

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: **DP1259892**

Plan of Subdivision of Lot 4738 in
DP1259891 covered by Subdivision
Certificate No.

Dated.....

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

MOGUL STUD PTY LIMITED
Suite 6, 131 Macquarie Street
SYDNEY NSW 2000

JUNDU 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)	4742 4743 4744 4745 4746 4748 4749 4750 4751 4752 4754 4755 4760	4741 4742 4743 4744 4745 4747 4748 4749 4750 4751 4753 4754 4761

APPROVED BY THE HILLS SHIRE COUNCIL

.....
Authorised Officer

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(Sheet 2 of 16 Sheets)

Plan: **DP1259892**

Plan of Subdivision of Lot 4738 in
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1 (cont.)	Easement for Maintenance, Access and Other Purposes 0.9 wide (N)	4762 4763 4764 4765 4766 4768 4769 4770 4771 4771 4772 4772 4775 4776 4777 4778 4779 4781 4782 4783 4784	4763 4764 4765 4766 4767 4769 4770 4771 4772 4773 4774 4775 4776 4776 4777 4778 4778 4780 4781 4782 4783

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(Sheet 3 of 16 Sheets)

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1 (cont.)	Easement for Maintenance, Access and Other Purposes 0.9 wide (N)	4785	4784
		4787	4786
		4789	4788
		4791	4790
		4792	4791
		4793	4792
		4795	4796
		4797	4798
		4798	4799
		4799	4800
		4800	4801
		4801	4802
		4803	4804
		4804	4805
		4805	4806
		4806	4807
4807	4808		

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2	Easement for Padmount Substation 2.75 wide (E)	4758	Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878
3	Restriction on the Use of Land (K)	Part Lot 4757 Part Lot 4758 As designated (K)	Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878
4	Restriction on the Use of Land (L)	Part Lot 4757 Part Lot 4758 As designated (L)	Epsilon Distribution Ministerial Holding Corporation ABN 59 253 130 878
5	Easement for Drainage of Water 1.5 wide (A)	4768 4769 4770 4771 4772 4780 4781	4769 – 4773 4770 – 4773 4771 – 4773 4772 & 4773 4773 4779 4779 & 4780

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5 (cont.)	Easement for Drainage of Water 1.5 wide (A)	4782 4783 4784 4785 4786 4787 4788 4791 4792 4793	4779 – 4781 4779 – 4782 4779 – 4783 4779 – 4784 4779 – 4785 4779 – 4786 4779 – 4787 4779 – 4788 4779 – 4788 4779 – 4788
6	Restriction on the Use of Land	Lots 4741 to 4808 inclusive	The Hills Shire Council
7	Positive Covenant	Lots 4741 to 4808 inclusive	The Hills Shire council
8	Easement for Maintenance, Access and Other Purposes 0.9 wide (N1)	4793	4794
9	Restriction on the Use of Land	Lots 4741 to 4808 inclusive	Every other lot except lot 4809

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10	Restriction on the Use of Land	Lots 4741 to 4808 inclusive	2118/1226135
11	Restriction on the Use of Land	Lots 4741 to 4808 inclusive	2118/1226135

Part 2 (Terms)

1. Terms of easement, profit à prendre, restriction or positive covenant numbered 1 & 8 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 & 8 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

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Plan: **DP1259892**

Plan of Subdivision of Lot 4738 in DP1259891 covered by Subdivision Certificate No.

Dated.....

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.

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.

Terms of Easement for Drainage of Water as per Part 8 Schedule 8 of the Conveyancing Act 1919 as amended.

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 Owner(s) of the Lots Benefitted.

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

The Hills Shire Council

7. Terms of easement, profit à prendre, restriction or positive covenant numbered 7 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.

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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 7 in the plan.

The Hills Shire Council

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 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.

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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 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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(Sheet 10 of 16 Sheets)

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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 been 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

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 11 of 16 Sheets)

Plan: **DP1259892**

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Dated.....

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 Act 2001(Cwth) except where the purpose of the external administration is for reconstruction or amalgamation.
- 3.

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

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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Plan: **DP1259892**

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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:

Signature of attorney:

Name of witness:

Name and position of attorney:

.....
.....

Address of witness:
c/- Endeavour Energy
51 Huntingwood Drive
Huntingwood NSW 2148

Power of attorney:
Book No.....

Signing on behalf of:
Endeavour Energy Network Asset Partnership
ABN 30 586 412 717

Endeavour Energy reference:

Date of signature:

APPROVED BY THE HILLS SHIRE COUNCIL

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Authorised Officer

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SIGNATURES:

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

Signature of attorney:

Name and position of attorney:

Power of attorney: Book No

Signature of witness:

Name of witness:

Address of witness:

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(Sheet 14 of 16 Sheets)

Plan: **DP1259892**

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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

.....
Name (Block Letters)

.....
Name (Block Letters)

.....
Office Held

.....
Office Held

APPROVED BY THE HILLS SHIRE COUNCIL

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Dated.....

SIGNATURES:

Executed by Jundu Pty Limited (ACN 055 425 780) 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

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

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SIGNATURES:

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

Signature of Authorised Delegate

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

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

.....
Signature of Witness

.....
Name of Witness (IN BLOCK LETTERS)

.....
Address of Witness

APPROVED BY THE HILLS SHIRE COUNCIL

.....
Authorised Officer