

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: **DP1203663**

Plan of Subdivision of Lot 2 DP~~1199662~~¹²⁰³⁶⁶²
 covered by Subdivision Certificate No.

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

BD NSW (MR) PROJECT O007 Pty. Ltd. 18025
 Level 7
 100 Edward Street
 BRISBANE 4000

(Sheet 1 of 8 Sheets)

Part 1 (Creation)

DP

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	Positive Covenant	2	Hawkesbury Council
2	Positive Covenant	2	Hawkesbury Council
3	Restriction on the use of land	each lot except 1 2	every other lot except 1 1
4	Restriction on the use of land	each lot except 1 2	every other lot except 1 1
5	Restriction on the use of land	2	Hawkesbury Council
6	Easement to drain water 1.5 wide (E101)	1	2
7	Restriction on the use of land	each lot except 1 2	every other lot except 1 1
8	Restriction on the use of land	each lot except 1 2	every other lot except 1 1

Ref: B16800-6C2 (DP1203663)

.....
 Authorised Person
 Hawkesbury Council

.....
 Authorised Person
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Part 2 (Terms)

DP

1. Terms of Positive Covenant numbered one in the abovementioned plan.

Any dwelling constructed on the lot 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 burdened must be connected to a suitable on site storm water disposal/infiltration system.

2. Terms of Positive Covenant numbered two in the abovementioned plan.

At the issue of Subdivision Certificate and in perpetuity the entire property (lot 2) shall be managed 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".

3. Terms of Restriction on the Use of Land numbered three in the abovementioned plan.

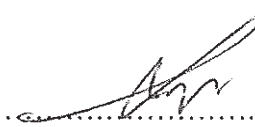
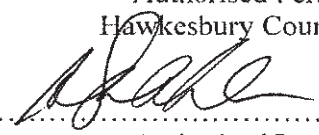
The owner of the lot burdened may not subdivide the lot burdened despite a smaller lot size being permitted by the DCP.

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

4.1 Building

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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Part 2 (Terms)

DP

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 relevant to the burdened lot issued under the name of 'Redbank Communities' (Belmont); and

4.5 This Restriction on Use was required as a condition of Hawkesbury Council development consent Development Application number [0452/14].

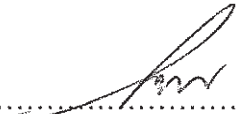
5. Terms of Restriction on the Use of Land numbered five in the abovementioned plan.


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 wire fence.

rail

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Part 2 (Terms)

6. Terms of the Restriction on Use of Land numbered seven 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.

7. Terms of the Restriction on Use of Land numbered eight in the abovementioned plan

The felling of any hollow-bearing tree on the lot hereby burdened is to be conducted under the supervision of a fauna ecologist to ensure appropriate animal welfare procedures are taken, particularly for threatened species. Hollows of high quality or with fauna recorded residing within shall be sectionally dismantled and all hollows shall be inspected for occupation, activity and potential for reuse. If any fauna species, a nest or roost is located during development works on the burdened lot, then works should cease until safe relocation can be advised by a fauna ecologist.

Name of Authority empowered to release, vary or modify Positive Covenants and Restrictions numbered one, two, three, five seven and eight in the abovementioned plan

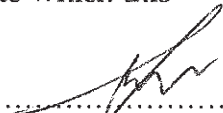
Hawkesbury Council.

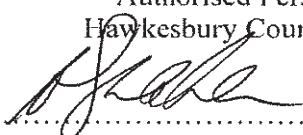
Name of person whose consent is required to release, vary or modify Restriction numbered four in the abovementioned plan

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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ePlan

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DP

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

ANDREW FLAHERTY

.....
Name of witness

76 ARTHUR PHILLIP DRIVE

.....
Address of witness NORTH RICHMOND
NSW 2754



.....
Signature of Attorney

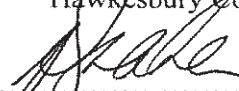
Melinda Graham

.....
Name of Attorney

Power of Attorney
dated: 14.10.14
Book 4676 No. 327

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Hawkesbury Council



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Authorised Person
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NATIONAL AUSTRALIA BANK LIMITED
ACN 004 044 937


DANIEL MILLAR v D.M.


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Executed by its Level ... 2 ... Attorney ~~39 BOOK 4512~~

Under Power of Attorney No ... 39 BOOK 4512

this ... 10 ... Day of ... OCTOBER 2018

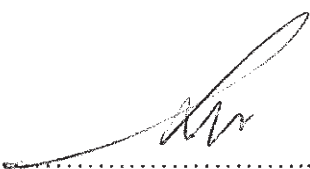

.....
(By executing this instrument the Attorney states that the Attorney has received no notice of the revocation of the Power of Attorney)



.....
(Signature of Witness)

KEVIN KIM
ASSOCIATE
.....
(Name of Witness)

235 GEORGE ST SYDNEY NSW 2000
.....
(Address of Witness)

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Hawkesbury Council


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Authorised Person
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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.

Nicole Miller
.....
Signature of Witness

Nicole Miller
.....
Name of Witness

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

Ref: B16800-6C2
DP1203663

.....
Authorised Person
~~Hawkesbury Council~~
[Signature]
.....
Authorised Person
BD NSW (MR) PROJECT

REGISTERED  24.10.2018