

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 Conveyancing Act 1919.

Plan: Plan of subdivision of Lot 2 DP1230408, Lot 4273
DP1236022 & Lot 6254 DP1236759
covered by Subdivision Certificate No.

(Sheet 1 of 26 Sheets)

**Full name and address
of the owner of the land:** Woorong Park Pty Ltd
1 Stony Creek Road
SHANES PARK NSW 2747

Part 1 (Creation)

Number of item shown in the intention panel on the plan	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 for access and maintenance 0.9 wide (E1)	5001 5002 5006 5007 5008 5009 5010 5010 5014 5015 5016 5019 5020 5021 5022 5023 5024 5025 5026 5027 5028 5028 5029 5030 5030 5032 5033 5034 5035	5023 5003 5005 5006 5009 5010 5011 5013 5014 5015 5018 5019 5020 5021 5022 5025 5026 5027 5028 5029 5030 5031 5033 5034 5035 5036

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(Signatory) Woorong Park Pty. Ltd.

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Authorised Person
Blacktown City Council

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Part 1 (Creation)

Number of item shown in the intention panel on the plan	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. continued	Easement for access and maintenance 0.9 wide (E1)	5040 5041 5042 5045 5046 5047 5048 5049 5050 5051 5052 5053 5055 5056 5057 5058 5059 5061 5062 5063 5064 5065 5066 5067 5068 5068 5071 5072 5073 5074 5075	5039 5040 5043 5044 5045 5046 5049 5050 5051 5052 5053 5054 5056 5057 5058 5025 5061 5062 5063 5064 5065 5066 5067 5068 5069 5070 5071 5074 5075 5076

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Part 1 (Creation)

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1. continued	Easement for access and maintenance 0.9 wide (E1)	5079 5080 5081 5082 5083 5084 5085 5086 5087 5088 5089 5090 5091 5092 5093 5094 5095 5096 5098 5099 5100 5101 5102 5103 5105 5106 5107 5111 5112 5113	5078 5079 5080 5081 5082 5083 5084 5085 5086 5087 5087 5127 5092 5093 5094 5095 5096 5097 5099 5100 5101 5102 5103 5104 5106 5107 5108 5110 5111 5112

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Part 1 (Creation)

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1. continued	Easement for access and maintenance 0.9 wide (E1)	5114 5115 5116 5117 5118 5119 5122 5123 5124 5125 5126 5127 5128 5129 5130 5132 5133 5134 5135 5136 5137 5139 5140 5141 5142 5143 5144 5145 5149 5150	5113 5114 5115 5116 5119 5120 5121 5122 5123 5123 5125 5125 5126 5126 5129 5130 5131 5133 5134 5135 5136 5137 5138 5140 5141 5142 5143 5144 5145 5146 5148 5149

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Part 1 (Creation)

Number of item shown in the intention panel on the plan	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. continued	Easement for access and maintenance 0.9 wide (E1)	5151 5152 5155 5156 5157 5158 5159 5160 5161 5162 5163 5164 5165 5166 5167 5169 5170 5171 5172 5173 5174 5175 5176 5177 5178 5179 5180 5181 5182 5187	5152 5153 5154 5155 5156 5157 5158 5159 5160 5161 5162 5163 5166 5167 5168 5170 5171 5172 5173 5174 5175 5176 5177 5178 5179 5180 5181 5182 5183 5186

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Part 1 (Creation)

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1. continued	Easement for access and maintenance 0.9 wide (E1)	5188 5189 5190 5191 5192 5193 5194 5195 5196 5197 5198 5199 5200 5201 5202 5203 5205 5206 5207 5208 5209 5210 5211 5212 5213 5214 5216 5217 5218 5219	5187 5188 5191 5190 5191 5192 5193 5194 5195 5196 5197 5198 5199 5202 5203 5204 5206 5207 5208 5209 5210 5211 5212 5213 5214 5215 5217 5218 5219 5220

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Part 1 (Creation)

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1. continued	Easement for access and maintenance 0.9 wide (E1)	5222 5223 5224 5225 5226 5227 5228 5229 5230 5231 5232 5233 5234 5236 5237 5238 5239 5242 5243 5244 5245 5247 5248 5249 5250 5251 5252 5254 5255 5257	5221 5222 5223 5224 5225 5226 5227 5228 5229 5230 5233 5234 5235 5237 5238 5239 5240 5241 5242 5243 5244 5246 5247 5248 5249 5252 5253 5255 5256 5258

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Part 1 (Creation)

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1. continued	Easement for access and maintenance 0.9 wide (E1)	5263 5264 5265 5266 5267 5268 5269 5270 5271 5272 5273 5276 5277 5278 5279 5280 5281 5282 5283 5284 5288 5289	5262 5263 5264 5265 5266 5267 5268 5268 5289 5273 5274 5275 5276 5279 5280 5281 5282 5283 5284 5285 5287 5288
2.	Easement for access and maintenance 0.9 wide (E11)	5001 5008 5047 5073 5088 5090 5117	5002 5007 5048 5072 5089 5091 5118

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Part 1 (Creation)

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2. continued	Easement for access and maintenance 0.9 wide (E11)	5127 5250	5091 5251
3.	Easement for access and maintenance 1.5 wide (E112)	5015 5016 5041 5060 5097 5271 5289	5017 5017 5042 5061 5098 5272 5272
4.	Easement to drain water 1.5 wide (E3)	5006 5007 5008 5009 5010 5011 5014 5015 5016 5029 5028 5027 5026 5025 5057 5056 5055	5005 5005 & 5006 5005-5007 incl 5005-5008 incl 5005-5009 incl 5005-5010 incl 5005-5011 incl 5005-5011 incl & 5014 5005-5011 incl, 5014 & 5015 5030 5029 & 5030 5028-5030 incl 5027-5030 incl 5026-5030 incl 5025-5030 incl 5025-5030 incl & 5057 5025-5030 incl, 5056 & 5057

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Part 1 (Creation)

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4. continued	Easement to drain water 1.5 wide (E3)	5032 5033 5254 5247 5246 5284 5283 5282 5281 5280 5279 5278 5287 5288 5289 5271	5031 5031 & 5032 5261-5268 incl 5248 5247 & 5248 5285 5284 & 5285 5283-5285 incl 5282-5285 incl 5281-5285 incl 5280-5285 incl 5279-5285 incl 5286 5286 & 5287 5286-5288 incl 5286-5289 incl

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Part 1 (Creation)

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5.	Easement to drain water over whole lot (E4)	5000	Blacktown City Council
6.	Right of access whole lot (E5)	5000	Blacktown City Council
7.	Easement for padmount substation 2.75 Wide (E2)	5004, 5038, 5278 & 5165	Epsilon Distribution Ministerial Holding Corporation
8.	Restriction on the use of land (R1)	Pts. 5004, 5005, 5037, 5038, 5278, 5277, 5165 & 5200 desig. (R2)	Epsilon Distribution Ministerial Holding Corporation
9.	Restriction on the use of land (R2)	Pts. 5004, 5005, 5037, 5038, 5278, 5277, 5165 & 5200 desig. (R2)	Epsilon Distribution Ministerial Holding Corporation
10.	Restriction on the use of land	each lot except lots 5000 & 5290	every other lot except 5000 & 5290
11.	Restriction on the use of land	each lot except lots 5000 & 5290	every other lot except 5000 & 5290

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Part 1 (Creation)

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12.	Positive covenant	5001-5289	Blacktown City Council
13.	Restriction on the use of land	5001-5289	Blacktown City Council
14.	Restriction on the use of land	5001-5289	Blacktown City Council
15.	Restriction on the use of land	5061, 5065, 5067, 5069, 5071, 5092, 5094, 5096, 5099, 5101, 5103, 5131, 5134, 5136, 5138, 5140, 5143, 5145, 5152, 5157, 5161, 5172, 5174, 5176, 5178, 5180, 5182, 5186, 5188, 5190, 5193, 5194, 5196, 5198, 5203, 5208, 5214, 5218, 5226, 5228, 5229, 5235, 5239, 5242, 5247, 5252, 5255, 5262, 5266, 5273, 5275, 5280, 5282, 5284	Blacktown City Council

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Part 1 (Creation)

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16.	Restriction on the use of land	5001-5004 incl, 5088, 5089, 5059, 5060, 5150-5164 incl 5128-5132 incl, 5165-5169 incl, 5201-5205 incl, 5232, 5236 incl, 5246-5260 incl, 5105-5109 incl, 5038-5041	Blacktown City Council
17.	Restriction on the use of land	5290	Blacktown City Council
18.	Restriction on the use of land	5003-5013 incl, 5024-5039 incl, 5058, 5108-5125 incl, 5076-5089 incl.	Blacktown City Council

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Part 2 (Terms)

1. Terms of Easements for Access & Maintenance 0.9 wide (E1) & (E11) numbered one and two in the abovementioned plan

1.1 The owner of the lot benefited may:

- (a) use the easement site to assist in undertaking any works on the lot benefited including construction, repair, painting, landscaping and maintenance;
- (b) enter onto the lot burdened to inspect and survey any structure on the lot benefited; and
- (c) do anything reasonably necessary for those purposes, including:
 - entering the lot burdened;
 - taking anything on to the lot burdened; and
 - carrying out works within the site of this easement.

1.2 In exercising those powers, the owner of the lot benefited must:

- (a) ensure all work is done properly;
- (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened;
- (c) cause as little damage as is practicable to the lot burdened and any improvements on it;
- (d) restore the lot burdened as nearly as practicable to its former condition; and
- (e) make good any collateral damage.

1.3 The owner of the lot burdened must not :-

- (a) allow any building or other structure to be erected or placed on the easement site except an eave or gutter of the main building on the lot burdened or any permanent underground services to the main building;
- (b) carry out any excavation or filling greater than 500mm. Any excavation or filling shall be located and retained so as not to impact on any adjoining building, structure or property.

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Part 2 (Terms)

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 across the easement site from the building structure on the lot burdened.

The owner of the burdened lot and the owner of the benefited lot acknowledge that it is not the responsibility of Blacktown City Council to determine any dispute in relation to the easement for access and maintenance and any dispute is a civil matter to be resolved between the relevant parties"

2. Terms of Easement for Padmount Substation (E3) 2.75 wide numbered seven in the abovementioned plan

The terms set out in Memorandum N° AK104621 registered at NSW Land Registry Services are incorporated into this document, subject to changing "Endeavour Energy" to "Epsilon Distribution Ministerial Holding Corporation".

3. Terms of Restriction on the Use of Land (R1) numbered eight in the abovementioned plan

3.1 Definitions:

3.1.1 120/120/120 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;

3.1.2 building means a substantial structure with a roof and walls and includes any projections from the external walls;

3.1.3 erect includes construct, install, build and maintain;

3.1.4 restriction site means that part of the lot burdened affected by the restriction on the use of land shown as (R1) on the plan.

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Part 2 (Terms)

- 3.2 No building shall be erected or permitted to remain within the restriction site unless:
- 3.2.1 the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating; and
 - 3.2.2 the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating; and
 - 3.2.3 the owner provides the authority benefited with an engineer's certificate to this effect.
- 3.3 The fire ratings mentioned in clause 3.2 must be achieved without the use of fire fighting systems such as automatic sprinklers.
- 3.4 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System
- 3.4.1 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 Endeavour Energy 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.
 - 3.4.2 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.

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Part 2 (Terms)

4. Terms of Restriction on the Use of Land (R2) numbered nine in the abovementioned plan

4.1 Definitions:

4.1.1 **erect** includes construct, install, build and maintain.

4.1.2 **restriction site** means that part of the lot burdened affected by the restriction on the use of land shown as (R2) on the plan.

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

4.3 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System

4.3.1 Notwithstanding any other provision in this Restriction on the Use of Land, the owner acknowledges and agrees that any lessee of Endeavour Energy'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 Endeavour Energy 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.

4.3.2. 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.

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Part 2 (Terms)

5. Terms of Restriction on the Use of Land numbered ten in the abovementioned plan

5.1 In this restriction on use of land, the following expressions have the following meaning:

- (a) Council means Blacktown City Council
- (b) Woorong Park means Woorong Park Pty Ltd ACN: 094 493 428 and each of its successors and assigns excluding purchasers on sale.

5.2 No dividing fence shall be erected on the lot burdened unless it is erected without expense of Woorong Park its successors and assigns other than purchasers on sale.

5.3 No structure of a temporary character or nature which is intended for habitation, including, but without limiting the generally thereof, any basement, tent, shed, shack, garage, trailer, camper or caravan, shall be erected or permitted to remain on the lot burdened.

5.4 No fuel storage tanks (except any such tank or tanks used for oil heating purposes) shall be placed upon or permitted to remain on any lot burdened.

5.5 No noxious, noisome or offensive occupation, trade, business, manufacturing or home industry shall be conducted or carried out on any lot burdened.

5.6 No commercial or boarding kennels shall be constructed or permitted to remain on any lot burdened.

5.7 No advertisement hoarding sign or matter of any description shall be erected or displayed on any lot burdened without the prior written consent of Woorong Park having been given to the registered proprietor of the lot burdened. The required approval may be given or withheld at the absolute discretion of Woorong Park BUT nothing in this restriction shall prevent the proprietor of any lot burdened from displaying not more than one (1) sign on the lot burdened advertising the fact that the dwelling on the relevant lot burdened is for sale IF:-

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Part 2 (Terms)

- (a) any such sign does not exceed nine hundred millimetres (900mm) in width and nine hundred millimetres (900mm) in height; and
 - (b) any such sign is painted and/or decorated in its entirety by a professional signwriter.
- 5.8 No motor truck, lorry or semi-trailer with a load carrying capacity exceeding two point five (2.5) tonnes shall be parked or permitted to remain on any lot burdened unless the same is used on connection with the erection of a dwelling on the relevant lot burdened.
- 5.9 No building shall be permitted to be constructed on the lot burdened not shall the construction of any building be permitted to continue on the lot burdened unless the lot burdened is maintained in clean and tidy condition as is practicable having regard to the nature of the construction on the lot burdened.
- 5.10 No clothes line shall be erected or permitted to remain on the lot burdened unless the same is not visible from any public road an/or place BUT nothing in this restriction shall prevent the erection and maintenance of a clothes line where all care has been taken to ensure that the same is as least obvious as possible having regard to the topography of the relevant lot burdened as related to any surrounding public roads and/or places.
- 5.11 No air conditioning plant and/or equipment shall be installed or permitted to remain on any building erected on the lot burdened unless the same is either:-
- (a) not visible from any public road and/or place; or is
 - (b) screened from any public road and/or place in a manner approved by Woorong Park.
- 5.12 No radio masts and/or antennas shall be erected or permitted to remain on any lot burdened unless the same are not visible from any public road and/or place.
- 5.13 No television masts and/or antennas shall be erected or permitted to remain on the lot burdened unless the same are erected at or near the rear of the main building erected on the lot burdened.

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Authorised Person
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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 Conveyancing Act 1919.

Plan: Plan of subdivision of Lot 2 DP1230408, Lot 4273
DP1236022 & Lot 6254 DP1236759
covered by Subdivision Certificate No.

(Sheet 20 of 26 Sheets)

Part 2 (Terms)

- 5.14 No Child Care Centre shall be erected or permitted to remain on the lot burdened.
- 5.15 No visually obtrusive & unsightly items such as hot water storage tanks, rain water tanks, utility metres, roof and window mounted A/C units, condensers, solar roof collectors, A/C service lines, clotheslines, aerials, gardens sheds etc are not to be directly visible from the street/public places and should have a minimal visual impact on an adjacent dwelling including their private open space.
- 5.16 No shutters, blinds, canopies, awnings, security devices or any external improvement other than fly screens is to be constructed, installed or maintained on or in a lot burdened.
- 5.17 No garbage containers and recyclable materials are to be stored on or in a lot burdened unless secured and stored so that they are hidden from view outside the lot burdened and do not omit odours.
- 5.18 No vehicle may be parked on a lot burdened unless it is parked:
- (a) in a garage or driveway on the lot burdened;
 - (b) in an area designated as being an area where a vehicle may be parked.

Name of party empowered to release vary or modify terms of restriction numbered ten in the plan is Woorong Park Pty Ltd ACN: 094 493 428 whilst ever it owns any lot or any part of any lot in the plan.

6. Terms of Restriction on the Use of Land numbered eleven in the abovementioned plan

- 6.1 In this restriction on use of land, the following expressions have the following meaning:
- (a) Council means Blacktown City Council;

.....
(Signatory) Woorong Park Pty. Ltd.

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- (b) Newpark Design Guidelines means design essentials for the carrying out of development on the land the subject of the plan published by Woorong Park from time to time;
- (c) Woorong Park Pty Ltd ACN: 094 493 428 and each of its successors and assigns excluding purchasers on sale.
- 6.2 No building shall be constructed on the lot burdened unless the dwelling to be constructed, external materials, colours and finishes including roof tiles and bricks of the dwelling, fencing and landscaping have been designed in accordance with the Newpark Design Guidelines.
- 6.3 No driveway shall be constructed on the lot burdened unless such driveway is constructed of materials and is of a colour which complies with the Newpark Design Guidelines.
- 6.4 No garage shall be erected forward of the main dwelling façade on the lot burdened unless the garage design complies with the Newpark Design Guidelines.
- 6.5 No building, apart from the main building erected on the lot burdened, shall be erected or permitted to remain on the lot burdened unless it complies with the requirements of the Newpark Design Guidelines.

Name of Party empowered to release vary or modify terms of restriction numbered eleven in the plan is Woorong Park ACN: 094 493 428 whilst ever it owns any lot or any part of any lot in the plan.

7. Terms of Positive Covenant numbered twelve in the abovementioned plan

At the issue of Subdivision Certificate and in perpetuity the burdened Lot(s) shall be managed as Inner Protection Areas (IPA) as outlined within Section 4.1.3 and Appendix 5 of "Planning for Bush Fire Protection 2006" and the NSW Rural Fire Service's document "Standards for Asset Protection Zones".

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Part 2 (Terms)

8. Terms of Restriction on the use of land numbered thirteen in the abovementioned plan

No building shall be constructed on the lot(s) hereby burdened being a filled lot unless constructed on pier and beam footings to safe and uniform strata or alternately on footings or slab designed by a Chartered Professional Engineer to the requirements and satisfaction of Blacktown City Council

9. Terms of Restriction on the use of land numbered fourteen in the abovementioned plan

No building shall be constructed on the lot(s) hereby burdened unless constructed on footings or slab designed by a Chartered Professional Engineer in accordance the Salinity Assessment Report prepared by Geotech Testing Pty. Ltd. ref:8599/18AA dated 23rd September, 2019 to the requirements and satisfaction of Blacktown City Council

10. Terms of Restriction on the use of land numbered fifteen in the abovementioned plan

No dwelling shall be constructed on the Lot(s) hereby burdened unless positioned in accordance with the building envelope plan prepare by Calibre plan No. X14419-PR5_2 2 of 2 Rev.0

11. Terms of Restriction on the use of land numbered sixteen in the abovementioned plan

No building shall be constructed on the lot(s) hereby burdened, within a distance of 4.5m of the adjoining Public Road, unless such buildings achieve a BAL-29 building construction standard in accordance with AS3959-2009.

12. Terms of Restriction on the use of land numbered seventeen in the abovementioned plan

No further development shall be permitted on the Lot hereby burdened unless it is approved by Development Consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill and the payment of Section 94 contributions

.....
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Part 2 (Terms)

13. Terms of Restriction on the Use of Land numbered eighteen in the abovementioned plan

No dwellings will be permitted to be constructed or to remain on the lots burdened other than double storey dwellings.

Name of Authority whose consent is required to release, vary or modify terms of Easements and Restrictions numbered seven, eight and nine in the abovementioned plan

Epsilon Distribution Ministerial Holding Corporation.

Name of Authority whose consent is required to release, vary or modify terms of Easements, Restrictions and Positive Covenants numbered one, five, six, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen in the abovementioned plan

Blacktown City Council.

.....
(Signatory) Woorong Park Pty. Ltd.

.....
Authorised Person
Blacktown City Council

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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:
Manager Property and Fleet

.....
Address of Witness:

c/- Endeavour Energy
51 Huntingwood Drive
HUNTINGWOOD NSW 2148

Power of Attorney: Book N^o

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

Endeavour Energy reference:
.....

Date of signature:

.....
(Signatory) Woorong Park Pty. Ltd.

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

Corporation: Woorong Park Pty Ltd ACN 094 493 428
Authority: Section 127 Corporations Act 2001

.....
Signature of authorised person:

.....
Name of authorised person:
Office held: Sole Director / Secretary

.....
.....
Address of authorised person:

.....
(Signatory) Woorong Park Pty. Ltd.

.....
Authorised Person
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Blacktown City Council by its authorised delegate
pursuant to s.377 Local Govt. Act, 1993

.....
Signature of delegate

.....
Name of delegate

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

.....
Signature of Witness

.....
Name of Witness

.....
Address of Witness

.....
(Signatory) Woorong Park Pty. Ltd.

.....
Authorised Person
Blacktown City Council