

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS Á 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 OF THE CONVEYANCING ACT 1919**

Sheet 1 of 3 Sheets

**Plan:** Plan of Subdivision of Lots 6056 in DP 1158874 covered by Council's Certificate No.

**Full name and address of the owner of the land:** The Council of the City of Shellharbour  
Lamerton House  
Lamerton Crescent  
Shellharbour City Centre NSW 2529

**Part 1 (Creation)**

Number of item shown in the intention panel on the plan	Identity of easement, profit á 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 Drainage of Water 1.5 Wide	102 -117 & 129 103 -117 & 129 104 -117 & 129 105 -117 & 129 106 -117 & 129 107 -117 & 129 108 -117 & 129 109 -117 & 129 110 -117 & 129 111 -117 & 129 112 -117 & 129 113 -117 & 129 114 -117 & 129 115 -117 & 129 116 -117 & 129 117 & 129 129	101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117, 6051 – 6054 DP 1158874 3 DP 1217022
2	Easement for Padmount Sub Station Var. Width	147	Endeavour Energy
3	Restriction on the use of land Var. Width	147	Endeavour Energy
4	Restriction on the use of land Var. Width	147	Endeavour Energy

General Manager / Authorised Person

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**Part 2 (Terms)**

1. TERMS OF EASEMENT FOR PADMOUNT SUB STATION VAR. WIDTH NUMBERED 2 IN THE PLAN

The terms of easement for padmount substation set out in Memorandum No. AK104621 are incorporated into this document.

2. TERMS OF RESTRICTION ON THE USE OF LAND VAR. WIDTH NUMBERED 3 IN THE PLAN

(a) No building shall be erected or permitted to remain within the restriction site unless:

- (i) the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating and
- (ii) 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.

(b) The fire ratings mentioned in clause (3a) must be achieved without the use of fire fighting systems such as automatic sprinklers.

(c) Definitions:

- (i) **"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.
- (ii) **"building"** means a substantial structure with a roof and walls and includes any projections from the external walls.
- (iii) **"erect"** includes construct, install, build and maintain.
- (iv) **"restriction site"** means that part of the lot burdened affected by the restriction on the use of land as shown on the plan.

General Manager / Authorised Person

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3. TERMS OF RESTRICTION ON THE USE OF LAND VAR. WIDTH NUMBERED 4 IN THE PLAN

No swimming pool or spa shall be erected or permitted to be erected to remain within the restriction site, where:

- (a) Erect includes construct, install, build and maintain
- (b) "Restriction site" means that part of the Lot burdened affected by the restriction on the use of land as shown on the plan.

Name of person empowered to release, vary or modify easements and restrictions numbered 1, 2 and 3 in the plan.

The Council of the City of Shellharbour

**THE COMMON SEAL of**

**THE COUNCIL OF THE CITY OF SHELLHARBOUR**

was affixed on

pursuant to a resolution made on

)  
 )  
 ) .....  
 ) Mayor  
 )  
 )  
 ) .....  
 )  
 ) General Manager / Public Officer

General Manager / Authorised Person