

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO USER
INTENDED TO BE CREATED PURSUANT TO SECTION 88B
OF THE CONVEYANCING ACT, 1919

Lengths are in metres Sheet 1 of 3 Sheets

PART 1

Plan: DP791926 Plan of subdivision of Lot 369 DP591059
(CT Vo 13459 Fo 55) Lot 54 DP791926 (Pt.
Land resumed vide Gov. Gaz. 19.10.1979)
& Pt. Lot 4 DP634322 (Pt. land resumed
vide Gov. Gaz. 20.12.1985)

Full name and address of proprietor of the land The Electricity Commission of New South
Wales

1. Identity of easement firstly referred to in the abovementioned plan Easement for pipeline 5 metres wide

Schedule of Lots etc. affected

Lot Burdened Name of Authority benefited
56 The Electricity Commission of New South
Wales

2. Identity of easement secondly referred to in the abovementioned plan Right of way 8.35, 11.12 & variable
width

Schedule of Lots etc. affected

Lot Burdened Name of Authority benefited
55 The Council of the City of Greater
Lithgow

3. Identity of easement thirdly referred to in the abovementioned plan Right of way variable width

Schedule of Lots etc. affected

Lot Burdened Name of Authority benefited
55 The Council of the City of Greater
Lithgow

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REGISTERED 4.10.1989

SAC:SJK:1356D 4.8

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PART 2

Terms of easement firstly referred to in abovementioned plan

FULL RIGHT LEAVE LIBERTY AND LICENCE for The Electricity Commission of New South Wales (hereinafter referred to as "the Commission"), its agents, servants and workmen to install, lay down, erect, construct, use and place repair renew inspect maintain and remove pumps, stands, pipes, valves, lines and other apparatus to pass, drain and pump water and for purposes incidental thereto through, under, over or along the land hereby burdened AND ALSO free and uninterrupted passage of water and apparatus thereto appertaining over or along the said land and the said pipeline when constructed TOGETHER WITH power for the Commission its servants, agents and workmen either with or without vehicles of all descriptions to enter into and upon the said land or any part thereof for the purposes aforesaid or any of them and to make all necessary excavations in the said land or any part thereof AND TOGETHER WITH full right leave liberty and licence to cut and trim roots and other growths and foliage which now or at any time hereafter may encroach on or are now growing or may grow in or on the said land PROVIDED THAT the Commission shall not knowingly permit or suffer any person other than its officers servants agents or workmen aforesaid or any of them to enter in or upon the said land AND PROVIDED that except where the Commission in the course of exercising its rights hereunder removes damages breaks down or destroys any existing fence or fences on the said land the Commission shall not be under any obligation or in anywise be bound to erect place or maintain any fence or fences on the boundaries or any other part or parts of the said land AND the Registered Proprietor does hereby for itself and other the owner or owners from time to time of the land burdened covenant with the Commission that it will not do or knowingly suffer to be done any act or thing which may injure or damage the said pumps, stands, pipes, valves and lines or other apparatus or interfere with the free flow of water through, over, under or along the said land AND that if any such damage or injury be done or interference be made the said Registered Proprietor will forthwith pay the cost to the Commission of properly and substantially repairing and making good all such injury or damage and restoring the free flow of water as aforesaid AND the Commission doth hereby covenant with the Registered Proprietor its successors heirs and assigns that it will save harmless and indemnify it from and against any and all loss and damage whatsoever occasioned by the negligent use or abuse of pumps, stands, pipes, valves, lines and other apparatus to pass, drain and pump water or of the rights hereby created by any person or persons employed by or acting or claiming under the Commission and that the Commission will at its own cost and charge pay for all damage and injury arising to the Registered Proprietor or

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10 20 30 40 50 60 70 Table of mm 110 120 130 140

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to any person or person in consequence of any breach or non-observance of this covenant AND FURTHER the Registered Proprietor doth hereby for itself and other the owner or owners from time to time of the said land covenant with the Commission that it will not without the consent of the Commission alter or permit to be altered the existing levels of the land hereby burdened nor will it without the like consent erect or permit to be erected any structure on above or below the land hereby burdened.

2. Terms of right of way secondly referred to in abovementioned plan

- a. Right of carriageway limited to a depth of 0.1 metres below the road surface over the dam wall, and to the concrete surface of the spillway bridge. The right of carriageway limited in depth as aforesaid is hereinafter referred to as "the Road".
- b. The Council of the City of Greater Lithgow shall be responsible for the full care, control and maintenance of the Road and the Electricity Commission of New South Wales shall be responsible for the security, care, control and maintenance of the dam wall and spillway bridge below the nominated depths.
- c. The Council of the City of Greater Lithgow shall assume all responsibilities in relation to the Road normally pertinent to a public road including the acceptance of all legal responsibility and the exercise of control over its use as a road.

3. Terms of right of way thirdly referred to in abovementioned plan

- a. Right of carriageway limited to a depth of 0.1 metres below the vehicle parking area surface. The right of carriageway limited in depth as aforesaid is hereinafter referred to as "the vehicle parking area".
- b. The Council of the City of Greater Lithgow shall be responsible for the full care, control and maintenance of the vehicle parking area and the Electricity Commission of New South Wales shall be responsible for the security, care, control and maintenance of the vehicle parking area below the nominated depths.
- c. The Council of the City of Greater Lithgow shall assume all responsibilities in relation to the vehicle parking area normally pertinent to a public road including the acceptance of all legal responsibility and the exercise of control over its use as a road.

Signed for the Electricity Commission
of New South Wales pursuant to a
delegation made on 11th December 1984

J. Inchevatin
SECRETARY

REGISTERED 4.10.1989

SAC:KD:2931D 10.11



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