

**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: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055 covered by Subdivision Certificate No. **18036**

**Full name and address of the owner of the land:**

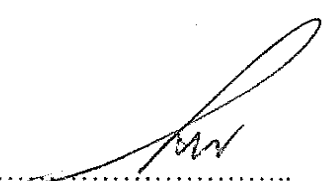
BD NSW (MR) PROJECT O007 Pty. Ltd.  
 Level 7  
 100 Edward Street  
 BRISBANE 4000

(Sheet 1 of 13 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:
1	Easement to drain water 1.2 wide (E1)	625 626 627 622 621 620 610 611 612 613 614 615 616 617 618 619 607 <del>605</del> <b>606</b> 605	624 624 & 625 624-626 incl 623 622 & 623 621-623 incl 609 609 & 610 609-611 incl 609-612 incl 609-613 incl 609-614 incl 609-615 incl 609-616 incl 609-617 incl 609-618 incl 608 607 & 608 606-608 incl

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

  
 .....  
 Authorised Person  
 Hawkesbury Council

Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055 covered by Subdivision Certificate No. **18036**

Full name and address of the owner of the land:

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

(Sheet 2 of 13 Sheets)

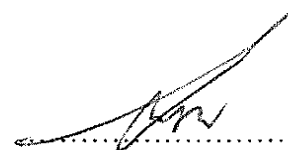
**Part 1 (Creation)**

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:
2.	Easement for Padmount Substation 2.75 wide (E4)	613	Epsilon Distribution Ministerial Holding Corporation
3.	Restriction on the Use of Land (R1)	Pts. 612 & 613 Designated (R1)	Epsilon Distribution Ministerial Holding Corporation
4.	Restriction on the Use of Land (R2)	Pts. 612 & 613 Designated (R2)	Epsilon Distribution Ministerial Holding Corporation
5.	Restriction on the Use of Land	each lot	every other lot
6.	Positive Covenant	605-654 incl	Hawkesbury Council
7.	Positive Covenant	605-654 incl	Hawkesbury Council
8.	Restriction on the Use of Land	each lot	every other lot
9.	Easement to drain water 2.5 wide (E18)	639	area 'EE' within 790/1233055
10.	Positive Covenant	629-635 incl	Hawkesbury Council

**Part 1a (Release)**

Number of item shown in the intention panel on the plan	Identity 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 lots(s), road(s), bodies or Prescribed Authorities:
1.	Easement underground cables 15 wide (E6)(D.P.1233055)	<del>790/1233055</del> 791/1233055	Epsilon Distribution Ministerial Holding Corporation

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

  
 .....  
 Authorised Person  
 Hawkesbury Council

Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055 covered by Subdivision Certificate No. **18036**

**Full name and address of the owner of the land:**

BD NSW (MR) PROJECT 0007 Pty. Ltd.  
Level 7  
100 Edward Street  
BRISBANE 4000

(Sheet 3 of 13 Sheets)

**Part 2 (Terms)**

**1. Terms of Easement for Padmount Substation (E4) 2.75 wide numbered two in the abovementioned plan**

The terms set out in Memorandum N° AK104621 registered at NSW Land Registry Services 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 three 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**

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

.....  
Authorised Person  
Hawkesbury Council

Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055 covered by Subdivision Certificate No. **18036**

**Full name and address of the owner of the land:**

BD NSW (MR) PROJECT 0007 Pty. Ltd.  
Level 7  
100 Edward Street  
BRISBANE 4000

(Sheet 4 of 13 Sheets)

**Part 2 (Terms)**

- 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 firefighting 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 four in the abovementioned plan**

**3.1 Definitions:**

3.1.1 ~~erect~~ includes construct, install, build and maintain.

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

.....  
Authorised Person  
Hawkesbury Council

Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055  
covered by Subdivision Certificate No. **18036**

**Full name and address  
of the owner of the land:**

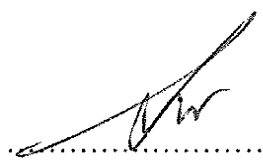
BD NSW (MR) PROJECT 0007 Pty. Ltd.  
Level 7  
100 Edward Street  
BRISBANE 4000

(Sheet 5 of 13 Sheets)

**Part 2 (Terms)**

- 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 .

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

  
 .....  
 Authorised Person  
 Hawkesbury Council

Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055 covered by Subdivision Certificate No. **18036**

**Full name and address of the owner of the land:**

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

(Sheet 6 of 13 Sheets)

**Part 2 (Terms)**

**4. Terms of Restriction on the Use of Land numbered five 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:

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**

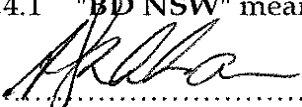
No alterations or additions may be made to any lot or any change to any building erected on any lot altering its colour, the materials used in its construction or the façade which does not comply with the requirements of the DCP and the Design and Landscape Guidelines. Nothing in this restriction shall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

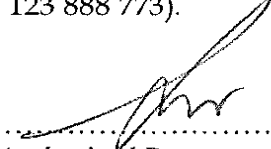
**4.3 Display Homes**

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:**

4.4.1 "BD NSW" means BD NSW (MR) Project O007 Pty Ltd (ACN 123 888 773).

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

.....  
  
Authorised Person  
Hawkesbury Council

Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055 covered by Subdivision Certificate No. **18036**

**Full name and address of the owner of the land:**

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

(Sheet 7 of 13 Sheets)

**Part 2 (Terms)**

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

4.4.3 "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.

4.4.4 "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.

4.4.5 "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 DA0216/16

**5. Terms of Positive Covenant numbered six 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.

**6. Terms of Positive Covenant numbered seven 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

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

.....  
Authorised Person  
Hawkesbury Council

Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055 covered by Subdivision Certificate No. **18036**

**Full name and address of the owner of the land:**

BD NSW (MR) PROJECT 0007 Pty. Ltd.  
Level 7  
100 Edward Street  
BRISBANE 4000

(Sheet 8 of 13 Sheets)

**Part 2 (Terms)**

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.

**7. Terms of Restriction on the Use of Land numbered eight 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.

**8. Terms of Positive Covenant numbered ten 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.

**Name of Authority whose consent is required to release, vary or modify Easements and Positive Covenants numbered one, six, seven, nine and ten in the abovementioned plan**

Hawkesbury Council.

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

Epsilon Distribution Ministerial Holding Corporation.

**Name of person whose consent is required to release, vary or modify Restriction numbered five 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

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

.....  
Authorised Person  
Hawkesbury Council



Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055  
covered by Subdivision Certificate No. **18036**

**Full name and address  
of the owner of the land:**

BD NSW (MR) PROJECT 0007 Pty. Ltd.  
Level 7  
100 Edward Street  
BRISBANE 4000

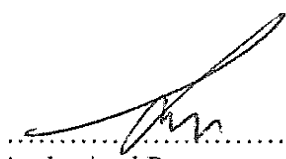
(Sheet 9 of 13 Sheets)

**Part 2 (Terms)**

(b) the date on which the Developer ceases to own a lot within the Estate to which this instrument relates, and thereafter Hawkesbury Council.



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



.....  
Authorised Person  
Hawkesbury Council

Plan: **DP1233376**


Plan of Subdivision of Lot 791 DP1233055 covered by Subdivision Certificate No. **18036**

**Full name and address of the owner of the land:**

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

(Sheet 10 of 13 Sheets)

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:-

  
.....  
Signature of witness

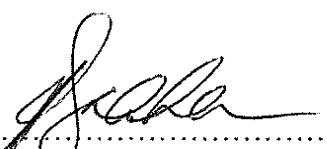
Natalee Forster  
.....  
Name of witness

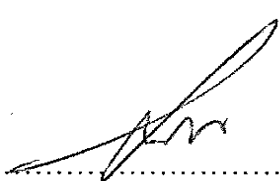
Level 25, 10 Connell Street  
Address of witness SYDNEY NSW 2000

  
.....  
Signature of Attorney

Melinda Gray  
.....  
Name of Attorney

Power of Attorney dated:  
Book **4676** No. **327**

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

  
.....  
Authorised Person  
Hawkesbury Council

Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055 covered by Subdivision Certificate No. **18036**

**Full name and address of the owner of the land:**

BD NSW (MR) PROJECT 0007 Pty. Ltd.  
Level 7  
100 Edward Street  
BRISBANE 4000

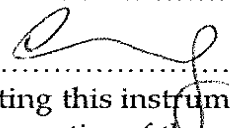
(Sheet 11 of 13 Sheets)

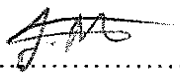
National Australia Bank Limited ACN 004 044 937

Executed by its Level 2 Attorney VICKY CHUNG

Under Power of Attorney No 39 Book 4512


this 18 Day of December 2018

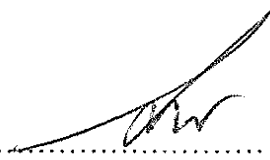
  
.....  
(By executing this instrument the Attorney states that the Attorney has received no notice of the revocation of the Power of Attorney)

  
.....  
(Signature of Witness)

JEEVIKA MEHRA  
.....  
(Name of Witness)

Level 22, 255 George St, Sydney 2000  
.....  
(Address of Witness)

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

  
.....  
Authorised Person  
Hawkesbury Council

Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055  
covered by Subdivision Certificate No. **18036**

**Full name and address  
of the owner of the land:**

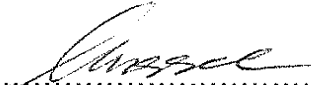
BD NSW (MR) PROJECT 0007 Pty. Ltd.  
Level 7  
100 Edward Street  
BRISBANE 4000




(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 4734 N° 883  
  
Signing on behalf of:  
Endeavour Energy Network Asset Partnership  
ABN 30 586 412 717

Endeavour Energy reference:  
**URS 20169**  
.....

Date of signature: **15 October 2018**

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

  
.....  
Authorised Person  
Hawkesbury Council

Plan: **DP1233376**

Plan of Subdivision of Lot 791 DP1233055  
covered by Subdivision Certificate No. **18036**

Full name and address  
of the owner of the land:

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

(Sheet 13 of 13 Sheets)

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

*Alan Hastie*  
Signature of delegate

ALAN HASTIE  
Name of delegate

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

*N. Miller*  
Signature of Witness

Nicole Miller  
Name of Witness

366 George St Windsor  
Address of Witness

*[Signature]*  
Authorised person BD NSW (MR) PROJECT

Authorised Person  
Hawkesbury Council

Ref: B16800-11C3 DP1233376

REGISTERED  30.01.2019