

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.

Lengths are in metres

(Sheet 1 of 16 Sheets)

Plan: **DP1259885**

Plan of Subdivision of Lot 4509 in DP1259888 and Easements within Lot 4529 in DP1259888 covered by Subdivision Certificate No. 34/2024/SC

6/6/2204

Dated.....

**Full name & address
of Proprietor(s) of the Land:**

MOGUL STUD PTY LIMITED
Suite 6, 131 Macquarie 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 for Maintenance, Access and Other Purposes 0.9 wide (N)	4405 4406 4407 4408 4409 4412 4413 4414 4415 4416 4417 4418 4426 4427 4434	4404 4405 4406 4407 4408 4411 4412 4413 4414 4415 4418 4419 4427 4428 4435

APPROVED BY THE HILLS SHIRE COUNCIL



Authorised Officer
Electronically signed by me David Munday, affixed by me 6/6/2024

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.

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(Sheet 2 of 16 Sheets)

Plan: **DP1259885**

Plan of Subdivision of Lot 4509 in DP1259888 and Easements within Lot 4529 in DP1259888 covered by Subdivision Certificate No. 34/2024/SC

6/6/2204

Dated.....

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.)	Easement for Maintenance, Access and Other Purposes 0.9 wide (N)	4435 4436 4437 4438	4436 4437 4438 4400
2	Easement for Padmount Substation 2.75 wide (E)	4420	Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878
3	Restriction on the Use of Land (K)	Part Lot 4420 Part Lot 4421 As designated (K)	Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878
4	Restriction on the Use of Land (L)	Part Lot 4420 Part Lot 4421 As designated (L)	Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878
5	Restriction on the Use of Land	Lots 4400 to 4438 inclusive	The Hills Shire Council
6	Positive Covenant	Lots 4400 to 4438 inclusive	The Hills Shire council
7	Right of Access Variable Width (R)	Lot 4529 DP1259888	The Hills Shire Council

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C & R Ref: 108-20 Stage 11A Final 20240524

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Plan: **DP1259885**

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6/6/2204

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8	Right of Access Variable Width (R1)	Lot 4529 DP1259888	The Hills Shire Council
9	Restriction on the Use of Land	Lots 4400 to 4438 inclusive	Every other lot
10	Restriction on the Use of Land	Lots 4400 to 4438 inclusive	2118/1226135
11	Restriction on the Use of Land	Lots 4400 to 4438 inclusive	2118/1226135
12	Easement for Maintenance, Access and Other Purposes 0.9 wide (N1)	4416	4417
13	Restriction on the Use of Land	Lots 4403 to 4416 inclusive & Lots 4423, 4424, 4433 & 4434	The Hills Shire Council

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6/6/2024

Dated.....

Part 1A (Release)

Number of item shown in the intention panel on the plan	Identify of easement, profit à prendre, restriction or positive covenant 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 for Water Supply Purposes 3 wide (W1) – Sunset Clause Invoked – created by DP1258634	Lot 4509 DP1259888 (being the Part to be dedicated as Mount Carmel Drive in DP1259885)	Sydney Water Corporation
2	Right of Access Variable Width (E) – created by DP1234966	Lot 4508 & 4509 DP1259888	The Hills Shire Council

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6/6/2204

Dated.....

Part 2 (Terms)

1. Terms of easement, profit à prendre, restriction or positive covenant numbered 1 in the plan.

Terms of Easement for repairs as per Part 5 Schedule 8 of the Conveyancing Act 1919 as amended together with the following additions:

1. The grant of this easement is made subject to the existence of, and the right of the owner of the lot burdened to construct, eaves and guttering from the structure on the lot burdened, that overhang the site of the easement.
2. The grant of this easement is made subject to the right of the owner of the lot burdened to carry out repairs and maintenance or improvements to any landscaping within the site of the easement including installing a security gate at the entrance to the site of the easement from the front of the building structure on the lot burdened.

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 1 in the plan.

The Owners of the Lots Benefitted.

2. Terms of easement, profit à prendre, restriction or positive covenant numbered 2 in the plan.

The terms set out in Section 1 of Memorandum No. AR578978 are incorporated into this document.

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 2 in the plan.

Epsilon Distribution Ministerial Holding Corporation

3. Terms of easement, profit à prendre, restriction or positive covenant numbered 3 in the plan.

The terms set out in Section 8 of Memorandum No. AR578978 are incorporated into this document.

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 3 in the plan.

Epsilon Distribution Ministerial Holding Corporation

4. Terms of easement, profit à prendre, restriction or positive covenant numbered 4 in the plan.

The terms set out in Section 9 of Memorandum No. AR578978 are incorporated into this document.

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me David Munday, affixed
by me 6/6/2024

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Dated.....

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 4 in the plan.

Epsilon Distribution Ministerial Holding Corporation

5. Terms of easement, profit à prendre, restriction or positive covenant numbered 5 in the plan.

No dwelling shall be constructed on the lot(s) hereby burdened unless the registered proprietor has first constructed or has made provision for the construction of a rainwater tank with a minimum capacity of 3000 litres in accordance with the requirements of The Hills Shire Council.

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 5 in the plan.

The Hills Shire Council

6. Terms of easement, profit à prendre, restriction or positive covenant numbered 6 in the plan.

The registered proprietor of the lot(s) hereby burdened will maintain at the sole expense of the registered proprietors the whole of their lot as an asset protection zone, including, but not limited to, the removal of vegetation in accordance with fuel load requirements and restricting the placement of combustible materials, buildings or improvements, complying with the requirements of The Hills Shire Council and the NSW Rural Fire Service relevant and applicable at the time.

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 6 in the plan.

The Hills Shire Council

7. Terms of easement, profit à prendre, restriction or positive covenant numbered 7 & 8 in the plan.

Terms of Right of Access as per Part 11 Schedule 4A of the Conveyancing Act 1919 as amended together with the following additions:

1. The easement is a temporary extension of the adjoining public road and will function as a public road in accordance with the definition of "public road" included in the Roads Act 1993 for the purposes of providing access across the easement site
2. The easement site is made accessible to the public
3. The easement will be extinguished upon the extension of the adjoining public road to which it relates.

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 7 & 8 in the plan.

The Hills Shire Council

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6/6/2204

Dated.....

8. Terms of easement, profit à prendre, restriction or positive covenant numbered 9 in the plan.

1) No building shall be erected or be erected to remain erected on the lot burdened other than one having external walls of brick, stone, concrete, glass, timber, fibre cement, Simulated Rendered Masonry or any combination thereof provided that:

(a) The proportion of brick, stone, concrete and Simulated Rendered Masonry shall not be less than:

- (i) 75% of the total area of the external walls in the case of a single storey building, or
- (ii) 60% of the total area of the external walls in the case of a two storey building.

For the purpose of this restriction "Simulated Rendered Masonry" means any painted panel where the joints are hidden when prepared and painted to give the appearance of rendered masonry.

2) No Building shall be erected or be permitted to remain erected on the lot burdened unless the plans of the building to be erected on the said lot were approved in writing by Jundu Pty Limited (hereinafter referred to in these Restrictions as to User as "the Developer") prior to the lodgement of the same with The Hills Shire Council or any other appropriate consent authority.

3) No building shall be erected or be permitted to remain erected on the lot burdened having a roof of corrugated metal unless:

- (a) The roof is coloured with a pre-coated material using a process that is either the same or similar to the process known as *Colorbonding* and
- (b) It is passive in tone and earthy in colour and
- (c) Is non-reflective and
- (d) The prior approval in writing as to the colour has been obtained from the Developer

4) No building shall be erected or be permitted to remain erected on the lot burdened having a roof of fibre cement, asbestos cement, fibreglass or any other material of a similar nature.

5) No building erected on the lot burdened shall be permitted to be used or occupied as a private dwelling **unless** that building has a "building frontage" of at least 75% of the lot width measured at the building line.

For the purposes of this restriction "building frontage" is to be measured from the external faces of the external walls of the dwelling and shall include any garage contained within the main dwelling **BUT** it shall not include any other covered area that is not enclosed by walls such as, without limitation, any patio, porch, verandah and/or terrace.

6) If the lot burdened has a frontage of 12.5 metres or greater to any public road, then no main dwelling will be erected or allowed to remain on the lot burdened unless: -

- a) it has a garage with a floor area of at least 29 square metres, and
- b) a garage door opening of at least 4.4 metres in width.

7) If the lot burdened has a frontage to a public road that is less than 12.5 metres, then no main dwelling will be erected or allowed to remain on the lot burdened unless it has a garage or carport with a floor area of at least 15 square metres.

8) Vehicles exceeding 3 tonnes shall not be garaged, housed, parked, maintained, worked on, serviced or be permitted to remain on the lot burdened except where used for delivery of goods and/or for the

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6/6/2204

Dated.....

construction, maintenance and/or the alteration of any building erected or being erected on the lot burdened.

9) No dividing fence shall be erected or be permitted to remain on the lot burdened unless: -

- a) it has a minimum height of 1.8 metres, and
- b) it is constructed of dark stained treated pine, and
- c) it is a lapped and capped fence.

10) No fence shall be erected on the lot burdened that is closer to the street than the external wall of the main building erected on the lot burdened that faces the street. If the lot burdened is a corner lot, this restriction shall apply to both street frontages.

11) No fence or wall shall be erected on the lot burdened to divide it from any adjoining land owned by the Developer without the consent of the Developer, which consent may be given or withheld by the Developer in its absolute and unfettered discretion, but such consent shall be deemed to have been given in respect of any fence or dividing wall that is erected without expense to the Developer.

12) Whilst the Developer is the owner of the adjoining land to the burdened lot, the Developer shall not be required to contribute to any common boundary fencing or wall.

13) No building shall be erected or be permitted to remain erected on the lot burdened unless:

- a) A concrete or paved driveway from the front boundary of the lot burdened to the garage of the main building erected on the lot burdened, and
- b) A concrete or paved pedestrian access from the front boundary of the lot burdened to the front door of the main building erected on the lot burdened, which pedestrian access may, in part, be over the paved driveway, and
- c) landscaping to the whole of the unpaved area between the main building erected of the lot burdened and any street to which it has frontage is completed within 12 months of the practical completion of the main building erected on the lot burdened. Landscaping may include turf, but it must contain at least 5 square metres of decorative garden.

14) No outbuildings, tents, garages or caravans shall be erected, brought onto, be placed on or be permitted to remain on the lot burdened prior to the commencement of construction of a dwelling thereon.

15) No factory manufactured homes, mobile homes, demountable homes or other dwellings manufactured or previously situated off the lot burdened shall be brought onto, be placed on or be permitted to remain on the lot burdened.

16) No temporary or permanent driveway strips of any type constructed of any material whatsoever shall be constructed on the lot burdened unless the said strips are a minimum of 3 metres wide.

17) No boats, trucks, caravans, motor homes or trailers shall be placed, parked or be permitted to remain on the lot burdened in any position where they can be seen from any public place or street.

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6/6/2204

Dated.....

- 18) No dwelling shall be erected or be permitted to, remain on the lot, burdened with eaves and gutters less than 450 millimetres in width without the prior approval in writing having being obtained from the Developer which approval may be given or withheld by the Developer in its absolute and unfettered discretion.
- 19) No building shall be erected or be permitted to remain erected on the lot burdened if it, or any part of it, is used for any other purpose other than as a residential dwelling.

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 9 in the plan.

DH Box Hill Pty Limited whilst ever it is mortgagee of a lot in the Plan and thereafter by the registered proprietors of the lots having the benefit of abovementioned restrictions.

9. Terms of easement, profit à prendre, restriction or positive covenant numbered 10 in the plan.

1. No Exhibition Home shall be erected or be permitted to remain erected on the lot burdened. In this restriction, an Exhibition Home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed and includes any associated sales or home finance office or place used for displays.
2. This restriction shall cease to have effect if Homeworld Box Hill Pty. Limited becomes an externally administered body corporate (as that term is defined in section 9 of the Corporations Act 2001(Cwth) except where the purpose of the external administration is for reconstruction or amalgamation.

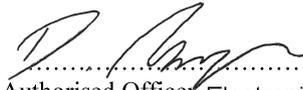
Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 10 in the plan.

The Owner(s) of the Lot Benefitted

10. Terms of easement, profit à prendre, restriction or positive covenant numbered 11 in the plan.

1. No building shall be erected or be permitted to remain erected on the lot burdened that is part of an Exhibition Village. In this restriction:
 - a. an Exhibition Village means 2 or more Exhibition Homes and any associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes, and
 - b. an Exhibition Home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed and includes any associated sales or home finance office or place used for displays.
2. This restriction shall cease to have effect if Homeworld Box Hill Pty. Limited becomes an externally administered body corporate (as that term is defined in section 9 of the Corporations

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Dated 6/6/2204.....

Act 2001(Cwth) except where the purpose of the external administration is for reconstruction or amalgamation.

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 11 in the plan.

The Owner(s) of the Lot Benefitted

11. Terms of easement, profit à prendre, restriction or positive covenant numbered 12 in the plan.

Terms of Easement for repairs as per Part 5 Schedule 8 of the Conveyancing Act 1919 as amended together with the following additions:

1. The grant of this easement is made subject to the existence of, and the right of the owner of the lot burdened to construct, eaves and guttering from the structure on the lot burdened, that overhang the site of the easement.
2. The grant of this easement is made subject to the right of the owner of the lot burdened to carry out repairs and maintenance or improvements to any landscaping within the site of the easement including installing a security gate at the entrance to the site of the easement from the front of the building structure on the lot burdened.

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 12 in the plan.

The Owners of the Lots Benefitted.

12. Terms of easement, profit à prendre, restriction or positive covenant numbered 13 in the plan.

No dwelling house or other structure shall be constructed on the lot(s) hereby burdened with a finished floor level below the flood planning level in the table below:

Lot	Flood Planning Level
4403 - 4410	43.6 (AHD)
4411 - 4414	43.0 (AHD)
4415 & 4416	42.4 (AHD)
4423 & 4424	41.8 (AHD)
4433 & 4434	40.0 (AHD)

Where AHD is Australian Height Datum.

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The "flood planning level" is the 1 in 100 ARI storm event flood level plus a 0.5 metre freeboard based on the information/modelling related to the planned basin opposite available as of the date of the plan provided by The Hills Shire Council.

Name of person or Authority whose consent is required to release, vary or modify restriction, positive covenant or easement numbered 13 in the plan.

The Hills Shire Council

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6/6/2204

Dated.....

SIGNATURES:

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:



Digitally signed by
Natasha Issac
Date: 2024.06.05
14:15:27 +10'00'

Name of witness:

Natasha Issac

Address of witness:

c/- Endeavour Energy
Level 41, 8 Parramatta Square
10 Darcy Street
Parramatta NSW 2150

This document was signed in counterpart
and witnessed over audio visual link in
accordance with Section 14G of the
Electronic Transactions Act 2000.

Signature of attorney:



Digitally signed
by Simon Lawton
Date: 05.06.2024

Name and position of attorney:

Simon Lawton, Strategic Property Manager

Power of attorney:

Book 4825 No 475

Signing on behalf of:

Endeavour Energy Network Asset Partnership
ABN 30 586 412 717

Endeavour Energy reference:

URS26299

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SIGNATURES:

Executed by Sumitomo Mitsui Banking Corporation (ARBN 114 053 459) by its duly
appointed attorney:

Signature of attorney:

B Vallam

Name and position of
attorney:

Balaji Vallam, Executive Director

Power of attorney:

Book *4825* No *666*

Signature of witness:

[Signature]

Name of witness:

Felix Li

Address of witness:

*Level 40, Chifley Tower,
2 Chifley Square, Sydney NSW 2000*

APPROVED BY THE HILLS SHIRE COUNCIL

[Signature]

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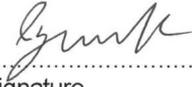
6/6/2204

Dated.....

SIGNATURES:

Executed by DH Box Hill Pty. Ltd. (ACN 625 555 553) by authority of its directors in accordance with Section 127 of the Corporations Act 2001:


.....
Signature


.....
Signature

Yasushi Ohtsyka
.....
Name (Block Letters)

Izumi Kinjo
.....
Name (Block Letters)

Company Secretary
.....
Office Held

Director
.....
Office Held

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SIGNATURES:

Executed by Mogul Stud Pty Limited (ACN 000 331 840) by authority of its directors in accordance with Section 127 of the Corporations Act 2001 :

RICHARD BARNEY ARTHUR SCHEINBERG


.....
DIRECTOR / SECRETARY

DEBORAH CATHERINE REDELMAN


.....
DIRECTOR

APPROVED BY THE HILLS SHIRE COUNCIL


.....

Authorised Officer Electronically signed by me David Munday, affixed by me 6/6/2024

**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.**

Lengths are in metres

(Sheet 16 of 16 Sheets)

Plan: **DP1259885**

Plan of Subdivision of Lot 4509 in
DP1259888 and Easements within Lot
4529 in DP1259888 covered by
Subdivision Certificate No. 34/2024/SC

6/6/2024

Dated.....

SIGNATURES:

Executed on behalf of **THE HILLS SHIRE COUNCIL** by its authorised delegate pursuant to s.377
Local Government Act 1993



Electronically signed by
me David Munday, affixed
by me 6/6/2024

Signature of Authorised Delegate

David Munday

Name of Authorised Delegate (Please Print):.....

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



Electronically signed by
me Leanne Pracy, affixed
by me 6/6/2024

Signature of Witness

Leanne Pracy

Name of Witness (IN BLOCK LETTERS)

3 Columbia Court
Norwest NSW 2153

Address of Witness



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Authorised Officer Electronically signed by
me David Munday, affixed
by me 6/6/2024