficient internal diameter beneath or upon the surface of the servient tenement, and together with the right for the grantee and every person authorised by the grantee, with any, tools, implements, or machinery, necessary for the purpose, to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining, or renewing such pipe line or any part thereof and for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary provided that the grantee and the persons authorised by the grantee will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition.
2. The authority having the benefit of the easement for water quality has the right to monitor the water storage to ensure water quality and further, the servient tenement shall not allow anything to occur to adversely affect the water quality within the site of this easement.
3. A Right of Access as set out in Part 11 Schedule 4A of the Conveyancing Act 1919 is created.

Name of Authority having the power to release, vary or modify the terms of the Easement numbered 2 in the plan is **Camden Council**.

**3. Terms of Easement numbered 3 in the plan**

An Easement for Repairs as set out in Part 5 Schedule 8 of the Conveyancing Act 1919 as amended, is created.

Name of Authority whose consent is required to release, vary or modify the terms of Easement numbered 3 in the plan is **Camden Council**

**Plan:**

Plan of Subdivision of Lot 11 in DP534539 & Lot 6149 in DP1228464 covered by Subdivision Certificate No. dated

**4. Terms of Easement numbered 4 in the plan**

The terms set out in Section 1 of Memorandum No AR578978 are incorporated into this document.

Name of Authority having the power to release vary or modify the terms of the Easement numbered 4 in the plan is **Epsilon Distribution Ministerial Holding Corporation.**

**5. Terms of Restriction numbered 5 in the plan**

The terms set out in Section 8 of Memorandum AR578978 are incorporated into this document.

Name of Authority having the power to release vary or modify the terms of Restriction numbered 5 in the plan is **Epsilon Distribution Ministerial Holding Corporation**

**6. Terms of Restriction numbered 6 in the plan**

The terms set out in Section 9 of Memorandum AR578978 are incorporated into this document.

Name of Authority having the power to release vary or modify the terms of Restriction numbered 6 in the plan is **Epsilon Distribution Ministerial Holding Corporation**

**7. Terms of Restriction numbered 7 in the plan**

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.
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.
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
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 neutral colours or shades of grey.
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.

**Plan:**

Plan of Subdivision of Lot 11 in DP534539 & Lot 6149 in DP1228464 covered by Subdivision Certificate No. dated

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 Colorbond fence provided that Colorbond fence can only use colours, shale grey, dune, basalt or woodland grey.
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. 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 Macarthur 215 Pty Limited or its successors in title or assigns.
9. No driveway shall be constructed on any lot burdened unless its surface is comprised of faux, stamped or coloured concrete or pavers or as approved by Macarthur 215 Pty Limited or its assigns AND unless driveway construction is undertaken prior to practical completion of the main building.
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.
11. No release variation or modification of these restrictions shall be made unless the cost and expense in all respects is borne by the person or persons requesting the same.

The person(s) whose consent is required to release vary or modify the terms of Restriction numbered 7 in the plan is **Macarthur 215 Pty Ltd of Suite 502, Level 5, 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.**

**8. Terms of Restriction numbered 8 in the plan**

No building shall be constructed on the lots hereby burdened unless the building components are in accordance with the minimum requirements setout in Table 7.1 of the approved acoustic report titled "Noise Impact Assessment, 215 Macarthur Road Spring Farm ref 1354-AC-03-A, prepared by Broadcast Consulting Pty Ltd" dated 20 June 2022.

All windows and doors facing the adjoining quarry must achieve a noise reduction rating of Rw 26.

Name of Authority having the power to release, vary or modify the terms of the Restriction numbered 8 in the plan is **Camden Council.**

**Plan:**

Plan of Subdivision of Lot 11 in DP534539 & Lot 6149 in DP1228464 covered by Subdivision Certificate No. dated

**9. Terms of Positive Covenant numbered 9 in the plan**

The registered proprietor(s) covenant with the Authority benefited in respect to the Stormwater Quality Improvement and/or Stormwater Detention Device (hereinafter referred to as "the device") constructed and/or installed on the burdened lot, that they will:

- a) Maintain and keep clear all pits, pipelines, trench barriers and other structures associated with the water quality facility.
- b) Have the facilities inspected annually by a suitably qualified competent person.
- c) Indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the water quality facility, or failure to clean, maintain and repair the water quality facility.

Camden Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construction, install, clean, repair and maintain in good working order the facilities.

Camden Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.

Name of Authority having the power to release, vary or modify the terms of the Positive Covenant numbered 9 in the plan is **Camden Council**.

**10. Terms of Restriction numbered 10 in the plan**

The registered proprietor(s) of the burdened lot(s) shall not:

- (i) Alter the surface levels of the site of the 'Easement for Drainage of Water 1.5 wide 'A'.
- (ii) Construct any fencing across the easement unless it is open form fencing.

Name of Authority having the power to release, vary of modify the terms of the Restriction numbered 10 in the plan is **Camden Council**.

**11. Terms of Restriction numbered 11 in the plan**

No development including earthworks, buildings, footings/foundations and associated infrastructure shall be carried out or constructed on the lots hereby burdened unless have been designed by a qualified Civil/Structural Engineer based on geo-technical advice from a qualified Geotechnical Consultant.

Name of Authority having the power to release, vary of modify the terms of the Restriction numbered 11 in the plan is **Camden Council**.

Lengths are in metres

(Sheet 6 of 9 sheets)

**Plan:**

Plan of Subdivision of Lot 11 in DP534539 & Lot 6149 in  
DP1228464 covered by Subdivision Certificate No.  
dated

EXECUTED by  
Macarthur 215 Pty Limited  
ACN 685 395 279  
in accordance with s127 of  
the Corporations Act 2001

)  
)  
)  
)

.....  
**Andrew Beale Wiesener**  
Sole Director/Secretary

Lengths are in metres

(Sheet 7 of 9 sheets)

**Plan:**

Plan of Subdivision of Lot 11 in DP534539 & Lot 6149 in DP1228464 covered by Subdivision Certificate No. dated

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  
Level 41, 8 Parramatta Square  
10 Darcy Street  
Parramatta NSW 2150

Power of attorney: \_\_\_\_\_

EE reference: \_\_\_\_\_

**Plan:**

Plan of Subdivision of Lot 11 in DP534539 & Lot 6149 in  
DP1228464 covered by Subdivision Certificate No.  
dated

EXECUTED by

Camden Council by its authorised delegate  
pursuant to s.377 Local Government Act 1993

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

.....  
Signature of Delegate

.....  
Signature of Witness

.....  
Name of Delegate

.....  
Name of Witness

.....  
Position of Delegate

.....  
Address of Witness

Lengths are in metres

(Sheet 9 of 9 sheets)

**Plan:**

Plan of Subdivision of Lot 11 in DP534539 & Lot 6149 in  
DP1228464 covered by Subdivision Certificate No.  
dated

**MORTGAGEE CONSENT**

DRAFT