

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: DP1199659

Plan of Subdivision of Lot 74 DP1187236 covered by Subdivision Certificate No. *16006*

Full name and address of the owner of the land:

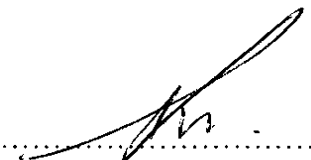
BD NSW (MR) PROJECT O007 Pty. Ltd.
 Level 7
 100 Edward Street
 BRISBANE 4000

(Sheet 1 of 12 Sheets)

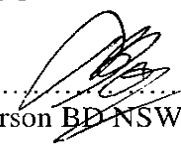
Part 1 (Creation)

| 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 | Restriction on the use of land | each lot except 300 | every lot except 300 |
| 2 | Easement for overhead power lines 9 wide (E1) | 300 | Endeavour Energy |
| 3 | Easement for underground cables 1 wide (E2) | 300 | Endeavour Energy |
| 4. | Easement for telecommunications cables 0.6 wide (E3) | 301 | NBN Co Limited |
| 5 | Positive Covenant | 301 | Hawkesbury Council |
| 6 | Positive Covenant | 301 | Hawkesbury Council |
| 7 | Restriction on the use of land | each lot except 300 | every other lot except 300 |

DP

.....

 Authorised Person
 Hawkesbury Council

Ref: B16800-3A-C
 DP1199659

.....

 Authorised person BD NSW (MR) PROJECT
 Legal/45186924_4

Plan: **DP1199659**

Plan of Subdivision of Lot 74 DP1187236
 covered by Subdivision Certificate No. 16006

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 2 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 transmission line 9 wide (D.P.646599) | 74/1187236 | Endeavour Energy as statutory successor to Prospect County Council |
| 2 | Electricity easement 9 wide (D.P.738354) | 74/1187236 | 26/1042890 |
| 3 | Easement for electricity 9 wide (AD412364) | 74/1187236 | 25 & 26/1042890 |

Ref: B16800-3A-C
 DP1199659

.....
 Authorised person **BD NSW (MR) PROJECT**
 Legal/45186924_4

.....
 Authorised Person
 Hawkesbury Council

Plan: **DP1199659**

Plan of Subdivision of Lot 74 DP1187236
covered by Subdivision Certificate No. **16006**

**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 3 of 12 Sheets)

Part 2 (Terms)

1. Terms of Restriction on the Use of Land numbered one in the abovementioned plan.

1.1 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 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.

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.)

Ref: B16800-3A-C
DP1199659

.....
Authorised person BD-NSW (MR) PROJECT
Legal/45186924_4

.....
Authorised Person
Hawkesbury Council

Plan: **DP1199659**

Plan of Subdivision of Lot 74 DP1187236
covered by Subdivision Certificate No. **16006**

**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 4 of 12 Sheets)

Part 2 (Terms)

1.4 Definitions:

- (a) **"BD NSW"** means BD NSW (MR) Project O007 Pty Ltd (ABN 46 828 720 644).
- (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.
 - (i) **"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.
 - (ii) **"Redbank Design and Landscape Guidelines"** shall mean the Redbank Design and Landscape Guidelines relevant to the burdened lot issued under the name of 'North Richmond Joint-Venture - Redbank Development (Belmont); and
- (d) **"DCP"** means the Hawkesbury Council Development Control Plan 2002, as it may be amended from time to time.

1.5 This Restriction on Use was required to be imposed by Hawkesbury Council.

Ref: B16800-3A-C
DP1199659

.....
Authorised person BD NSW (MR) PROJECT
Legal/45186924_4

.....
Authorised Person
Hawkesbury Council

Plan: **DP1199659**

Plan of Subdivision of Lot 74 DP1187236
covered by Subdivision Certificate No. **16006**

**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 12 Sheets)

Part 2 (Terms)

2. Terms of Easement for overhead power lines 9 wide (E1) numbered two in the abovementioned plan.

Terms set out in Memorandum No. AK104602 registered at the Land and Property Information NSW, are incorporated in this document.


3. Terms of Easement for underground cables 1 wide (E2) numbered three in the abovementioned plan.

Terms set out in Memorandum No. AK104616 registered at the Land and Property Information NSW, are incorporated in this document.

4. Terms of Easement for telecommunications cables 0.6 wide (E3) numbered four in the abovementioned plan

4.1 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;
 - (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;

.....

 Authorised Person
 Hawkesbury Council

Ref: B16800-3A-C
DP1199659

.....

 Authorised person BD NSW (MR) PROJECT
 Legal/45186924_4

Plan: **DP1199659**

Plan of Subdivision of Lot 74 DP1187236
covered by Subdivision Certificate No. 16006

**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 12 Sheets)

Part 2 (Terms)

4.2 In exercising those powers, NBN Co must:

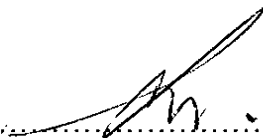
- (a) ensure all work is done properly;
- (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened;
- (c) cause as little damage as is practicable to the lot burdened and any improvements on them;
- (d) restore the lot burdened as nearly as is practicable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

4.3 The owner of the lot burdened must not:

- cm*
- (a) interfere with the ~~C~~onduit or allow anything to interfere, obstruct, damage or destroy the ~~C~~onduit or obstruct NBNC~~o~~ exercising its rights under the easement;
 - (b) use the site of this easement or any part of the lot burdened in a way which may detrimentally affect the ~~C~~onduit; or
 - (c) alter the existing ground level contained within or place any building or structure within the site of the easement without NBNC~~o~~'s prior consent.

5. Terms of Positive Covenant numbered five 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 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.

.....

 Authorised Person
 Hawkesbury Council

Ref: B16800-3A-C
DP1199659

.....
Authorised person BD NSW (MR) PROJECT
Legal/45186924_4

Plan: **DP1199659**

Plan of Subdivision of Lot 74 DP1187236
covered by Subdivision Certificate No. **16006**

**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 7 of 12 Sheets)

Part 2 (Terms)

6. Terms of Positive Covenant numbered six in the abovementioned plan.

At the issue of Subdivision Certificate and in perpetuity the entire property (lot 1) 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".

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

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

Endeavour Energy

Name of Authority empowered to release, vary or modify Easements numbered four in the abovementioned plan

NBN Co Limited.

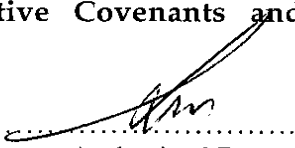
Name of Authority empowered to release, vary or modify Restriction numbered one in the abovementioned plan

The Developer until the later of:

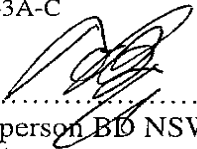
- (a) the date being [five years] from the date of registration of the plan to which this instrument relates; and
- (b) the date on which the Developer ceases to own a lot within the Estate to which this instrument relates,
and thereafter Hawkesbury Council.

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

Hawkesbury Council.

.....

Authorised Person
Hawkesbury Council

Ref: B16800-3A-C
DP1199659

.....

Authorised person BD NSW (MR) PROJECT
Legal/45186924_4

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: **DP1199659**

Plan of Subdivision of Lot 74 DP1187236 covered by Subdivision Certificate No. 16006

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 8 of 12 Sheets)

Signed on behalf of Endeavour Energy
ABN 59 253 130 878
by its Attorney pursuant to Power of Attorney
Book 4693 N° 329
in the presence of:

Deans

Signature of Witness

Helen Smith

Signature of Attorney

Name: Helen Smith

Position: Manager Property & Fleet

15 FEBRUARY 2016

Date of Execution

Deborah Pears

Name of Witness

c/- Endeavour Energy
PO Box 811
SEVEN HILLS NSW 1730

Ref: URS16030
ARP2880

—

Authorised Person
Hawkesbury Council

Ref: B16800-3A-C2
DP1199660

Legal/45186924_4

Plan: **DP1199659**

Plan of Subdivision of Lot 74 DP1187236
covered by Subdivision Certificate No. **16006**

**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 9 of 12 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:-



Signature of witness

ANDREW FLAHERTY.....

Name of witness

LEVEL 1,
8-10 CASTLEBROUGH ST PENRITH NSW

Address of witness 2750

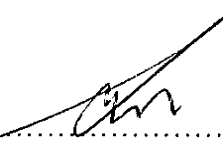


Signature of Attorney

THOMAS DAMIEN BOYCE.....

Name of Attorney

Power of Attorney
dated: 14-10-2014
Book 4676 No. 327



Authorised Person
Hawkesbury Council

Ref: B16800-3A-C
DP1199659

Authorised person BD NSW (MR) PROJECT
Legal/45186924_4

Plan: **DP1199659**

Plan of Subdivision of Lot 74 DP1187236 covered by Subdivision Certificate No. 16006

Full name and address of the owner of the land:

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

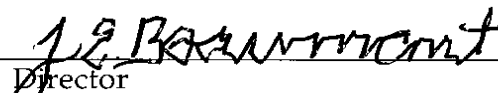
(Sheet 10 of 12 Sheets)

Signed by Kemsley Pastoral Co Pty Ltd
(ACN 000 701 888) in accordance with
Section 127 of the *Corporations Act 2001*:


*Director/*Company Secretary

DAVID PEEL
Name of *Director/*Company Secretary
(BLOCK LETTERS)

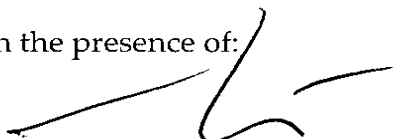
*please delete as appropriate

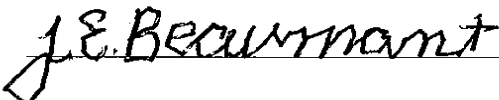

Director

JAYNE ELIZABETH BEAUMONT
Name of Director
(BLOCK LETTERS)

Signed by Jayne Elizabeth Beaumont

in the presence of:

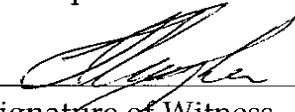

Signature of Witness




STEPHEN CHARLES LESTER
Full name of Witness

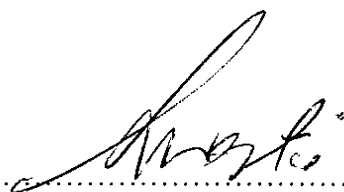
Signed by Richard Beaumont

in the presence of:


Signature of Witness



JOCK DOUGLAS
Full name of Witness


.....
Authorised Person
Hawkesbury Council

Ref: B16800-3A-C
DP1199659

Plan: **DP1199659**

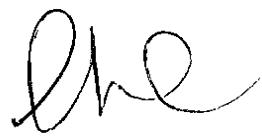
Plan of Subdivision of Lot 74 DP1187236 covered by Subdivision Certificate No. 16006

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 11 of 12 Sheets)

Executed by 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:



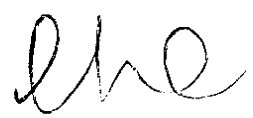
Signature of Witness

Cheryl Nomarchas

Name of Witness

Level 11, 100 Arthur St, North Sydney

Address of Witness



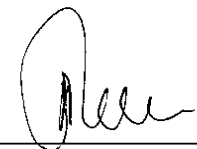
Signature of Witness

Cheryl Nomarchas

Name of Witness

Level 11, 100 Arthur St, North Sydney

Address of Witness



Signature of Attorney

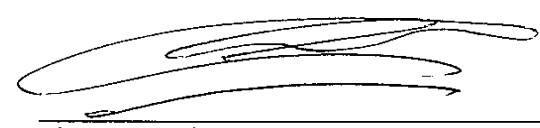
ANDREW KENNEWELL

Name of Attorney

TIER 4 ATTORNEY

SENIOR MANAGER FACILITIES.

Tier and Position Title of Attorney



Signature of Attorney

Graham Millett

Name of Attorney

GM Facilities & Fleet

Tier 3 Attorney

Tier and Position Title of Attorney

.....
Authorised Person
Hawkesbury Council

Ref: B16800-3A-C
DP1199659

.....
Authorised person BD NSW (MR) PROJECT
Legal/45186924_4

Plan: **DP1199659**

Plan of Subdivision of Lot 74 DP1187236
covered by Subdivision Certificate No. 16006

Full name and address
of the owner of the land:

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

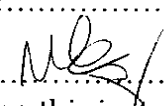
(Sheet 12 of 12 Sheets)

National Australia Bank Limited ACN 004 044 937

Executed by its Level 2 Attorney MICHAEL SERGENT.

Under Power of Attorney No 39 Book 4512

this 26th Day of FEBRUARY 2016.


.....
(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)


.....
NED HMEIDAN
ANALYST
NAB Corporate Property NSW

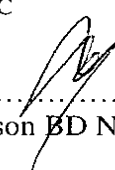
.....
(Name of Witness)

.....
(Address of Witness)

255 George Street, Sydney NSW 2000


.....
Authorised Person
Hawkesbury Council

Ref: B16800-3A-C
DP1199659


.....
Authorised person **BD NSW (MR) PROJECT**
Legal/45186924_4

REGISTERED



13.4.2016