

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: **DP1199663**

Plan of Subdivision of Lot 341 DP1199661 covered by Subdivision Certificate No. *16008*

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 15 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)	316 320 321 322 334 333 332 331 330 329 328 327 326 325 324 323 337 338 339 340 341 318 319 373 374	315 315 & 316 315,316 &320 315,316,320,321 & 323-335 incl. 335 334 & 335 333-335 incl. 332-335 incl. 331-335 incl. 330-335 incl. 329-335 incl. 328-335 incl. 327-335 incl. 326-335 incl. 325-335 incl. 324-335 incl. 336 336 & 337 336-338 incl. 336-339 incl. 336-340 incl. 317 317 & 318 372 372 & 373

.....
 Authorised Person
 Hawkesbury Council

Ref: B16800-3A-C4 DP1199663

.....
 Authorised person BD NSW (MR) PROJECT
 Legal/45188903_4

Plan: DP1199663

ePlan

Plan of Subdivision of Lot 341 DP1199661
 covered by Subdivision Certificate No. 16008

**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 15 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 continued	Easement to drain water 1.2 wide (E1)	375 376 377 378 379 380 381 383 384 397 400 342	372-374 incl. 372-375 incl. 372-376 incl. 372-377 incl. 372-378 incl. 372-379 incl. 372-380 incl. 372-381 incl. 372-381 incl. & 383 398 399 & 401 399, 400 & 401
2	Easement for Padmount Substation 3.4 wide (E4)	358 & 341	Endeavour Energy
3	Restriction on the Use of Land (R1)	Pt.358, Pt.359 & Pt.341 Designated (R1)	Endeavour Energy
4	Restriction on the Use of Land (R2)	Pt.358, Pt.359 & Pt.341 Designated (R2)	Endeavour Energy
5	Restriction on the Use of Land	each lot except 416	every other lot except 416

Ref: B16800-3A

.....
 Authorised person BD NSW (MR) PROJECT
 Legal/45188903_4

.....
 Authorised Person
 Hawkesbury Council

Plan: **DP1199663**

ePlan

Plan of Subdivision of Lot 341 DP1199661
 covered by Subdivision Certificate No. **16008**

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 3 of 15 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:
6	Easement for telecommunications cables 0.6 wide (E3)	315-341 incl., 343-415 incl.	NBN Co Limited
7	Positive Covenant	315-341 incl., 343-415 incl.	Hawkesbury Council
8	Positive Covenant	315-341 incl., 343-415 incl.	Hawkesbury Council
9	Restriction on the use of land	each lot except 342	every other lot except 342
10	Positive Covenant (P3)	Pt. 342 designated (P3)	Hawkesbury Council
11	Positive Covenant	336-341 incl.,	Hawkesbury Council

DP

Ref: B16800-3A-C4

Authorised person BD NSW (MR) PROJECT
 Legal/45188903_4

Authorised Person
 Hawkesbury Council

Plan: **DP1199663**

ePlan
Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

**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 4 of 15 Sheets)

Part 2 (Terms)

1. Terms of Easement for Padmount Substation 3.4 wide (E3) numbered two in the abovementioned plan

An Easement for Padmount Substation in the Terms as set out in Memorandum No. AK104621 lodged with Land and Property Information on behalf of Endeavour Energy.

2. Terms of Restriction on the Use of Land (R1) numbered three in the abovementioned plan

2.1 No building shall be erected or permitted to remain within the restriction site unless:

2.1.1 the external surface of the building erected within 1.5 metres from the substation footing has a 120/120/120 fire rating and

2.1.2 the external surface of the building erected more than 1.5 metres from the substation footing has a 60/60/60 fire rating

and the owner provides the authority benefited with an engineer's certificate to this effect.

2.2 The fire ratings mentioned in clause 2.1 must be achieved without the use of fire fighting systems such as automatic sprinklers.

2.3 Lessee of Endeavour Energy's Distribution System

2.3.2 Notwithstanding any other provision in this restriction on the use of land, the owner acknowledges and agrees that any lessee of Endeavour Energy's distribution system, and any nominee of such lessee (which may include a sublessee of Endeavour Energy's distribution system from that lessee), may,

.....
Authorised Person
Hawkesbury Council

Ref: B16800-3A-C4

.....
Authorised person BD NSW (MR) PROJECT
Legal/45188903_4

Plan: **DP1199663**

ePlan
Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

**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 5 of 15 Sheets)

Part 2 (Terms)

without the need for any further approvals or agreements, exercise the rights and perform the obligations of Endeavour Energy as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Endeavour Energy's distribution system from Endeavour Energy.

2.3.3 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Endeavour Energy.

2.4 Definitions:

2.4.1 "120/120/120 fire rating" and "60/60/60 fire rating" means the fire resistance level of a building expressed as a grading period in minutes for structural adequacy/integrity failure/insulation failure calculated in accordance with Australian Standard 1530

2.4.2 "building" means a substantial structure with a roof and walls and includes any projections from the external walls

2.4.3 "erect" includes construct, install, build and maintain

2.4.4 "restriction site" means that part of the lot burdened affected by the restriction on the use of land shown as (R1) on the plan.

3. **Terms of Restriction on the Use of Land (R2) numbered four in the abovementioned plan**

3.1 No swimming pool or spa shall be erected or permitted to remain within the restricted site.

3.2 Lessee of Endeavour Energy's Distribution System

Ref: B16800-3A-C4

.....
Authorised person BD NSW (MR) PROJECT
Legal/45188903_4

.....
Authorised Person
Hawkesbury Council

Plan: **DP1199663**

ePlan

Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

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 15 Sheets)

Part 2 (Terms)

3.2.1 Notwithstanding any other provision in this restriction on the use of land, the owner acknowledges and agrees that any lessee of Endeavour Energy's distribution system, and any nominee of such lessee (which may include a sublessee of Endeavour Energy's distribution system from that lessee), may, without the need for any further approvals or agreements, exercise the rights and perform the obligations of Endeavour Energy as if that lessee or nominee were Endeavour Energy, but only for so long as the lessee leases Endeavour Energy's distribution system from Endeavour Energy.

3.2.2 The owner must do all things reasonably necessary to ensure any such lessee, and any such nominee, is able to exercise the rights and perform the obligations of Endeavour Energy.

3.3 Definitions:

3.1.1 "erect" includes construct, install, build and maintain

3.1.2 "restriction site" means that part of the lot burdened affected by the restriction on the use of land shown as (R2) on the plan.

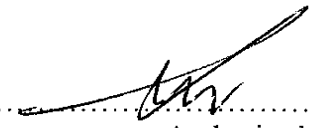
4. Terms of Restriction on the Use of Land numbered five in the abovementioned plan.

4.1 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:

4.1.1 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

Ref: B16800-3A-C4

Authorised person  BD NSW (MR) PROJECT
Legal/45188903_4


Authorised Person
Hawkesbury Council

Plan: **DP1199663**

ePlan
Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

**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 15 Sheets)

Part 2 (Terms)

4.1.2 the Developer in its absolute discretion considers that the plans substantially comply with the DCP and the Redbank Design and Landscape Guidelines.

4.2 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.

4.3 Display Homes

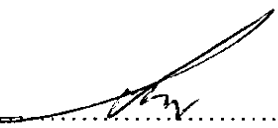
No building shall be erected on a burdened lot or permitted to remain on a burdened lot which is used or intended to be used as a Display Home, other than by the Developer, or with the approval of the Developer (which approval will be given or withheld in the Developer's absolute discretion.)

4.4 Definitions:

4.41 "BD NSW" means BD NSW (MR) Project O007 Pty Ltd (ABN 46 828 720 644).

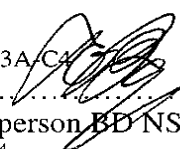
4.4.2 "**Developer**" means BD NSW and its successors in title to the Estate to which BD NSW assigns the benefit of this restrictive covenant, provided the successor in title has notified the other proprietors in the Estate that it is the "Developer" for the purposes of this Restriction of Use.

4.4.3 "**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.



Authorised Person
Hawkesbury Council

Ref: B16800-3A/CA



Authorised person BD NSW (MR) PROJECT

Legal/45188903_4

Plan: **DP1199663**

ePlan
Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

**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 15 Sheets)

Part 2 (Terms)

4.4.4 "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.

4.4.5 "Redbank Design and Landscape Guidelines" shall mean the Redbank Design and Landscape Guidelines issued under the name of 'North Richmond Joint-Venture - Redbank Development'.

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

5. Terms of Easement for telecommunications cables 0.6 wide (E3) 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;
 - (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;

.....
Authorised Person
Hawkesbury Council

Ref: B16800-3A-C4

.....
Authorised person BD NSW (MR) PROJECT
Legal/45188903_4

Plan: **DP1199663**

ePlan

Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. 16008

**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 15 Sheets)

Part 2 (Terms)

- (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; and
- (e) make good any collateral damage.

cm
5.3 The owner of the lot burdened must not:

- D*
- (a) interfere with the Conduit or allow anything to interfere, obstruct, damage or destroy the Conduit or obstruct NBNC_o exercising its rights under the easement; or
 - (b) use the site of this easement or any other part of the lot burdened in a way which may detrimentally affect the Conduit; 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.

6. Terms of Positive Covenant numbered seven 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.

7. Terms of Positive Covenant numbered eight 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".

8. Terms of Restriction on the Use of Land numbered nine in the abovementioned plan.

.....
Authorised Person
Hawkesbury Council

Ref: B16800-3A-C4

.....
Authorised person BD NSW (MR) PROJECT
Legal/45188903_4

Plan: **DP1199663**

ePlan

Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

**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 10 of 15 Sheets)

Part 2 (Terms)

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

9. Terms of Positive Covenant (P3) numbered ten in the abovementioned plan

The owner of the Lot burdened must maintain the area designated (P3) on the abovementioned plan as an interim asset protection zone as managed grassland as identified on attachment 'A' of the bush fire report prepared by McKinlay Morgan & Associates Pty.Ltd. No.87883/DA10YR dated June 2014. The asset protection zone shall be managed as an inner protection area as outlined within Planning for Bush Fire Protection 2006 and the Rural Fire Service's document "Standards for Asset Protection Zones".

Council will raise no objection to the release of this Covenant when the land the subject of this Covenant is developed as residential land.

10. Terms of Positive Covenant numbered eleven in the abovementioned plan.

Any dwelling constructed on the lot hereby burdened must have a 5000 litre rainwater tank, in addition to the 3000 litre tank mentioned in Positive Covenant numbered seven, to act as an individual on site stormwater detention tank, with a discharge pipe size and connection to the tank to restrict stormwater discharge from the lot burdened to a calculated pre-development flow rate, based on individual lot area.

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

NBN Co Limited.

Ref: B16800-3A-CA

.....
Authorised person BD NSW (MR) PROJECT
Legal/45188903_4

.....
Authorised Person
Hawkesbury Council

Plan: **DP1199663**

ePlan
Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

**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 15 Sheets)

Part 2 (Terms)

**Name of Authority empowered to release, vary or modify Easements and Covenants
numbered seven, eight, ten and eleven in the abovementioned plan**

Hawkesbury Council.

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

Endeavour Energy.

Name of Authority empowered to release, vary or modify Restriction numbered five

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.

Ref: B16800-3

.....
Authorised person BD NSW (MR) PROJECT
Legal/45188903_4

.....
Authorised Person
Hawkesbury Council

Plan: **DP1199663**

ePlan
Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

**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 15 Sheets)

Signed on behalf of **Endeavour Energy**
ABN 59 253 130 878 by its Attorney pursuant
to Power of Attorney Book **4693** No **329**
in the presence of:

Signature of Witness

Signature of Attorney
Name: **Helen Smith**
Position: **Manager Property & Fleet**

Name of Witness

Date of Execution

c/- Endeavour Energy
51 Huntingwood Drive
HUNTINGWOOD NSW 2148

Ref: **URS16033**

.....
Authorised Person
Hawkesbury Council

Ref: B16800-3A-C4 -

.....
Authorised person BD NSW (MR) PROJECT
Legal/45188903_4

Plan: **DP1199663**


ePlan
Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

**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 13 of 15 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,
3-10 CASTLENEIGH 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-C4

.....
Authorised person BD NSW (MR) PROJECT
Legal/45188903_4

Plan: **DP1199663**

ePlan
Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

**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 14 of 15 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 Nomarkas

Name of Witness

Level 11, 100 Arthur St, North Sydney

Address of Witness




Signature of Attorney

Andrew Kennewell
SENIOR MANAGER
Project Director Facilities

Name of Attorney

Tier and Position Title of Attorney



Signature of Witness

Cheryl Nomarkas

Name of Witness

Level 11, 100 Arthur St, North Sydney

Address of Witness



Signature of Attorney

Name of Attorney

Graham Millett
GM Facilities & Fleet
Tier 3 Attorney

Tier and Position Title of Attorney

.....
Authorized Person
Hawkesbury Council

Ref: B16800-3A-C4

.....
Authorized person BD NSW (MR) PROJECT
Legal/45188903_4

Plan: **DP1199663**

ePlan
Plan of Subdivision of Lot 341 DP1199661
covered by Subdivision Certificate No. **16008**

**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 15 of 15 Sheets)

National Australia Bank Limited ACN 004 044 937

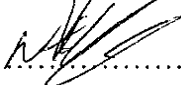
Executed by its Level 2 Attorney MICHAEL SERGENT

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)

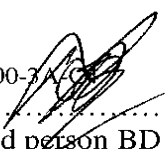


**NED HMEIDAN
ANALYST
NAB Corporate Property NSW**

(Name of Witness)

255 George Street Sydney NSW 2000
(Address of Witness)

Ref: B16800-3



Authorised person BD NSW (MR) PROJECT
Legal/45188903_4



Authorised Person
Hawkesbury Council