

Section 11

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Terms of Positive Covenant Fire Screen Wall

1.0 Definitions:

- 1.1 **120/120/120 fire rating** means the fire resistance level of a building structure expressed as a grading period in minutes for structural adequacy/integrity failure/insulation failure calculated in accordance with Australian Standard 1530.
- 1.2 **fire screen wall** means a wall constructed of non-combustible material that achieves a 120/120/120 fire rating up to a minimum height of 6 metres from the level of the substation footing, including any structures attached to the wall such as a fire screen overhang, a fire screen roof, eaves and gutters.
- 1.3 **owner** means the registered proprietor of the lot or Torrens title land and its successors (including those claiming under or through the registered proprietor).
- 1.4 **positive covenant site** means that part of the lot or Torrens title land that is affected by this positive covenant.
- 1.5 **prescribed authority** means Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878 and its successors (who may exercise its rights by any persons authorised by it).

2.0 The owner covenants with the prescribed authority that:

- 2.1 the owner will construct a fire screen wall within the positive covenant site; and
- 2.2 the owner will maintain the fire screen wall in a satisfactory state of repair and in accordance with any reasonable conditions that the prescribed authority may impose.

3.0 Electricity Network Assets (Authorised Transactions) Act 2015

- 3.1 Notwithstanding any other provision in this positive covenant, the owner acknowledges and agrees that any lessee of the prescribed authority's distribution system, and any nominee of such lessee (which may include a sublessee of the prescribed authority's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of the prescribed authority as if that lessee or nominee were the prescribed authority, but only for so long as the lessee leases the prescribed authority's distribution system from the prescribed authority.
- 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 the prescribed authority.

