

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 654 DP1245439 covered by Subdivision Certificate No.

(Sheet 1 of 16 Sheets)

Full name and address of the owner of the land: Woorong Park Pty. Ltd.
1 Stony Creek Road,
SHANES PARK 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 to drain water 1.5 wide (E1)	16 17 18 19 20 21 22 25 26 1 13 12 11 10 43 44 45 46 47 48 50 51 27 40 39 38 36	15 15 & 16 15-17 incl 15-18 incl 15-19 incl 15-20 incl 15-21 incl 15-22 incl 15-22 incl & 25 15-22 incl , 25 & 26 14 13 & 14 12-14 incl 11-14 incl 42 42 & 43 42-44 incl 42-45 incl 42-46 incl 42-47 incl 42-48 incl & 49 42-48 incl , 49 & 50 42-48 incl, 49, 50 & 51 41 40 & 41 39-41 incl 38-41 incl

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

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Authorised Person
Blacktown City Council

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Plan: Plan of subdivision of Lot 654 DP1245439
covered by Subdivision Certificate No.
(Sheet 2 of 16 Sheets)

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:
2.	Easement for padmount substation 2.75 wide (E3)	41	Epsilon Distribution Ministerial Holding Corporation
3.	Restriction on the use of land (R1)	Parts of 41 & 42 designated (R1)	Epsilon Distribution Ministerial Holding Corporation
4.	Restriction on the use of land (R2)	Parts 41 & 42 designated (R2)	Epsilon Distribution Ministerial Holding Corporation
5.	Restriction on the use of land	each lot	every other lot
6.	Restriction on the use of land	each lot	every other lot
7.	Easement for access and maintenance 0.9 wide (E2)	1 2 3 4 5 6 7 8 10 11 12 13 16 17 18 19 20 21	26 3 4 5 6 7 8 9 11 12 13 14 15 16 17 18 19 20

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Plan: Plan of subdivision of Lot 654 DP1245439
covered by Subdivision Certificate No.
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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:
7. Continued	Easement for access and maintenance 0.9 wide (E2)	22 23 24 25 26 27 28 29 30 31 32 33 34 36 37 38 39 40 43 44 45 46 47 48 49 50 51	21 22 22 24 25 51 29 30 31 32 33 34 35 38 38 39 40 41 42 43 44 45 46 47 48 49 50

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Plan:

Plan of subdivision of Lot 654 DP1245439
covered by Subdivision Certificate No.

(Sheet 4 of 16 Sheets)

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:
8.	Easement for access and maintenance 1.5 wide (E21)	1 26	2 2
9.	Easement for access and maintenance 0.9 wide (E22)	24 37	23 36
10.	Restriction on the use of land	1-51 incl	Blacktown City Council
11.	Restriction on the use of land	1-51 incl	Blacktown City Council
12.	Positive covenant	1-51 incl	Blacktown City Council
13.	Restriction on the use of land	1-51 incl	Blacktown City Council
14.	Restriction on the use of land	14, 36-50 incl	Blacktown City Council

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Part 2 (Terms)

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

The terms set out in Memorandum N^o AK104621 registered at NSW Land Registry Services are incorporated into this document subject to replacing the words 'Endeavour Energy' with 'Epsilon Distribution Ministerial Holding Corporation'.

2. Terms of Restriction on the Use of Land (R1) numbered three in the abovementioned plan

2.1 Definitions:

2.1.1 **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;

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

2.1.3 **erect** includes construct, install, build and maintain;

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

2.2 No building shall be erected or permitted to remain within the restriction site unless:

2.2.1 the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating; and

2.2.2 the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating; and

2.2.3 the owner provides the authority benefited with an engineer's certificate to this effect.

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Part 2 (Terms)

- 2.3 The fire ratings mentioned in clause 2.2 must be achieved without the use of fire fighting systems such as automatic sprinklers.
- 2.4 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System
- 2.4.1 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.
- 2.4.2 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.
- 3. Terms of Restriction on the Use of Land (R2) numbered four in the abovementioned plan**
- 3.1 Definitions:
- 3.1.1 **erect** includes construct, install, build and maintain.
- 3.1.2 **restriction site** means that part of the lot burdened affected by the restriction on the use of land shown as (R2) on the plan.
- 3.2 No swimming pool or spa shall be erected or permitted to remain within the restriction site.

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Plan: Plan of subdivision of Lot 654 DP1245439
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Part 2 (Terms)

- 3.3 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System
- 3.3.1 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'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
- 3.3.2. 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 .

4. Terms of Restriction on the Use of Land numbered five in the abovementioned plan

- 4.1 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.
- 4.2 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
- 4.3 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.

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(Signatory) Woorong Park Pty. Ltd

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Plan: Plan of subdivision of Lot 654 DP1245439
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(Sheet 8 of 16 Sheets)

Part 2 (Terms)

- 4.4 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.
- 4.5 No noxious, noisome or offensive occupation, trade, business, manufacturing or home industry shall be conducted or carried out on any lot burdened.
- 4.6 No commercial or boarding kennels shall be constructed or permitted to remain on any lot burdened.
- 4.7 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:-
- (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
- 4.8 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.
- 4.9 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.
- 4.10 No clothes line shall be erected or permitted to remain on the lot burdened unless the same is not visible from any public road and/or place BUT nothing in this restriction shall prevent the erection and maintenance of a clothes line where all care has been taken to

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Plan: Plan of subdivision of Lot 654 DP1245439
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Part 2 (Terms)

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.

- 4.11 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.
- 4.12 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.
- 4.13 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.
- 4.14 No Child Care Centre shall be erected or permitted to remain on the lot burdened.
- 4.15 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.
- 4.16 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.
- 4.17 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.
- 4.18 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.

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Part 2 (Terms)

Name of Party empowered to release vary or modify restriction numbered five 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.

5. Terms of Restriction on the Use of Land numbered six 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) 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.

5.2 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.

5.3 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.

5.4 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.

5.5 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 whose consent is required to release vary or modify restriction numbered six 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.

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Plan: Plan of subdivision of Lot 654 DP1245439
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Part 2 (Terms)

7. Terms of Easement for Access & Maintenance 0.9 wide (E2) and (E22) numbered seven and nine and 1.5 wide (E21) numbered eight in the abovementioned plan

7.1 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.

7.2 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.

7.3 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.

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

The wall of any dwelling erected on the Lot(s) hereby burdened is not to be located within 900mm of the side boundary unless there is a registered maintenance easement on the adjoining property extending the length of the wall.

9. Terms of Restriction on the use of land numbered eleven in the abovementioned 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 to the requirements and satisfaction of the Council of the City of Blacktown.

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

At the issue of subdivision certificate and until they are redeveloped, the whole of the Lot(s) must be managed as asset protection zone as outlined within Appendices 2 and 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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Plan: Plan of subdivision of Lot 654 DP1245439
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Part 2 (Terms)

11. 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 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; (to be confirmed) to the requirements and satisfaction of Blacktown City Council

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

No dwelling shall be constructed on the lot(s) hereby burdened unless constructed as a two storey dwelling.

Name of Authority whose consent is required to release, vary or modify Easements and Restrictions numbered two, three and four in the abovementioned plan

Epsilon Distribution Ministerial Holding Corporation.

Name of Authority whose consent is required to release, vary or modify Easements, Restrictions and Positive Covenants numbered ten, eleven, twelve, thirteen and fourteen in the abovementioned plan

Blacktown City Council

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(Signatory) Woorong Park Pty. Ltd

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Authorised Person
Blacktown City Council

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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:

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(Signatory) Woorong Park Pty. Ltd

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Authorised Person
Blacktown City Council

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Plan: Plan of subdivision of Lot 654 DP1245439 covered by Subdivision Certificate No. (Sheet 15 of 16 Sheets)

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: Simon Lawton Strategic Property Manager

Address of witness: c/- Endeavour Energy 51 Huntingwood Drive Huntingwood NSW 2148 Power of attorney: Book No. Signing on behalf of: Endeavour Energy Network Asset Partnership ABN 30 586 412 717

Endeavour Energy reference: _____

Date of signature: _____

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 654 DP1245439
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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

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Address of Witness

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(Signatory) Woorong Park Pty. Ltd

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Authorised Person
Blacktown City Council