

DP271141

COVER SHEET FOR SECTION 88B INSTRUMENT

.....
ATTENTION
.....

A Community Plan may be subject to future subdivision that could also contain a Section 88B Instrument. This instrument could then comprise separate documents registered on different dates.

Particulars of each document are as follows:-

Document Number	Plan/Instrument Registration Date	Number of Sheets in Plan	Number of Sheets in Section 88B Instrument
Document 1	9.11.2018	8	10
Document 2	10.12.2019	1	4
Document 3	13-4-2021	1	4
Document 4	04.05.2021	1	4
Document 5	03.06.2021	1	2

TOTAL NUMBER OF SHEETS OF SECTION 88B INSTRUMENT IMAGED

(INCLUDING COVER SHEET)

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.

ePlan (DOC.1)

Sheet 1 of 10 sheets

Plan: **DP271141**

Plan of Subdivision of Lot 2171 DP1153854 covered by Subdivision Certificate No. 37/2018 of 9-10-2018

Full name and address of the owner of the land:

The Trust Company (Australia) Limited
 ABN: 21 000 000 993
 Level 18, 123 Pitt Street
 SYDNEY NSW 2000

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 parcels:	Benefited lot(s), road(s), bodies or Prescribed Authorities
1.	Easement to Drain Water 3 wide & variable width (A)	8	Penrith City Council
2.	Easement to Drain Water 5.5 wide & variable width (B)	8	Penrith City Council
3.	Easement to Drain Water 3 wide (C)	3	8
4.	Easement to Drain Water 10, 20 wide & variable width (D)	4, 8, 9	Penrith City Council
5.	Restriction on ^{the} Use of Land	4, 8, 9	Penrith City Council
6.	Positive Covenant	4, 8, 9	Penrith City Council
7.	Right of Access 20 wide & variable width (E3)	4	Penrith City Council
8.	Easement for Services variable width (E2)	9	Penrith City Council
9.	Right of Access variable width (E1)	9	Penrith City Council
10.	Restriction on ^{the} Use of land (F)	Part lot 8 designated (F)	Penrith City Council
11.	Easement for Padmount Substation 2.965 wide (H)	6	Epsilon Distribution Ministerial Holding Corporation
12.	Restriction on ^{the} Use of land (I)	Part lot 6 designated (I)	Epsilon Distribution Ministerial Holding Corporation
13.	Easement for Overhead Powerlines 5 wide & variable width (K)	4	Epsilon Distribution Ministerial Holding Corporation
14.	Easement for Overhead Powerlines 10 wide (L)	4	Epsilon Distribution Ministerial Holding Corporation
15.	Easement for Water Supply Purposes 3 wide (M)	4, 7, 9	Sydney Water Corporation

TF


 Authorised Officer

Plan: **DP271141**

Plan of Subdivision of Lot 2171 DP1153854 covered
 By Subdivision Certificate No. *37/2018* of *9-10-2018*
 ePlan (DOC.1)
 Sheet 2 of 10 sheets

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 parcels:	Benefited lot(s), road(s), bodies or Prescribed Authorities
16.	Easement for Sewerage Purposes 3, 4, 4.6 wide & variable width (N)	<i>1</i> , 3, 4, 7, 8, 9	Sydney Water Corporation
17.	Easement for Underground cables 2 wide & variable width (P)	4	Epsilon Distribution Ministerial Holding Corporation
18.	Positive Covenant	1	Penrith City Council
19.	<i>the</i> Restriction on <i>the</i> Use of Land	1	Penrith City Council
20.	Positive Covenant	1	Penrith City Council
21.	<i>the</i> Restriction on <i>the</i> Use of Land	1	Penrith City Council
22.	Right of Access 5 wide & variable width (E4)	8	1

Plan: **DP271141**

Plan of Subdivision of Lot 2171 DP1153854 covered
By Subdivision Certificate No. *37/2018* of *9-10-2018*
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Part 2 (Terms)

Terms of easement, restriction, or positive covenant numbered 5 in the plan:

The proprietor of the burdened lot shall not:

- (a) Erect, construct or place any building or other structure,
- (b) Make alterations to the ground surface levels, grates, pipes, pits, kerbs, tanks, gutters or any other structure associated with the overland flowpath,

Within the land so burdened without the prior written consent of Penrith City Council.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 5 in the plan:

Penrith City Council

Terms of easement, restriction, or positive covenant numbered 6 in the plan:

- (1) The proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the grates, pipes, pits, or any other structures of and incidental to the overland flowpath system within the easement denoted (D) within the land so burdened to the satisfaction of Penrith City Council and in this regard must also comply with any reasonable written request of the Council within such time period nominated.
- (2) Where the proprietor of the burdened lots fails to comply with any written request of the Penrith City Council referred to in (1) above the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
- (3) Full and free right for the Penrith City Council and every person authorised by it to enter upon the burdened lot in order to inspect, maintain, cleanse, replace, repair any grates, pipes, pits, or any other structure or alter surface levels to ensure the overland flow path system within the easement denoted (D) within the land so burdened functions in accordance with the approved Construction Certificate.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 6 in the plan:

Penrith City Council

Terms of easement, restriction, or positive covenant numbered 10 in the plan:

No Structure is to be constructed within the area denoted (F) in the aforementioned plan unless approved by Penrith City Council.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 10 in the plan:

Penrith City Council

Terms of easement, restriction, or positive covenant numbered 11 in the plan:

The terms set out in Memorandum No. AK104621 registered at Land & Property Information NSW are incorporated into this document subject to replacing the words 'Endeavour Energy' with 'Epsilon Distribution Ministerial Holding Corporation'.

Plan: **DP271141**

Plan of Subdivision of Lot 2171 DP1153854 covered
By Subdivision Certificate No. 37/2018 of 4-10-2018
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Sheet 4 of 10 sheets

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 11 in the plan:

Epsilon Distribution Ministerial Holding Corporation

Terms of easement, restriction, or positive covenant numbered 12 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.

2.0 No building shall be erected or permitted to remain within the restriction site 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 firefighting systems such as automatic sprinklers.

4.0 Lessee of Epsilon Distribution Ministerial Holding Corporation 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 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.
- 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.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 12 in the plan:

Epsilon Distribution Ministerial Holding Corporation

Plan: **DP271141**

Plan of Subdivision of Lot 2171 DP1153854 covered
By Subdivision Certificate No. 37/2018 of 3rd 9-10-2018

ePlan (DOC.1)

Sheet 5 of 9 sheets

Terms of easement, restriction, or positive covenant numbered 13 and 14 in the plan:

The terms set out in Memorandum No. AK104602 registered at Land & Property Information NSW are incorporated into this document subject to replacing the words "Endeavour Energy" with "Epsilon Distribution Ministerial Holding Corporation".

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 13 and 14 in the plan:

Epsilon Distribution Ministerial Holding Corporation

Terms of easement, restriction, or positive covenant numbered 15 in the plan:

The terms set out in Memorandum No. AE292281 registered at Land & Property Information NSW are incorporated into this document.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 15 in the plan:

Sydney Water Corporation

Terms of easement, restriction, or positive covenant numbered 16 in the plan:

The terms set out in Memorandum No. AE292292 registered at Land & Property Information NSW are incorporated into this document.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 16 in the plan:

Sydney Water Corporation

Terms of easement, restriction, or positive covenant numbered 17 in the plan:

The terms set out in Memorandum No. AK104616 registered at Land & Property Information NSW are incorporated into this document, subject to replacing the words "Endeavour Energy" with "Epsilon Distribution Ministerial Holding Corporation".

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 17 in the plan:

Epsilon Distribution Ministerial Holding Corporation

Terms of easement, restriction, or positive covenant numbered 18 in the plan:

- (1) The proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the grates, pipes, pits, kerbs, tanks, gutters or any other structures of and incidental to the stormwater pre-treatment system within the land so burdened to the satisfaction of Penrith City Council and in this regard must also comply with any reasonable written request of the Council within such time period nominated.
- (2) Where the proprietor of the burdened lots fails to comply with any written request of the Penrith City Council referred to in (1) above the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
- (3) Full and free right for the Penrith City Council and every person authorised by it to enter upon the burdened lot in order to inspect, maintain, cleanse, replace, repair any grates, pipes, pits, kerbs, tanks, gutters or any other structures of and incidental to the stormwater pre-treatment system or alter surface levels to ensure the stormwater pre-treatment system within the land so burdened functions in accordance with the approved Construction Certificate.

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Authorised Officer

Plan: **DP271141**

Plan of Subdivision of Lot 2171 DP1153854 covered
By Subdivision Certificate No. *37/2018* of *9-10-2018*
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Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 18 in the plan:

Penrith City Council

Terms of easement, restriction, or positive covenant numbered 19 in the plan:

The proprietor of the burdened lot shall not:

- (a) Erect, construct or place any building or other structure,
- (b) Make alterations to the ground surface levels, grates, pipes, pits, kerbs, tanks, gutters or any other structure associated with stormwater pre-treatment system,

Within the land so burdened without the prior written consent of Penrith City Council.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 19 in the plan:

Penrith City Council

Terms of easement, restriction, or positive covenant numbered 20 in the plan:

- (1) The proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the grates, pipes, pits, kerbs, tanks, gutters or any other structures of and incidental to the stormwater detention system within the land so burdened to the satisfaction of Penrith City Council and in this regard must also comply with any reasonable written request of the Council within such time period nominated.
- (2) Where the proprietor of the burdened lots fails to comply with any written request of the Penrith City Council referred to in (1) above the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
- (3) Full and free right for the Penrith City Council and every person authorised by it to enter upon the burdened lot in order to inspect, maintain, cleanse, replace, repair any grates, pipes, pits, kerbs, tanks, gutters or any other structures or alter surface levels to ensure the on-site detention system within the land so burdened functions in accordance with the approved Construction Certificate.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 20 in the plan:

Penrith City Council

Terms of easement, restriction, or positive covenant numbered 21 in the plan:

The proprietor of the burdened lot shall not:

- (a) Erect, construct or place any building or other structure,
- (b) Make alterations to the ground surface levels, grates, pipes, pits, kerbs, tanks, gutters or any other structure associated with the on-site detention system,

Within the land so burdened without the prior written consent of Penrith City Council.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 21 in the plan:

Penrith City Council

Terms of easement, restriction, or positive covenant numbered 22 in the plan:

A Right of Access as described in Part 14 Schedule 8 of the Conveyancing Act, 1919 as amended.

Plan: **DP271141**

Plan of Subdivision of Lot 2171 DP1153854 covered
By Subdivision Certificate No. 37/2018 of 4-10-2018
ePlan (DOC.1)
Sheet 7 of 10 sheets

Signed by Penrith City Council pursuant to Sec 377 of the Local Government Act, 1993:

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

Christine Marlow
.....
Signature of Witness

Billy
.....
Signature of Authorised Delegate

CHRISTINE MARLOW
.....
Print Name of Witness

Gavin Cherry
.....
Print Name of Authorised Delegate

C/- 601 HIGH ST PENRITH
.....
Address of Witness

Development Assessment Coordinator
.....
Position of Authorised Delegate

Plan: **DP271141**

Plan of Subdivision of Lot 2171 DP1153854 covered
By Subdivision Certificate No. 37/2018 of 4-10-2018
ePlan (DOC.1)
Sheet 8 of 10 sheets

Signatures

Executed by Trust Company (Australia) Limited

ABN: 21 000 000 993

Pursuant to Section 127 of the Corporations Act, 2001

POWER OF ATTORNEY DATED 18/09/2014
BOOK 4676 NO. 134

[Signature]
Director WITNESS

DAN MALONE

Print Name

[Signature]
Director/Secretary ATTORNEY

Trent Franklin
Manager Custody

Print Name

Mortgagee under Mortgage No. AM665631
Signed at Sydney this 11 day of October
20 18 for National Australia Bank Limited ABN 12 004 044 937
by Robert Resch its duly
appointed Attorney under Power of Attorney No. 39 Book 4512
Attorney Signature, Level 2 Attorney [Signature]
Witness Signature [Signature]
Witness Name Lisa Pham
Witness Address 122, 255 George St Sydney NSW 2000

Plan: **DP271141**

Plan of Subdivision of Lot 2171 DP1153854 covered
By Subdivision Certificate No. 27/2018 of 9-10-2018

ePlan (DOC.1)

9 10 80
Sheet 8 of 8 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:



Name of witness:

NATASHA ISSAC

Address of witness:

c/- Endeavour Energy
51 Huntingwood Drive
Huntingwood NSW 2148

Signature of attorney:



Name and position of attorney:

Helen Smith
Manager Property & Fleet

Power of attorney:

Book 4727 No 524
34 883



Signing on behalf of:

Endeavour Energy Network Asset Partnership ABN
30 586 412 717

Endeavour Energy reference:

0150725

Date of signature:

6 April 2018

Plan: **DP271141**

Plan of Subdivision of Lot 2171 DP1153854 covered
By Subdivision Certificate No. 37/2018 of 9-10-2018.

ePlan (DOC.1)

10 10
Sheet 8 of 8 sheets *gp*

Sydney Water Attestation

Executed by Sydney Water Corporation
ABN: 49 776 225 038 Pursuant to section
50(3)(a) of the Interpretation Act 1987 by an
authorised delegate:

[Signature]

Signature of Witness

Nga Bui

Name of Witness

1 Smith Street, Paramatta

Address of Witness

[Signature]

Signature of Authorised Delegate

GRANT MAY

Name of Authorised Delegate

Portfolio Manager

Title of Authorised Delegate

31 JANUARY 2018

Date

REGISTERED



9.11.2018

TF

**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.**

(Document 2)

Sheet 1 of 4 Sheets

Plan: **DP271141**

Plan of Subdivision of Lot 7 & Lot 9 DP271141
and easement within lot 4 DP271141 as covered
by Subdivision Certificate No. Dated 30-10-19
541601915002

Full name and address
of the owner of the land:

The Trust Company (Australia) Limited
ABN: 21 000 000 993
Level 18, 123 Pitt Street
Sydney NSW 2000

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 parcels:	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Easement for Emergency Access 6 Wide & Variable Width (E5)	10	11
2	Easement for Drainage of Water 4 Wide (O)	10	11
3	Easement for Underground Cables 3 wide (Q)	10, 12 and 4/271141	Epsilon Distribution Ministerial Holding Corporation

Part 2 (Terms)

Terms of easement, restriction, or positive covenant numbered 1 in the plan:

- Subject to the conditions in this easement, the owner of the lot burdened grants to the owner of the lot benefited and every person authorised by those persons the right to go, pass and repass over the Easement site to get to or from the lot benefited:
 - With or without emergency vehicles;
 - With or without machinery, implements, tools and equipment; and
 - At all times.
- The easement shall only be for the purposes of fighting a fire or responding to another emergency on the lot benefited.

Plan: **DP271141**

Plan of Subdivision of Lot 7 & Lot 9 DP271141
and easement within lot 4 DP271141 as covered
by Subdivision Certificate No. 2 Dated 30-10-19

SY1601915002

(Document 2)
Sheet 2 of 4 Sheets

3. The owner of the lot burdened must:

- 3.1 Keep the Easement site clear and unobstructed at all times to facilitate emergency access by Fire and Rescue NSW;
- 3.2 Maintain suitable turning circles on the Easement site to enable continuous travel for the emergency vehicles in a forward direction; and

4. When exercising its rights and complying with its obligations under the easement, the owner of the lot benefited must:

- 4.1 Cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened; and
- 4.2 Cause as little damage as is practicable to the lot burdened and any improvement on it; and
- 4.3 Restore the lot burdened as nearly as is practicable to its former condition; and
- 4.4 Make good any collateral damage.

5. In this instrument a reference to:

- 5.1. The singular includes the plural and the plural includes the singular;
- 5.2. A person includes a body corporate;
- 5.3. A party includes the party's executors, administrators, successors and permitted assigns; and
- 5.4. A law includes:
 - 5.4.1. The law as amended or re-enacted from time to time; and
 - 5.4.2. A statute, regulation or provision enacted in replacement of the law.
- 5.5. Where a word or expression is given a particular meaning, other parts of a speech or grammatical forms of that word or expression have corresponding meaning.
- 5.6. Where a word or phrase is defined, its other grammatical forms have a corresponding meaning.
- 5.7. 'Clause', 'paragraph', 'schedule' or 'sub clause' means a clause, paragraph, schedule or sub clause respectively of this Instrument.
- 5.8. Unless stated otherwise, one provision does not limit the effect of another provision.

Terms of easement, restriction, or positive covenant numbered 2 in the plan:

An Easement to Drainage of Water as described in Part 8 of Schedule 8 of the Conveyancing Act, 1919, as amended.

Terms of easement, restriction, or positive covenant numbered 3 in the plan:

The terms set out in Memorandum No. AK104616 registered at Land Registry Services are incorporated into this document, subject to changing "Endeavour Energy" to "Epsilon Distribution Ministerial Holding Corporation".

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 3 in the plan:

Epsilon Distribution Ministerial Holding Corporation

Plan: **DP271141**

Plan of Subdivision of Lot 7 & Lot 9 DP271141
and easement within lot 4 DP271141 as covered
by Subdivision Certificate No. 2 Dated 30-10-19

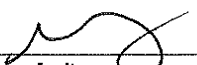
SY160191SV02 (Document 2)

Sheet 3 of 4 sheets

Executed by The Trust Company (Australia) Limited

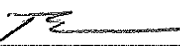
ABN: 21 000 000 993

Pursuant to Power of Attorney Dated 18/09/19 Registered book 456 Number 134


Signature of witness Senay Sevgi
Custody Administrator



Print Name of Witness

L18, 123 PITT ST
Address of Witness SYDNEY


Signature of Attorney Trent Franklin
Manager Custody

Print Name of Attorney

Mortgagee Attestation

Mortgagee under Mortgage No. _____
Signed at Sydney this 14 day of November
2019 for National Australia Bank Limited ABN 12 004 044 937
by NED HMEEDAN its duly
appointed Attorney under Power of Attorney No. 39 Book 4512
Attorney Signature, Level 3 Attorney 
Witness Signature 
Witness Name TONY HUANG
Witness Address 121 22, 255 George St NSW 2000

Plan: **DP271141**

Plan of Subdivision of Lot 7 & Lot 9 DP271141
and easement within lot 4 DP271141 as covered
by Subdivision Certificate No. 2 Dated 30-10-19

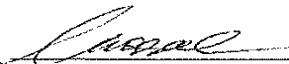
SY1601915002 (Document 2)

Sheet 4 of 4 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:



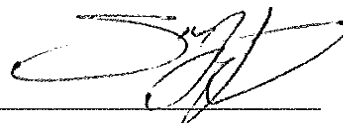
Name of witness:

NATASHA ISSA

Address of witness:

c/- Endeavour Energy
51 Huntingwood Drive
Huntingwood NSW 2148

Signature of attorney:



Name and position of attorney:

Simon Lawton
Strategic Property Manager

Signing on behalf of:

Endeavour Energy Network Asset Partnership
ABN 30 586 412 717

Power of Attorney: Book: 4754
No.: 482

Endeavour Energy reference:

U150880, U150834

Date of signature:

29/7/2019

REGISTERED



10.12.2019



**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.**

(Document 3)

Sheet 1 of 4 sheets

Plan: **DP271141**

Plan of Subdivision of Lot 8 DP271141

Full name and address
of the owner of the land:

The Trust Company (Australia) Limited
ABN: 21 000 000 993
Level 18, 123 Pitt Street
Sydney NSW 2000

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 parcels:	Benefited lot(s), road(s), bodies or Prescribed Authorities
1.	Easement for Padmount Substation 3.45 wide (Q)	13	Epsilon Distribution Ministerial Holding Corporation
2.	Easement for Switching Station 3.45 wide (R)	13	Epsilon Distribution Ministerial Holding Corporation
3.	Restriction on the Use of Land (S)	Part Lot 13	Epsilon Distribution Ministerial Holding Corporation

Part 2 (Terms)

Terms of easement, restriction, or positive covenant numbered 1 in the plan:

The Terms setout in Memorandum No. AK104621 registered at Land Registry Services are incorporated into this document subject to changing the words "Endeavour Energy" with "Epsilon Distribution Ministerial Holding Corporation".

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 1 in the plan:

Epsilon Distribution Ministerial Holding Corporation

Terms of easement, restriction, or positive covenant numbered 2 in the plan:

The Terms setout in Memorandum No. AK104621 registered at Land Registry Services are incorporated into this document subject to changing "Endeavour Energy" to "Epsilon Distribution Ministerial Holding Corporation".

Plan: **DP271141**

Plan of Subdivision of Lot 8 DP271141

(Document 3)

Sheet 2 of 4 sheets

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 2 in the plan:

Epsilon Distribution Ministerial Holding Corporation

Terms of easement, restriction, or positive covenant numbered 3 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.

2.0 No building shall be erected or permitted to remain within the restriction site 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 firefighting systems such as automatic sprinklers.

4.0 Lessee of Epsilon Distribution Ministerial Holding Corporation 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 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.
- 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.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 3 in the plan:

Epsilon Distribution Ministerial Holding Corporation



Plan: **DP271141**

Plan of Subdivision of Lot 8 DP271141

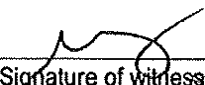
(Document 3)

Sheet 3 of 4 sheets

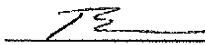
Executed by The Trust Company (Australia) Limited

ABN: 21 000 000 993

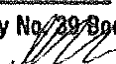
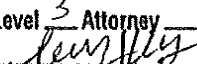
Pursuant to Power of Attorney Dated 18/09/14 Registered book 4676 Number 134



Signature of Witness Senay Sevgi
Custody Administrator

Print Name of Witness
L18, 123 T ST
SYDNEY
Address of Witness


Signature of Attorney
Trent Franklin
Manager Custody
Print Name of Attorney

Mortgagee Attestation

Mortgagee under Mortgage No. M165631
Signed at Sydney this 31 day of October
20 14 for National Australia Bank Limited ABN 12 004 044 937
by Neil Aweidan its duly
appointed Attorney under Power of Attorney No. 39 Book 4512
Attorney Signature, Level 3 Attorney 
Witness Signature 
Witness Name Tony Huang
Witness Address U1 22, 355 George St NSW 2000



Plan: **DP271141**

Plan of Subdivision of Lot 8 DP271141

(Document 3)

Sheet 4 of 4 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:



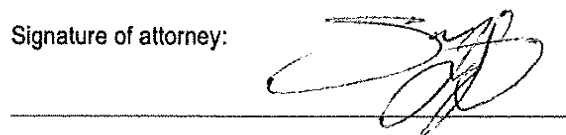
Name of witness:

NATASHA ISSAC

Address of witness:

c/- Endeavour Energy
51 Huntingwood Drive
Huntingwood NSW 2148

Signature of attorney:



Name and position of attorney:

~~Helen Smith~~ Simon Lawton
~~Manager Property & Fleet~~ Strategic Property
Manager

Power of attorney:

Book ~~4727~~ No ~~524~~
4754 482

Signing on behalf of:

Endeavour Energy Network Asset Partnership ABN 30
586 412 717

Endeavour Energy reference:

U150834

Date of signature:

29 / 7 / 2019

**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.**

(Document 4)

Sheet 1 of 4 sheets

Plan: **DP271141**

Full name and address
of the owner of the land:

Plan of Subdivision of Lot 14 DP271141 covered
by Subdivision Certificate NPSY160191SU03 of 8/10/20
The Trust Company (Australia) Limited
ABN: 21 000 000 993
Level 18, 123 Pitt Street
Sydney NSW 2000

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 parcels:	Benefited lot(s), road(s), bodies or Prescribed Authorities
1.	Easement for Padmount Substation 2.75 wide (A7)	15	Epsilon Distribution Ministerial Holding Corporation
2.	Easement for Padmount Substation 2.77 wide (A8)	16	Epsilon Distribution Ministerial Holding Corporation
3.	Restriction on the Use of Land (B7), (B8)	15, 16	Epsilon Distribution Ministerial Holding Corporation

Part 2 (Terms)

Terms of easement, restriction, or positive covenant numbered 1 and 2 in the plan:

The Terms set out in Memorandum No. AK104621 registered at Land Registry Services are incorporated into this document subject to changing the words "Endeavour Energy" with "Epsilon Distribution Ministerial Holding Corporation".

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 1 and 2 in the plan:

Epsilon Distribution Ministerial Holding Corporation



Plan: **DP271141**

Plan of Subdivision of Lot 14 DP271141 covered
by Subdivision Certificate NPSY160101 SUB 3 of
8/10/20

(Document 4)

Sheet 2 of 4 sheets

Terms of easement, restriction, or positive covenant numbered 3 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.

2.0 No building shall be erected or permitted to remain within the restriction site 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 firefighting systems such as automatic sprinklers.

4.0 Lessee of Epsilon Distribution Ministerial Holding Corporation 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 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.
- 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.

Name of person or authority empowered to release, vary or modify the easement restriction or positive covenant numbered 3 in the plan:

Epsilon Distribution Ministerial Holding Corporation



Approved by Certifying Authority


Authorized Officer

Plan: **DP271141**

Plan of Subdivision of Lot 14 DP271141 covered by
Subdivision Certificate No SY160191SU03 at 8/10/20

(Document 4)

Sheet 3 of 4 sheets

Executed by The Trust Company (Australia) Limited

ABN: 21 000 000 993

Pursuant to Power of Attorney Dated 18/09/17 Registered book 4676 Number 134

Signature of Witness

Senay Sevgi
Client Service Officer

Print Name of Witness

L18, 123 FITT ST
SYDNEY
Address of Witness

Signature of Attorney

John Newby
Head of Custody

Print Name of Attorney

Mortgagee Attestation

Mortgagee under Mortgage No. _____

Signed at SYDNEY this 25 day of MARCH

2020 for National Australia Bank Limited ABN 12 004 044 937

by ADRIAN PAUL STEEL its duly

appointed Attorney under Power of Attorney No. 39 Book 4512

Attorney Signature, Level 2 Attorney [Signature]

Witness Signature [Signature]

Witness Name TONY HUANG

Witness Address 1/122, 255 George St Sydney 2000

Plan: **DP271141**

Plan of Subdivision of Lot 14 DP271141 covered by
Subdivision Certificate No SY1601915003 of 8/10/20

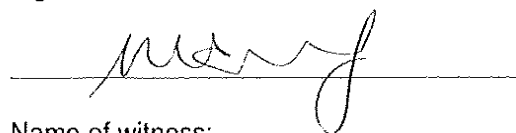
(Document 4)

Sheet 4 of 4 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:

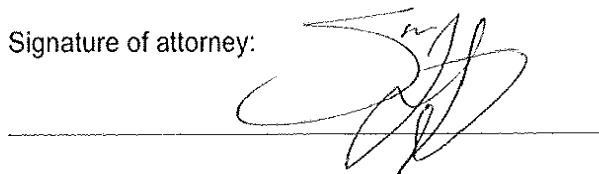


Name of witness:

Michelle Allambay

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

Signature of attorney:



Name and position of attorney:
Simon Lawton
Strategic Property Manager

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

Power of Attorney: Book: 4768
No.: 870

Endeavour Energy reference:

U150885 U15473 U15737

Date of signature:

16/3/2020

REGISTERED



4.5.2021

**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.**

(Document 5)
Sheet 1 of 2 sheets

Plan: **DP271141**

Plan of Subdivision of Lot 16 DP271141 as covered
by Subdivision Certificate No. dated 21.9.2020
SY1601915001

Full name and address
of the owner of the land:

The Trust Company (Australia) Limited
ABN: 21 000 000 993
Level 18, 123 Pitt Street
Sydney NSW 2000

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 parcels:	Benefited lot(s), road(s), bodies or Prescribed Authorities
1.	Right of Access variable width (E6)	18	17
2.	Easement for Drainage of Water 3, 4.6, 5, 12 wide & variable width (D1)	18	17

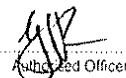
Part 2 (Terms)

Terms of easement, restriction, or positive covenant numbered 1 in the plan:

A Right of Access as described in Part 14 Schedule 8 of the Conveyancing Act, 1919, as amended.

Terms of easement, restriction, or positive covenant numbered 2 in the plan:

An Easement for Drainage of Water as described in Part 8 Schedule 8 of the Conveyancing Act, 1919, as amended.


Authorized Officer

(Document 5)

Plan: **DP271141**

Plan of Subdivision of Lot 16 DP271141 as covered
by Subdivision Certificate No. dated 21-9-2020
SY1601915001

Sheet 2 of 2 sheets

Executed by The Trust Company (Australia) Limited

ABN: 21 000 000 993

18/09/2019

Pursuant to Power of Attorney Dated..... Registered book 4676 Number 134

Ethan Lock

Signature of witness

Ethan Lock

Print Name of Witness

1/106 Victoria Rd, North Parramatta
Address of Witness
NSW 2151

Trent Franklin

Signature of Attorney

Trent Franklin

Senior Client Manager

Print Name of Attorney

Mortgagee Attestation

Mortgagee under Mortgage No. AM665634 AQ252129 SL
Signed at 60 Castlereagh Street this 13 day of January
2021 for National Australia Bank Limited ABN 12 004 044 937
by SCOTT LEWIS

its duly appointed Attorney under
power of Attorney No. 39 book 4512

Scott Lewis

Attorney Signature, level 2 attorney

Witness Signature Ethan Lock

Witness Name Ethan J. Lock

Witness Address 1/106 Victoria Road, North Parramatta
NSW 2151



FOLIO: 10/271141

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
15/6/2021	8:31 AM	3	4/6/2021

LAND

LOT 10 IN COMMUNITY PLAN DP271141
AT ORCHARD HILLS
LOCAL GOVERNMENT AREA PENRITH
PARISH OF MELVILLE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP271141

FIRST SCHEDULE

SNACK BRANDS INDUSTRIES PTY LTD (T AR114416)

SECOND SCHEDULE (19 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 INTERESTS RECORDED ON REGISTER FOLIO 1/271141
- 3 ATTENTION IS DIRECTED TO THE MANAGEMENT STATEMENT OF THE
COMMUNITY SCHEME FILED WITH THE COMMUNITY PLAN
- 4 DP1013539 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED (1) IN THE S.88B INSTRUMENT
- 5 DP1013539 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED (2) IN THE S.88B INSTRUMENT
- 6 DP1013539 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED (10) IN THE S.88B INSTRUMENT
- 7 DP1013539 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED (11) IN THE S.88B INSTRUMENT
- 8 DP1153854 RIGHT OF CARRIAGEWAY VARIABLE WIDTH APPURTENANT TO
THE LAND ABOVE DESCRIBED
- 9 AK807510 PLANNING AGREEMENT PURSUANT TO SECTION 7.6
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
- 10 DP271141 EASEMENT TO DRAIN WATER 10 & 20 METRE(S) WIDE AND
VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN
THE TITLE DIAGRAM (DOC.1)
- 11 DP271141 EASEMENT FOR WATER SUPPLY PURPOSES 3 METRE(S) WIDE
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM (DOC.1)
- 12 DP271141 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED (5) IN THE S.88B INSTRUMENT AFFECTING THE
PART SHOWN SO BURDENED IN THE TITLE DIAGRAM (DOC.1)
- 13 DP271141 POSITIVE COVENANT REFERRED TO AND NUMBERED (6) IN
THE S.88B INSTRUMENT AFFECTING THE PART SHOWN SO
BURDENED IN THE TITLE DIAGRAM (DOC.1)
- 14 DP271141 EASEMENT FOR SEWERAGE PURPOSES 3, 4 & 4.6 METRE(S)

END OF PAGE 1 - CONTINUED OVER

FOLIO: 10/271141

PAGE 2

SECOND SCHEDULE (19 NOTIFICATIONS) (CONTINUED)

-
- WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO
BURDENED IN THE TITLE DIAGRAM (DOC.1)
- 15 DP271141 EASEMENT FOR SERVICES VARIABLE WIDTH AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM (DOC.1)
- 16 DP271141 RIGHT OF ACCESS VARIABLE WIDTH AFFECTING THE PART(S)
SHOWN SO BURDENED IN THE TITLE DIAGRAM (DOC.1)
- 17 DP271141 EASEMENT FOR EMERGENCY ACCESS 6 METRE(S) WIDE AND
VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN
THE TITLE DIAGRAM (DOC.2)
- AP950248 VARIATION OF EASEMENT DP271141 TERMS VARIED
- 18 DP271141 EASEMENT FOR DRAINAGE OF WATER 4 METRE(S) WIDE
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM (DOC.2)
- 19 DP271141 EASEMENT FOR UNDERGROUND CABLES 3 METRE(S) WIDE
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM (DOC.2)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

14 Distribution Drive, Orchard Hills

PRINTED ON 15/6/2021

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.



FOLIO: 11/271141

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
15/6/2021	8:31 AM	2	12/4/2021

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.
CONTROL OF THE RIGHT TO DEAL IS HELD BY NATIONAL AUSTRALIA BANK LIMITED.

LAND

LOT 11 IN COMMUNITY PLAN DP271141
AT ORCHARD HILLS
LOCAL GOVERNMENT AREA PENRITH
PARISH OF MELVILLE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP271141

FIRST SCHEDULE

THE TRUST COMPANY (AUSTRALIA) LIMITED

SECOND SCHEDULE (17 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 INTERESTS RECORDED ON REGISTER FOLIO 1/271141
- 3 ATTENTION IS DIRECTED TO THE MANAGEMENT STATEMENT OF THE
COMMUNITY SCHEME FILED WITH THE COMMUNITY PLAN
- 4 DP1013539 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED (1) IN THE S.88B INSTRUMENT
- 5 DP1013539 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED (2) IN THE S.88B INSTRUMENT
- 6 DP1013539 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED (10) IN THE S.88B INSTRUMENT
- 7 DP1013539 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND
NUMBERED (11) IN THE S.88B INSTRUMENT
- 8 DP1153854 RIGHT OF CARRIAGEWAY VARIABLE WIDTH APPURTENANT TO
THE LAND ABOVE DESCRIBED
- * 9 AK134990 CAVEAT BY MANDALONG INVESTMENTS PTY LTD
- * AK807510 CAVEATOR CONSENTED
- * AM665631 CAVEATOR CONSENTED
- * AP950248 CAVEATOR CONSENTED
- * AQ252129 CAVEATOR CONSENTED
- * AQ899706 CAVEATOR CONSENTED
- 10 AK807510 PLANNING AGREEMENT PURSUANT TO SECTION 7.6
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
- 11 AM665631 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED
- 12 DP271141 EASEMENT FOR WATER SUPPLY PURPOSES 3 METRE(S) WIDE
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM (DOC.1)

END OF PAGE 1 - CONTINUED OVER

FOLIO: 11/271141

PAGE 2

SECOND SCHEDULE (17 NOTIFICATIONS) (CONTINUED)

- 13 DP271141 EASEMENT FOR SEWERAGE PURPOSES 3, 4 & 4.6 METRE(S)
WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO
BURDENED IN THE TITLE DIAGRAM (DOC.1)
- 14 DP271141 EASEMENT FOR EMERGENCY ACCESS 6 METRE(S) WIDE AND
VARIABLE APPURTENANT TO THE LAND ABOVE DESCRIBED
(DOC.2)
- AP950248 VARIATION OF EASEMENT DP271141 TERMS VARIED
- 15 DP271141 EASEMENT FOR DRAINAGE OF WATER 4 METRE(S) WIDE
APPURTENANT TO THE LAND ABOVE DESCRIBED (DOC.2)
- 16 AQ252129 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED
- 17 AQ899706 LEASE TO SNACK BRANDS INDUSTRIES PTY LTD EXPIRES:
13/2/2040. OPTION OF RENEWAL: 10 YEARS AND FOUR
FURTHER OPTIONS OF 5 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

14 Distribution Drive, Orchard Hills

PRINTED ON 15/6/2021

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