

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.

# DP1233377

Plan of Subdivision of Lot 790 DP1233055  
and restrictions over Lots 788 & 789 DP1233055  
covered by Subdivision Certificate No. SC00003/20

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 12 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)	928 927 926 925 924 931 932 933 934 935 936 937	929 928, 929 927-929 incl 926-929 incl 925-929 incl 930 930, 931 930-932 incl 930-933 incl 930-934 incl 930-935 incl, 937, 938 938
2.	Restriction on the Use of Land	each lot	every other lot
3.	Positive Covenant	901-938 incl	Hawkesbury Council
4.	Restriction on the Use of Land	901-938 incl	Hawkesbury Council
5.	Restriction on the Use of Land	each lot	every other lot
6.	Easement to drain water 2.3 wide (E12)	905	Hawkesbury Council

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Hawkesbury Council

# DP1233377

Plan of Subdivision of Lot 790 DP1233055  
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covered by Subdivision Certificate No. ~~SC0003~~ 20

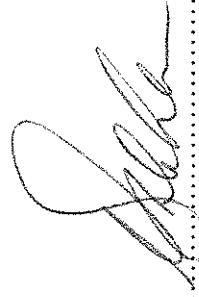
**Full name and address  
of the owner of the land:**

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

(Sheet 2 of 12 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:
7.	Restriction on the use of land	901-905 incl, 938 915-923 incl.	Hawkesbury Council
8.	Restriction on the use of land <del>2-wide</del> (R3)	788/1233055 789/1233055	915-920 incl 921-923 incl
9.	Positive covenant	915-923 incl.	Hawkesbury Council



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Hawkesbury Council

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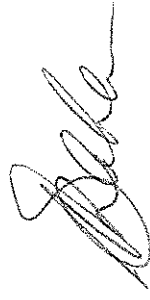
**Full name and address  
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Level 7  
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BRISBANE 4000

(Sheet 3 of 12 Sheets)

## 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 created and referred to in the plan	Burdened lot(s) or parcel(s):	Benefited lots(s), road(s), bodies or Prescribed Authorities:
1.	Easement for underground cables variable width (E5)(D.P.1233055)	790/1233055	Epsilon Distribution Ministerial Holding Corp.
2.	Easement for electricity 9 wide (D.P.738354)	3/786671	790/1233055
3.	Easement for maintenance of dam (D.P.270329)	1/270329	790/1233055
4.	Right of carriageway variable width (E52) (D.P.1187236)	80/270758	790/1233055
5.	Easement to drain water variable width (E20) (D.P.270758)	1/270758	790/1233055
6.	Easement for services 1.65 wide (E33) (D.P.270758)	71/270758	790/1233055
7.	Easement for services 3 wide (E34) (D.P.270758)	55/270758	790/1233055
8.	Easement to drain water 3.5 wide (E1) (D.P.1199660)	302/1199660	790/1233055
9.	Right of carriageway over whole lot (E53) (D.P.1214980)	80/270758	790/1233055
10.	Easement to drain water over whole lot (E54) (D.P.1214980)	80/270758	790/1233055



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Hawkesbury Council

Ref: B16800-11C4 DP1233377

# DP1233377

Plan of Subdivision of Lot 790 DP1233055  
and restrictions over Lots 788 & 789 DP1233055  
covered by Subdivision Certificate No. ~~50003~~20

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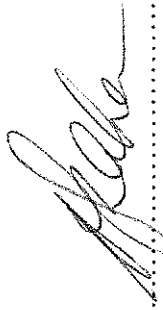
**Part 2 (Terms)**

1. **Terms of Restriction on the Use of Land numbered two in the abovementioned plan.**
  - 1.1 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:
    - 1.1.1 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
    - 1.1.2 the Developer in its absolute discretion considers that the plans substantially comply with the DCP and the Redbank Design and Landscape Guidelines.
  - 1.2 **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.

1.3 **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.)

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# DP1233377

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(Sheet 5 of 12 Sheets)

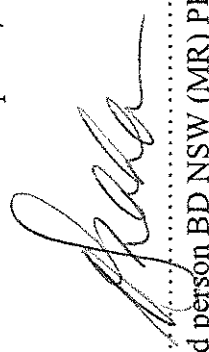
## Part 2 (Terms)

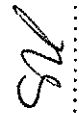
### 1.4 Definitions:

- 1.4.1 "BD NSW" means BD NSW (MR) Project 0007 Pty Ltd (ACN 123 888 773).
- 1.4.2 "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.
- 1.4.3 "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.
- 1.4.4 "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.
- 1.4.5 "Redbank Design and Landscape Guidelines" shall mean the Redbank Design and Landscape Guidelines issued under the name of 'North Richmond Joint-Venture - Redbank Development'.
- 1.5 This Restriction on Use was required as a condition of Hawkesbury Council development consent Development Application number DA 0216/16

### 2. Terms of Positive Covenant numbered three 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.

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covered by Subdivision Certificate No. SC000320

Full name and address  
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BD NSW (MR) PROJECT 0007 Pty. Ltd.  
Level 7  
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BRISBANE 4000

(Sheet 6 of 12 Sheets)

## Part 2 (Terms)

### 3. Terms of Positive Covenant numbered four 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.

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

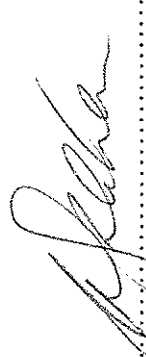
The owner of the lot burdened may not subdivide the lot burdened despite a smaller lot size being permitted by the site specific provisions of the Development Control Plan.

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

The owner of the lot(s) burdened must not remove or permit to be removed the fence existing within 1m of 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, open space lot or public road reserve. 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.

### 6. Restriction on the use of land 2 wide (R3) numbered eight in the abovementioned plan

The owner of the Lot burdened must not alter the existing surface levels of the land within the easement site (R3) in a manner that would adversely affect the adjoining retaining wall.



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covered by Subdivision Certificate No. SC 0003|20

**Full name and address  
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Level 7  
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(Sheet 7 of 12 Sheets)

## Part 2 (Terms)

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

The owners of the lots burdened covenant with Hawkesbury Council (Council) to maintain and repair the retaining wall on the burdened lots in accordance with the following terms and conditions:

- (a) each owner of a lot burdened will, at their cost, maintain and repair and keep the retaining wall as the same material, dimensions and levels, which existed at the time of registration, as well as, maintained and repaired, so that the retaining wall functions in a safe and effective manner as determined by Council;
- (b) for the purpose of ensuring compliance with this covenant, Council may by its servants or agents at any reasonable time and upon giving an owner of a burdened lot not less than 2 days' notice (but at any time without notice in the case of an emergency), enter the land and view the state of construction, maintenance or repair of the retaining wall on the burdened lot and any works on the burdened lot;
- (c) by written notice Council may require each owner of a burdened lot to attend to any matter or carry out any work within such time as Council may require to ensure the proper and efficient performance of the retaining wall on that owner's burdened lot;
- (d) Section 88F(2)(a) of the Act will apply to any works performed under clause 8(c);
- (e) pursuant to section 88F(3) of the Act, Council has the following additional powers:
  - (i) in the event that an owner of a burdened lot fails to comply with the terms of any written notice issued by Council as set out in (c) above, Council or its authorised agents may enter that burdened lot with all necessary equipment and carry out any work which Council in its discretion considers reasonable;



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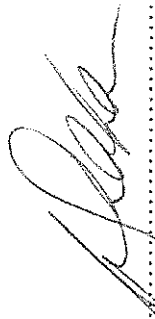
Full name and address  
of the owner of the land:


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(Sheet 8 of 12 Sheets)

## Part 2 (Terms)

- (ii) Council may recover from each owner of a burdened lot:
1. any expense reasonably incurred by Council in exercising its powers under clause 8(e)(i) in respect of that owner's lot. For the purposes of this clause 8(e)(ii)(1) such expense will include, without limitation:
    - i. reasonable wages for Council's employees engaged in effecting, supervising and administering the works ; and
    - ii. any costs reasonably incurred by Council in connection with the works;
  2. legal costs on an indemnity basis for issuing any notice and for recovering any cost or expense (including any cost associated with registering a covenant charge on the relevant burdened lot pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act).
- (f) This covenant shall bind all persons who claim under the owners of the lots burdened as stipulated in Section 88E(5) of the Act.
- (g) For the purposes of this positive covenant "the Act" means the *Conveyancing Act 1919 (NSW)* (as amended from time to time).

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 Authorised person BD NSW (MR) PROJECT

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 Authorised Person  
 Hawkesbury Council



# DP1233377

Plan of Subdivision of Lot 790 DP1233055  
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covered by Subdivision Certificate No. ~~SC0003120~~

**Full name and address  
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BD NSW (MR) PROJECT O007 Pty. Ltd.  
Level 7  
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(Sheet 9 of 12 Sheets)

**Name of Authority empowered to release, vary or modify Easements, Restrictions and  
Positive Covenants numbered one, four, six, seven and nine in the abovementioned plan**

Hawkesbury Council.


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

Signed on behalf of BD NSW (MR) PROJECT  
O007 Pty. Ltd. ACN 123 888 773

  
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Authorised person BD NSW (MR) PROJECT

  
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Authorised Person  
Hawkesbury Council

Ref: B16800-11C4 DP1233377

# DP1233377

Plan of Subdivision of Lot 790 DP1233055  
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(Sheet 10 of 12 Sheets)

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:-

*Jm. Conn*  
Signature of witness

*Jane McConn*  
Name of witness

*Level 25, 10 Connell Street*  
Address of witness *Sydney 2000*

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 *17* Day of *MARCH 2020*

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

*[Signature]*  
(Signature of Witness) **JJ MILLS**  
Associate

(Name of Witness)

*25 GEORGE ST, SYDNEY*  
(Address of Witness)

I certify that the attorney signed this  
instrument in my presence

*[Signature]*

Authorised person BD NSW (MR) PROJECT

Signed by the attorney named below who signed this  
instrument pursuant to the power of attorney

*SM*  
.....  
Authorised Person  
Hawkesbury Council

*[Signature]*  
Signature of Attorney

*MELINDA GRHAM*  
Name of Attorney

Power of Attorney  
dated: *14.10.14*  
Book *4676* No. *327*

*[Signature]*

**DANIEL MILLAR**  
NAB Corporate Property NSW  
Associate Director  
*ATTORNEY*


# DP1233377

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Level 7  
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BRISBANE 4000

(Sheet 11 of 12 Sheets)  
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

NATASHA ISSACS  
Name of Witness

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

  
Signature of Attorney

Name and position of Attorney: Simon Lawton  
Manager Property and Fleet Strategic Property Manager

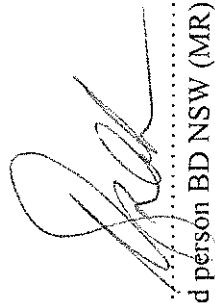
Power of Attorney: Book 4768N<sup>o</sup> 870


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

Endeavour Energy reference:

URS20172

Date of signature: 3/2/2020

  
Authorised person BD NSW (MR) PROJECT

  
Authorised Person  
Hawkesbury Council

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(Sheet 12 of 12 Sheets)

pursuant to s.377 Local Govt. Act, 1993

*Boo-Szeong K Hoo*  
.....  
Signature of delegate

*Boo-Szeong K Hoo*  
.....  
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



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Authorised Person  
Hawkesbury Council

Ref: B16800-11C4 DP1233377

	<b>REGISTERED</b>	<b>20.3.2020</b>
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