

ePlan

**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: DP1203664**

Plan of Subdivision of Lot 1 DP1203663 covered by Subdivision Certificate No. 18016

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

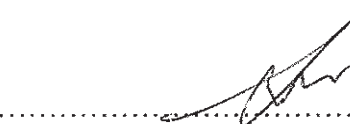

BD NSW (MR) PROJECT 0007 Pty. Ltd.  
 Level 7  
 100 Edward Street  
 BRISBANE 4000

(Sheet 1 of 8 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 3 wide (E1)	11	area 'A' within 15
2	Positive Covenant	3-14 incl.	Hawkesbury Council
3	Positive Covenant	3-14 incl.	Hawkesbury Council
4	Restriction on the use of land	each lot except 15	every other lot except 15
5	Restriction on the use of land	3-7 incl.	Hawkesbury Council
6	Easement to drain water 3 wide (E102)	15	Hawkesbury Council
7	Restriction on the use of land	each lot except 15	every other lot except 15
8	Easement to drain water 3 wide (E103)	15	3-7 incl.
9	Restriction on the use of land	each lot except 15	every other lot except 15

Ref: B16800-6C3 (DP1203664)

.....  
  
 Authorised Person  
 Hawkesbury Council  
 .....  
  
 Authorised Person  
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**Part 2 (Terms)**

**1. Terms of Positive Covenant numbered two 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.

**2. Terms of Positive Covenant numbered three in the abovementioned plan.**

At the issue of Subdivision Certificate and in perpetuity the entire property (lots 3-14) 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 four 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 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  
DP

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**Part 2 (Terms)**

**5. Terms of Easement to Drain Water 3 wide (E102) numbered six and (E103) numbered eight in the abovementioned plan**

Easement to drain water until the affected part of the land burdened is dedicated to Hawkesbury Council, after which it will be released by Council immediately upon the request of the Developer.

**6. Terms of the Restriction on Use of Land numbered seven in the abovementioned plan**

**6.1 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:

- (a) 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
- (b) the Developer in its absolute discretion considers that the plans substantially comply with the DCP and the Redbank Design and Landscape Guidelines.

**6.2 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

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**Part 2 (Terms)**

Guidelines. Nothing in this restriction shall prevent any work in the nature of repair or refurbishing that is consistent with the original construction.

**6.3 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.)

**6.4 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 Restriction on use, 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.
- (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.

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**Part 2 (Terms)**

(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.

6.5 This Restriction on Use was required as a condition of Hawkesbury Council development consent Development Application number [0451/14]

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

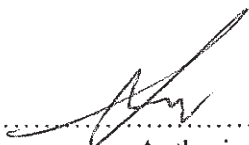
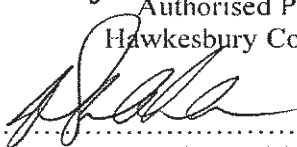
**Name of Authority empowered to release, vary or modify Easements numbered one, two, three, four, five, six and nine in the abovementioned plan**

Hawkesbury Council.

**Name of Authority empowered to release, vary or modify Easements numbered six and eight in the abovementioned plan**

Hawkesbury Council provided that it shall be automatically released if the burdened land is dedicated to Hawkesbury Council.

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

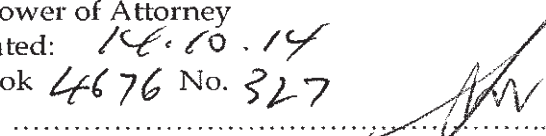
76 ARTHUR PHILLIP DRIVE  
Address of witness NORTH RICHMOND  
NSW 2754

Ref: B16800-6C3  
DP1203664

  
.....  
Signature of Attorney

Melinda Graham  
.....  
Name of Attorney

Power of Attorney  
dated: 18.10.14  
Book 4676 No. 327

  
.....  
Authorised Person  
Hawkesbury Council

  
.....  
Authorised Person  
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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)

235 GEORGE ST SYDNEY NSW 2000

(Address of Witness)

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Hawkesbury Council

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

*[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

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

*[Handwritten Signature]*  
.....

Authorised Person  
BD NSW (MR) PROJECT

REGISTERED  26.10.2018