

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.

Plan: Plan of Subdivision of Lot 15 DP1203664
 and Lot 261 DP1237271 covered
 by Subdivision Certificate No. **18027**

DP1211770

Full name and address of the owner of the land: BD NSW (MR) PROJECT O007 Pty. Ltd. Level 7 100 Edward Street BRISBANE 4000
 Kemsley Pastoral Pty. Ltd
 Grose Vale Road
 NORTH RICHMOND

(Sheet 1 of 16 Sheets)

Part 1 (Creation)

DR

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 lots(s), road(s), bodies or Prescribed Authorities:
1	Easement to drain water 3 wide (E1)	1 2 3 7 6 27 26 25 24 23 22 21 13 34 44	2, 3 & 4 3 & 4 4 8 5, 7 & 8 28 27 & 28 26-28 incl 25-28 incl 24-28 incl, 20, 21 & 22 Hawkesbury Council 20 & 21 20 20-28 incl & Hawkesbury Council 35 Hawkesbury Council
2	Easement to drain water 3 wide (E2)	24	Hawkesbury Council

.....
 Authorised person BD NSW (MR) PROJECT

.....
 Authorised Person
 Hawkesbury Council

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Plan: Plan of Subdivision of Lot 15 DP1203664
 and Lot 261 DP1237271 covered
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DP1211770

(Sheet 2 of 16 Sheets)

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 lots(s), road(s), bodies or Prescribed Authorities:
3	Easement for Padmount Substation 2.75 wide (E3)	60	Epsilon Distribution Ministerial Holding Corporation
4	Restriction on the Use of Land (R1)	Pt.60, Pt.43 Designated (R1)	Epsilon Distribution Ministerial Holding Corporation
5	Restriction on the Use of Land (R2)	Pt.60, Pt.43 Designated (R2)	Epsilon Distribution Ministerial Holding Corporation
6	Restriction on the Use of Land	each lot except 60	every other lot except 60
7	Right of Carriageway 25 wide (E4)	60	Hawkesbury Council
8	Positive Covenant	each lot except 60	Hawkesbury Council
9	Positive Covenant	each lot except 60	Hawkesbury Council
10	Restriction on the Use of Land	each lot except 60	Every other lot except 60
11	Restriction on the Use of Land	33-59 incl.	Hawkesbury Council

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Plan: Plan of Subdivision of Lot 15 DP1203664
DP1211770 and Lot 261 DP1237271 covered
by Subdivision Certificate No. *R027*

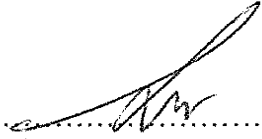
(Sheet 3 of 16 Sheets)

AP

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 lots(s), road(s), bodies or Prescribed Authorities:
12	Easement to drain water 3 wide (E104)	60	34, 36, 37
13	Easement to drain water 3 wide (E105)	60	Hawkesbury Council
14	Easement to drain water 3.5 wide (E106)	60	Hawkesbury Council
15	Easement to drain water 3 wide (E107)	60	39-49 incl
16	Restriction on the use of land	each lot except 60	every other lot except 60


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Authorised Person
Hawkesbury Council

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Part 2 (Terms)

DP

1. Terms of Easement for Padmount Substation (E3) 2.75 wide numbered three in the abovementioned plan

The terms set out in Memorandum N^o AK104621 registered at Land & Property Information NSW are incorporated into this document subject to replacing the words 'Endeavour Energy' with 'Epsilon Distribution Ministerial Holding Corporation'.

2. Terms of Restriction on the Use of Land (R1) numbered four in the abovementioned plan

2.1 Definitions:

2.1.1 120/120/120 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;

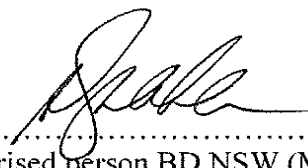
2.1.2 building means a substantial structure with a roof and walls and includes any projections from the external walls;

2.1.3 erect includes construct, install, build and maintain;

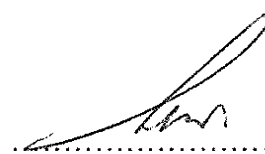
2.1.4 restriction site means that part of the lot burdened affected by the restriction on the use of land shown as (R1) on the plan.

2.2 No building shall be erected or permitted to remain within the restriction site unless:

2.2.1 the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating; and



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Part 2 (Terms)

DP

- 2.2.2 the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating; and
- 2.2.3 the owner provides the authority benefited with an engineer's certificate to this effect.
- 2.3 The fire ratings mentioned in clause 2.2 must be achieved without the use of fire fighting systems such as automatic sprinklers.
- 2.4 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System
 - 2.4.1 Notwithstanding any other provision in this Restriction on the Use of Land, the owner acknowledges and agrees that any lessee of Epsilon Distribution Ministerial Holding Corporation's distribution system, and any nominee of such lessee (which may include a sublessee of Epsilon Distribution Ministerial Holding Corporation's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation as if that lessee or nominee were Epsilon Distribution Ministerial Holding Corporation, but only for so long as the lessee leases Epsilon Distribution Ministerial Holding Corporation's distribution system from Epsilon Distribution Ministerial Holding Corporation.
 - 2.4.2 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 Epsilon Distribution Ministerial Holding Corporation.

3. Terms of Restriction on the Use of Land (R2) numbered five in the abovementioned plan

3.1 Definitions:

3.1.1 erect includes construct, install, build and maintain.

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3.1.2 **restriction site** means that part of the lot burdened affected by the restriction on the use of land shown as (R2) on the plan.

3.2 No swimming pool or spa shall be erected or permitted to remain within the restriction site.

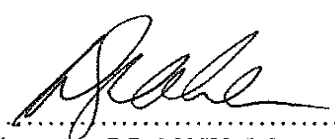
3.3 Lessee of Epsilon Distribution Ministerial Holding Corporation's Distribution System

3.3.1 Notwithstanding any other provision in this Restriction on the Use of Land, the owner acknowledges and agrees that any lessee of Epsilon Distribution Ministerial Holding Corporation's distribution system, and any nominee of such lessee (which may include a sublessee of Epsilon Distribution Ministerial Holding Corporation's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation as if that lessee or nominee were Epsilon Distribution Ministerial Holding Corporation, but only for so long as the lessee leases Epsilon Distribution Ministerial Holding Corporation's distribution system from Epsilon Distribution Ministerial Holding Corporation.

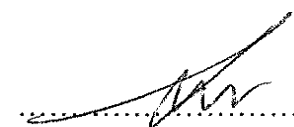
3.3.2. The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Epsilon Distribution Ministerial Holding Corporation .

4. **Terms of Restriction on the Use of Land numbered six in the abovementioned plan.**

4.1 No building shall be erected or permitted to remain erected on each lot burdened without the prior written consent of the Developer to the plans and specifications for the building which consent shall not be withheld if:



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- 4.1.1 The plans and specifications have attached to it a report from a registered surveyor, architect, building designer or licensed builder certifying that on completion in accordance with the plans and specifications, the proposed building will comply with the Hawkesbury Development Control Plan ("DCP"), and the Redbank Design and Landscape Guidelines; and
- 4.1.2 the Developer in its absolute discretion considers that the plans substantially comply with the DCP and the Redbank Design and Landscape Guidelines.

4.2 Alterations

No alterations or additions may be made to any lot or any change to any building erected on any lot altering its colour, the materials used in its construction or the façade which does not comply with the requirements of the DCP and the Design and Landscape Guidelines. Nothing in this restriction shall prevent any work in the nature of repair or refurbishing that is consistent with the original construction.

4.3 Display Homes

No building shall be erected on a burdened lot or permitted to remain on a burdened lot which is used or intended to be used as a Display Home, other than by the Developer, or with the approval of the Developer (which approval will be given or withheld in the Developer's absolute discretion.)

4.4 Definitions:

- (a) "BD NSW" means BD NSW (MR) Project O007 Pty Ltd (ACN 123 888 773).
- (b) "Developer" means BD NSW and its successors in title to the Estate to which BD NSW assigns the benefit of this restrictive covenant, provided the successor in title

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Part 2 (Terms)

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has notified the other proprietors in the Estate that it is the "Developer" for the purposes of this Restriction of Use.

- (c) "Display Home" means a structure, usually a house, which is used to market or sell houses of the same or a similar type and which is intended to show what living space and features of houses are available to be built in the Estate or elsewhere.
- (d) "Estate" means all of the land comprised in the estate known as "Redbank" being the land more particularly described in Certificate of Title 74/1187236, as it may be subdivided from time to time.
- (e) "Redbank Design and Landscape Guidelines" shall mean the Redbank Design and Landscape Guidelines issued under the name of 'Redbank Communities'

4.5 This Restriction on Use was required as a condition of Hawkesbury Council development consent Development Application number DA0467/15

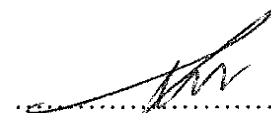
5. Terms of Right of Carriageway 25 wide (E4) numbered seven in the abovementioned plan

A right of carriageway within the meaning of Schedule 4A Part 1 of the Conveyancing Act 1919 is created.

This Right of Carriageway will cease to have effect when that part of the lot burdened adjoining the easement site is dedicated as public road. In this easement, "easement site" means the Right of Carriageway 25 wide (E4) on the plan.



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6. Terms of Positive Covenant numbered eight in the abovementioned plan.

Any dwelling constructed on the lot(s) hereby burdened must have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tanks are to have a minimum capacity of 3000 litres and be plumbed for at least one domestic internal use (toilet flushing and/or laundry use). Any rainwater tank overflows, roof and hardstand areas of future development on the lot(s) burdened must be connected to a suitable on site storm water disposal/infiltration system.

7. Terms of Positive Covenant numbered nine in the abovementioned plan.

The owner of the lot burdened must manage the entire lot burdened as Inner Protection Areas (IPA) as outlined within Section 4.1.3 and Appendix 5 of "Planning for Bush Fire Protection 2006" and the NSW Rural Fire Service's document "Standards for Asset Protection Zones", as it may be varied, added to or replaced from time to time.

8. Terms of Restriction on the Use of Land numbered 10 in the abovementioned plan.

The owner of the lot burdened may not subdivide the lot burdened despite a smaller lot size being permitted by the site specific provisions of the Development Control Plan.

9. Terms of Restriction on the Use of Land numbered 11 in the abovementioned plan.

The owner of the lot(s) burdened must not remove or permit to be removed the fence existing on the boundary designated 'x'-y'-z' at the time of registration of the abovementioned plan, where that lot shares a common boundary with a residual lot. The owner must maintain this fence to the same standard that existed at the time of registration of the abovementioned plan described as a plain , natural timber post and

rail/wire fence.

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10. Terms of Restriction on the Use of Land numbered 16 in the abovementioned plan.

The owner of the Lot burdened must not construct or permit to be constructed on the lot burdened any fence forward of the building line on the primary street frontage of the lot burdened, other than on a front boundary which adjoins an area of open space . For the avoidance of doubt, a primary street frontage is not an open space for the purposes of this restriction on the use of land.

Name of Authority empowered to release, vary or modify Easements numbered one, two, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen in the abovementioned plan

Hawkesbury Council.

Name of Authority empowered to release, vary or modify Easements and Restrictions numbered three, four and five in the abovementioned plan

Epsilon Distribution Ministerial Holding Corporation.

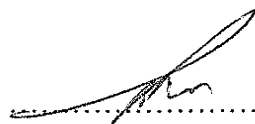
Name of person whose consent is required to release, vary or modify Restriction numbered six in the abovementioned plan

The Developer until the later of:

- (a) the date being [five years] from the date of registration of the plan to which this instrument relates; and
- (b) the date on which the Developer ceases to own a lot within the Estate to which this instrument relates, and thereafter Hawkesbury Council.

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Authorised person BD NSW (MR) PROJECT

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Authorised Person
Hawkesbury Council

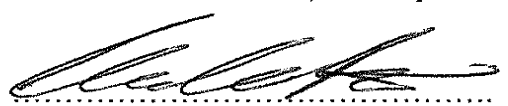
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Signed on behalf of BD NSW (MR) PROJECT
O007 Pty. Ltd. ACN 123 888 773
By its duly authorised Attorney
being duly authorised in this behalf (who by
their execution warrant that their appointment
has not been revoked) in the presence of:-

DP


.....
Signature of witness

ANDREW FLAHERTY
.....
Name of witness

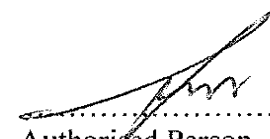
76 ARTHUR PHILLIP DRIVE
Address of witness NORTH RICHMOND
NSW 2754


.....
Signature of Attorney

Melinda Graham
.....
Name of Attorney

Power of Attorney
dated: 14.10.14
Book 4676 No. 327


.....
Authorised person BD NSW (MR) PROJECT


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Authorised Person
Hawkesbury Council

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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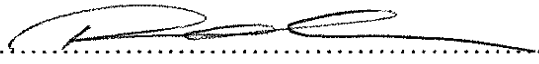
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National Australia Bank Limited ACN 004 044 937

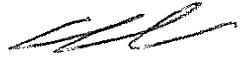
Executed by its Level 2 Attorney DANIEL MILLAR

Under Power of Attorney No 39 Book 4512

this 10 Day of OCTOBER 2018



(By executing this instrument the Attorney states that the Attorney has received no notice of the revocation of the Power of Attorney)



(Signature of Witness)

KEVIN KIM
ASSOCIATE

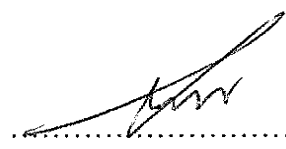
(Name of Witness)

755 GEORGE ST SYDNEY NSW 2000

(Address of Witness)



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Authorised Person
Hawkesbury Council

Plan:

DP1211770

Plan of Subdivision of Lot 15 DP1203664
and Lot 261 DP1237271 covered
by Subdivision Certificate No. **18027**

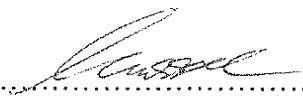
Full name and address
of the owner of the land:

BD NSW (MR) PROJECT O007 Pty. Ltd.
Level 7
100 Edward Street
BRISBANE 4000


13 16 DR
(Sheet ~~12~~ of ~~13~~ Sheets)

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

NATASHA ISSAC

Name of Witness

Name and position of Attorney: Helen Smith
Manager Property and Fleet

Address of Witness:

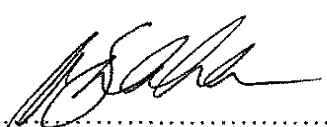
c/- Endeavour Energy
51 Huntingwood Drive
HUNTINGWOOD NSW 2148

Power of Attorney: Book ~~4727~~ **4734 883** No ~~524~~ **524** **CW**

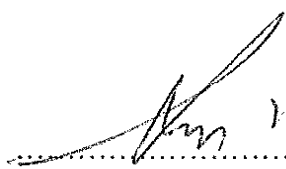
Signing on behalf of:
Endeavour Energy Network Asset Partnership
ABN 30 586 412 717

Endeavour Energy reference:

Date of signature: **21 MAY 2018**



Authorised person BD NSW (MR) PROJECT



Authorised Person
Hawkesbury Council

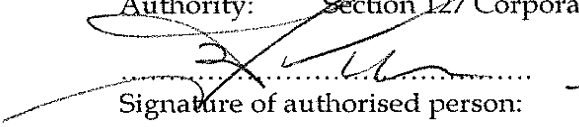
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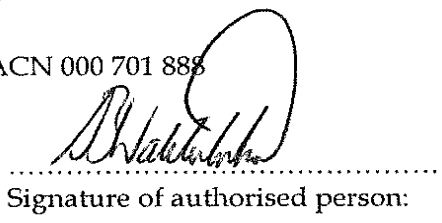
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RP

Executed on behalf of the Corporation named below
by the authorised persons whose signatures appear
below pursuant to the authority specified.

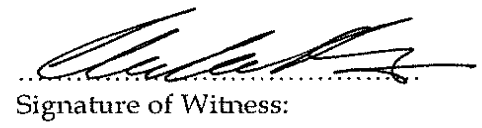
Corporation: Kemsley Pastoral Co. Pty Limited ACN 000 701 888
Authority: Section 127 Corporations Act 2001


Signature of authorised person:


Signature of authorised person:


David J. Kerr
Name of authorised person:
Office held: Director / Secretary


STEPHEN WOLSTENHOLME
Name of authorised person:
Office held: Director


Signature of Witness:

ANDREW FLAHERTY
Name of Witness:

76 ARTHUR PHILLIP DRIVE
Address of Witness NORTH RICHMOND
NSW 2754


Authorised person BD NSW (MR) PROJECT



Authorised Person
Hawkesbury Council

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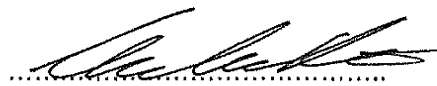
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(Sheet 15 of 16 Sheets)

Signed by Margaret Peel
as Lessee under Lease AN258498T
by her duly appointed Attorney/s
under Power of Attorney Book. 4601.No.38
who states that he/she has received no notice of
revocation of the Power of Attorney in the presence of



Signature of Attorney (1)

DAVID PEEL
Name of Attorney (1)



Signature of witness (1)

ANDREW FLAHERTY
Name of witness (1)

76 ARTHUR PHILLIP DRIVE
Address of witness (1) NORTH RICHMOND
NSW 2754


Signature of Attorney (2)

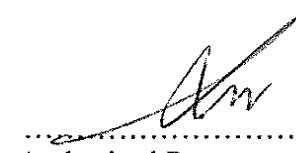
Joyne Beaumont
Name of Attorney (2)


Signature of witness (2)

ANDREW FLAHERTY
Name of witness (2)

76 ARTHUR PHILLIP DRIVE
Address of witness (2) NORTH RICHMOND
NSW 2754


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(Sheet 16 of 16 Sheets)

Hawkesbury Council by its authorised delegate
pursuant to s.377 Local Govt. Act, 1993

RP

[Handwritten Signature]
.....
Signature of delegate

ALAN HASTIE
.....
Name of delegate

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

[Handwritten Signature]
.....
Signature of Witness

Nicole Miller
.....
Name of Witness

366 George St Windsor
.....
Address of Witness

[Handwritten Signature]
.....
Authorised person BD NSW (MR) PROJECT

.....
~~Authorised Person~~
~~Hawkesbury Council~~

Ref: B16800-12C

