

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: DP1199658

Plan of Subdivision of Lot 731 DP1226260 covered by Subdivision Certificate No. 17005 Dated 25.01.2017

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 11 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)	172 173	Hawkesbury Council 172 & Hawkesbury Council
2.	Restriction on the use of land	each lot except 174	every other lot except 174
3.	Positive covenant	172 & 173	Hawkesbury Council
4.	Restriction on the use of land	each lot except 174	every other lot except 174
5.	Positive covenant	172 & 173	Hawkesbury Council
6.	Easement for telecommunications cables 0.6 wide (E2)	172 & 173	NBN Co Limited

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.	Right of carriageway 20 wide and variable (E51) (D.P.1187236)	731/1226260 730/1226260	1, 2, 5-29 incl, 31, 33-80 incl/270758 & 730/1226260

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 Authorised Delegate
 Hawkesbury Council

Ref: B16800-1-C DP1199658

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 Authorised person BD NSW (MR) PROJECT

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covered by Subdivision Certificate No. **17005**
Dated 25.01.2017
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BRISBANE 4000

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

(Sheet 2 of 11 Sheets)

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:

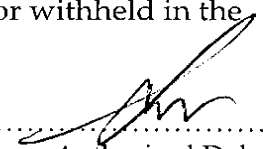
- 1.1.1 The plans and specifications have attached to it a report from a registered surveyor, architect, building designer or licensed builder certifying that on completion in accordance with the plans and specifications, the proposed building will comply with the Hawkesbury Development Control Plan ("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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BRISBANE 4000

**Full name and address
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(Sheet 3 of 11 Sheets)

Part 2 (Terms)

1.4 Definitions:

- 1.41 **"BD NSW"** means BD NSW (MR) Project O007 Pty Ltd (ABN 46 828 720 644).
- 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'.
- 1.4.6 This Restriction on Use was required as a condition of Hawkesbury Council.

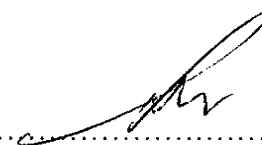
2. Terms of Positive Covenant numbered three in the abovementioned plan.

Any dwelling constructed on the lots 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

Ref: B16800-1-C
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(Sheet 4 of 11 Sheets)

Part 2 (Terms)

capacity of 3000 litres and be plumbed for at least one domestic internal use (toilet flushing and/or laundry use). Any rainwater tank over flows, roof and hardstand areas of future development on the lot burdened must be connected to a suitable on site storm water disposal/infiltration system.

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 Positive Covenant numbered five in the abovementioned plan.

The owner of the lot burdened must manage the entire lot burdened as an 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.

5. Terms of Easement for ^{file}communications cables numbered six in the abovementioned plan.

5.1. NBN Co Limited (ACN 136 533 741) (NBN Co) may:

- (a) install underground optic fibre cable and transmit data through the optic fibre cable through each lot burdened, but only within the site of this easement ("the Conduit"); and
- (b) do anything reasonably necessary for that purpose, including:
 - (i) entering the lot burdened;
 - (ii) taking anything on to the lot burdened;

Part 2 (Terms)

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BRISBANE 4000

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of the owner of the land:**

(Sheet 5 of 11 Sheets)

- (iii) carrying out work, such as constructing, placing, replacing, varying, adding, removing, repairing or maintaining poles, wires, conduits and equipment within the site of this easement.
- (iv) removing any trees or vegetation that is reasonably deemed to be obstructing the operation of or access to any equipment contained within the site of the easement.

5.2. In exercising those powers, NBN Co must:

- (a) ensure all work is done properly;
- (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened;
- (c) cause as little damage as is practicable to the lot burdened and any improvements on them;
- (d) restore the lot burdened as nearly as is practicable to its former condition~~x~~ excluding any restoration of fair wear and tear/or damage caused by acts beyond the reasonable control of NBN Co. ; and
- (e) make good any collateral damage.

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5.3. The owner of the lot burdened must not:

- (i) interfere with the Conduit or allow anything to interfere, obstruct, damage or destroy the Conduit or obstruct NBN Co. exercising its rights under the easement; or
- (ii) use the site of this easement or any other part of the lot burdened in a way which may detrimentally affect the Conduit.
- (iii) alter the existing ground level contained within or place any building or structure within the site of the easement without NBN Co.'s prior consent.

Ref: B16800-1-C
DP1199658

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Authorised person BD NSW (MR) PROJECT

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Hawkesbury Council

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Dated 25.01.2017
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100 Edward Street
BRISBANE 4000

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

(Sheet 6 of 11 Sheets)

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

Hawkesbury Council.

Name of Authority empowered to release, vary or modify easement numbered six in the abovementioned plan

NBN Co Limited

Name of Authority empowered to release, vary or modify restrictions numbered two in the abovementioned plan

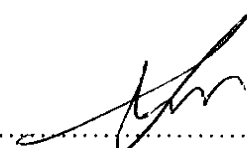
The Developer until the later of:

- (a) The date being 5 years from the date of registration of the plan to which this instrument relates; and
- (b) The date of which the Developer ceases to own a lot within the Estate to which this instrument relates, and thereafter Hawkesbury Council

Ref: B16800-1-C
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Authorised person BD NSW (MR) PROJECT


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Authorised Delegate
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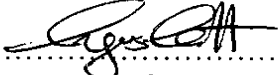
Full name and address of the owner of the land:

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

(Sheet 7 of 11 Sheets)

Signed on behalf of BD NSW (MR) PROJECT O007 Pty. Ltd.*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:-

*ACN 123 888 773


.....
Signature of witness

Angus Scott
.....
Name of witness

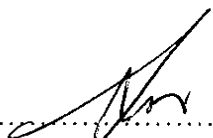
Suite 4, 8-10 Castlereagh St
Penrith NSW 2750
.....
Address of witness



.....
Signature of Attorney

MELINDA GRAHAM
.....
Name of Attorney

Power of Attorney
dated: 14 OCTOBER 2014
Book 4676 No. 327


.....
Authorised Person
Hawkesbury Council

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BRISBANE 4000

Full name and address
of the owner of the land:

(Sheet 8 of 11 Sheets)

EXECUTED for and on behalf of NBN Co Limited ACN 136 533 741 by its duly appointed attorneys pursuant to Power of Attorney dated 19 May, 2015 Registered Book 4689 No. 895, in the presence of:

Signature of Witness

Signature of ~~Authorized Representative~~

~~Attorney~~
Maree Taylor, Chief People & Culture Officer

Full name of Witness
LEVEL 11, 100 ARTHUR ST. NORTH SYDNEY

Full name of ~~Authorized Representative~~

Signature of Witness

Signature of ~~Authorized Representative~~

~~Attorney~~
GRAHAM MILLETT General Manager; Facilities & Fleet

Full name of Witness
LEVEL 11, 100 ARTHUR ST. NORTH SYDNEY.

Full name of ~~Authorized Representative~~

Authorized Delegate
Hawkesbury Council

Ref: B16800-1-C
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Authorized person BD NSW (MR) PROJECT

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(Sheet 9 of 11 Sheets)

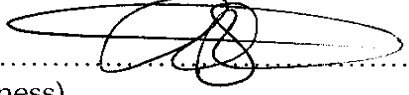
National Australia Bank Limited ACN 004 044 937

Executed by its Level 2 Attorney MICHAEL SERGENT

Under Power of Attorney No 39 (BSOL 4512)

this 30th Day of JANUARY 2017

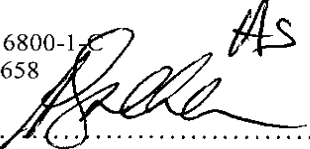

.....
(By executing this instrument the Attorney states that the Attorney has
received no notice of the revocation of the Power of Attorney)



.....
(Signature of Witness)

REBECCA STEWART
.....
(Name of Witness)

cl- 255 GEORGE ST. SYDNEY NSW 2000
.....
(Address of Witness)

Ref: B16800-1
DP1199658


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


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of the owner of the land:

(Sheet 10 of 11 Sheets)

Executed by RSL Lifecare Limited
(ABN 43 000 048 957)
In accordance with Section 127 of the
Corporations Act, 2001.

[Signature]
.....
Director/Company Secretary

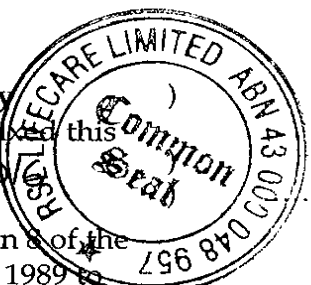


[Signature]
.....
Director

RON THOMPSON
.....
Name of Director/Company Secretary

JAMES LONGLEY
.....
Name of Director

The Common Seal of The Community
Association DP270758 was hereto affixed this
21st day of December 2016
in the presence of
being the person authorised by Section 8 of the
Community Lands Management Act, 1989 to
attest to the fixing of the seal.



[Signature]
.....
RON THOMPSON
21/12/16

[Signature]
.....
Mark Regent
21/12/16



[Signature]
.....
Authorised Delegate
Hawkesbury Council

Ref: B16800-1-C
DP1199658
[Signature] AS

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Authorised person BD NSW (MR) PROJECT

ePlan

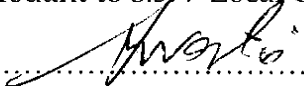
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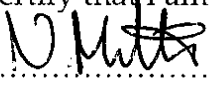
(Sheet 11 of 11 Sheets)

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


.....
Signature of delegate

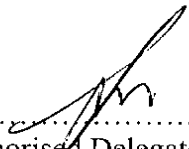
ALAN HASTIE
.....
Name of delegate


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


.....
Signature of Witness

Nicole Miller
.....
Name of Witness

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


.....
Authorised Delegate
Hawkesbury Council

Ref: B16800-1-C
DP1199658

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Authorised person BD NSW (MR) PROJECT