

**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.**

(Sheet 1 of 9 Sheets)

**Plan:**  
**DP1169283**

Subdivision of  
 Lot 198 DP 1169281  
 Covered by Council's Certificate  
 No. *CC058/11 4/11/11*

**Full name and address  
 of the owner of the Land:**

Investa Residential Holdings Pty Ltd  
 Level 7, Deutsche Bank Place  
 126 Phillip Street  
 Sydney NSW 2000

Investa Residential Group Pty Ltd  
 Level 7, Deutsche Bank Place  
 126 Phillip 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 parcel(s):	Benefited lot(s), road(s) bodies or Prescribed Authorities:
1	Easement to Drain Water 2 wide	240 212 213 214 215 216	239 239, 240 212, 239, 240 212, 213, 239, 240 212, 213, 214, 239, 240 212-215 incl, 217, 239, 240

*T. Mann*

*J. Murray*

*[Signature]*

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**PART 1 (Cont'd)**

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 (cont'd)	Easement to Drain Water 2 wide	233 219 220 221 222 224 225 226	212-217 incl, 239, 240 218 218, 219 218, 219, 220 218-221 incl 218-222 incl 218-222 incl, 224 218-222 incl, 224, 225
2	Easement for Padmount Substation 2.75 wide	220	Endeavour Energy
3	Easement for Underground Cables 1 wide	220, 229	Endeavour Energy
4	Restriction on the Use of Land denoted (C) on the Plan	219, 220	Endeavour Energy
5	Restriction on the Use of Land denoted (D) on the Plan	219,220	Endeavour Energy
6	Restriction on the Use of Land	241, 242	Penrith City Council
7	Restriction on the Use of Land	Each lot except 241, 242	Penrith City Council
8	Restriction on the Use of Land	238	Penrith City Council
9	Restriction on the Use of Land	Each lot except 241-242	Every other lot except 241-242 incl

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**PART 1 (Release)**

Number of item shown in the intention panel on the plan.	Identity of easement or profit à prendre to be released 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 2 wide (DP 1157160)	198/1169281	Penrith City Council

**PART 2 (Terms)**

**Terms of Easement for Padmount Substation secondly referred to in the abovementioned plan:**

The terms set out in Memorandum No. 9262886 registered at Land and Property Information NSW are incorporated in this document, subject to changing Integral Energy Australia to Endeavour Energy in Clause 5.1.

**Terms of Easement for Underground Cables thirdly referred to in the abovementioned plan:**

The terms set out in Memorandum No. 9262885 registered at Land and Property Information NSW are incorporated in this document, subject to changing Integral Energy Australia to Endeavour Energy in Clause 5.1.

**Terms of Restriction on the Use of Land fourthly referred to in the abovementioned plan:**

1. No building shall be erected or permitted to remain within the restriction site unless:
  - a) the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating, and
  - b) the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating.

and the Owner provides the Authority benefited with an Engineer's certificate to this effect.



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## PART 2 (Cont'd)

2. The fire ratings mentioned in Clause 1 must be achieved without the use of fire fighting systems such as automatic sprinklers.
3. Definitions
- a) **"building"** means a substantial structure with a roof and walls and includes any projections from the external walls
  - b) **"erect"** includes construct, install, build and maintain
  - c) **"restriction site"** means that part of the lot burdened subject to the restriction on the use of land ~~up to a maximum of 6 metres from the level of the substation footing.~~
  - d) **"120/120/120 fire rating"** and **"60/60/60 fire rating"** means the fire resistance level of a building expressed as a **"restriction site"** means that part of the lot burdened subject to the restriction grading period in minutes for structural adequacy/integrity failure/insulation failure calculated in accordance with Australian Standard 1530.

### Terms of Restriction on the Use of Land fifthly referred to in the abovementioned plan:

1. No swimming pool or spa shall be erected or permitted to remain within the restriction site
2. Definitions
  - 2.1 **"erect"** includes construct, install, build and maintain
  - 2.2 **"restriction site"** means that part of the lot burdened subject to the restriction on the use of land.

### Terms of Restriction on the Use of Land sixthly referred to in the abovementioned plan:

No development or building shall be allowed or be permitted to remain on the burdened lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidations with adjoining lots.

### Terms of Restriction on the Use of Land seventhly referred to in the abovementioned plan:

No development or building for residential purposes shall be allowed or be permitted to remain on the burdened lot other than in accordance with the recommendations of the acoustic report prepared by PKA Acoustic Consulting reference 205-062 dated June 2006 and April 2008 unless otherwise approved by Penrith City Council.



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**PART 2 (Cont'd)**

**Terms of Restriction on the Use of Land eighthly referred to in the abovementioned plan:**

Further development of the burdened lot is not permitted until an arrangement is made for an acoustic wall to the west of the proposed development as detailed in Chapter 63 of the Penrith Development Control Plan 2006.

**Terms of Restriction on the Use of Land ninthly referred to in the abovementioned plan:**


1. No garage or outbuilding shall be erected or be permitted to remain on each lot burdened except until after or concurrently with the erection of any main building thereon.
2. No fence shall be erected on each lot burdened to divide it from any adjoining land owned by Investa Residential Holdings Pty Ltd and Investa Residential Group Pty Ltd without the consent of Investa Residential Holdings Pty Ltd and Investa Residential Group Pty Ltd or their nominees other than purchasers on sale but such consent shall not be withheld if such fence is erected without expense to Investa Residential Holdings Pty Ltd and Investa Residential Group Pty Ltd or their nominees and in favour of any person dealing with the purchasers or their assigns. Such consent shall be deemed to have been given in respect of every such fence for the time being erected PROVIDED HOWEVER that this restriction in regard to fencing shall be binding on a purchaser, its executors and administrators and assigns only during the ownership of the said adjoining lands by Investa Residential Holdings Pty Ltd and Investa Residential Group Pty Ltd or their nominees other than purchasers on sale.
3. The terms of the restrictions hereby created shall expire and be of no further force and effect from the date expiring three (3) years after the date of registration of the Deposited Plan pursuant to which these restrictions are created.
4. Any release, variation or modification of these restrictions shall be made and done in all respects at the cost and expense of the person or persons requesting the same.

**Name of persons and authority whose consent is required to release, vary or modify the terms of the Easement firstly referred to in the abovementioned plan:**

The registered proprietor/s of the benefited lots and Penrith City Council.

**Name of authority empowered to release, vary or modify the terms of the Restrictions on the Use of Land sixthly, seventhly and eighthly referred to in the abovementioned plan:**

Penrith City Council



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**PART 2 (Cont'd)**

**Name of authority empowered to release, vary or modify the terms of the Easements secondly and thirdly referred to and the Restrictions on the Use of Land fourthly and fifthly referred to in the abovementioned plan:**

Endeavour Energy

**Name of person/s empowered to release, vary or modify the terms of the Restriction on the Use of Land ninthly referred to in the abovementioned plan:**

The registered proprietor/s of the benefited lots.

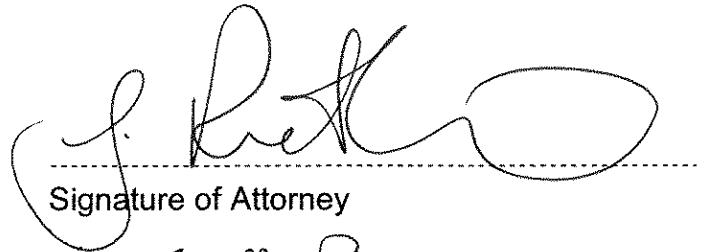


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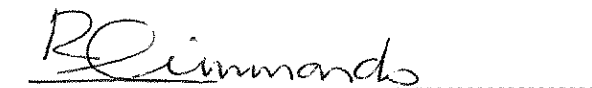
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**SIGNATURES AND SEALS**

Signed on behalf of Endeavour Energy  
ABN 59 253 130 878 by its Attorney  
pursuant to Power of Attorney Book 4613  
No 641 in the presence of:



Signature of Attorney

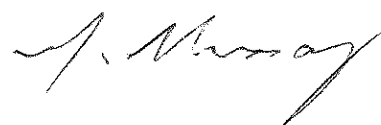


Signature of Witness

Name: Geoff Riethmuller  
Position: Network Property Mgr  
Date of Execution: 21 September 2011  
Reference: URS 11822

Raymond Simmonds  
Name of Witness in full

Address of Witness  
C/- Endeavour Energy  
51 Huntingwood Drive  
Huntingwood NSW 2148




Plan:  
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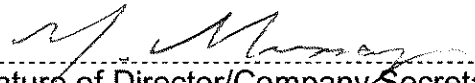
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**SIGNATURES AND SEALS (Cont'd)**

Executed by Investa Residential Holdings  
Pty Ltd (ACN 097 754 473) in accordance  
with Section 127(1) of the Corporations Act  
2001 (Cwlth) by authority of its directors:



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Signature of Director



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Signature of Director/Company Secretary

*Jonathan Callaghan*  
-----  
Name of Director in full

*Andrew Murray*  
-----  
Name of Director/Company Secretary in full



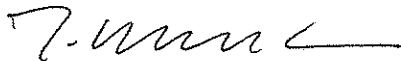


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**SIGNATURES AND SEALS (Cont'd)**

Executed by Investa Residential Group Pty Ltd (ACN 098 527 390) in accordance with Section 127(1) of the Corporations Act 2001 (Cwlth) by authority of its directors:



Signature of Director

Jonathan Callaghan  
Name of Director in full



Signature of Director/Company Secretary

Andrew Murray  
Name of Director/Company Secretary in full


Signed, sealed and delivered for ANZ Fiduciary Services Pty Limited by its attorney under power of attorney Book 4610 No 551 and the Attorney declares that the Attorney has not received any notice of the revocation of such Power of Attorney, in the presence of:



Signature of Attorney

Katherine Ang

Name of Attorney in full



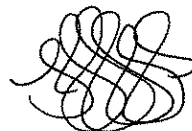
Signature of Witness

ANASTASIA KALOGIANNIS

Name of Witness in full

20 MARTIN PL. SYDNEY

Address of Witness in full



Authorised Person, Penrith City Council

REGISTERED



22.11.2011