

**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:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
 and easements & restriction over Lot 789  
 DP1233055 covered by  
 Subdivision Certificate No. SC0003 | 21

**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 14 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.	Positive Covenant	1001, 1015-1025 incl	Hawkesbury Council
2.	Restriction on the Use of Land	each lot except 1000	every other lot except 1000
3.	Positive Covenant	1001-1025 incl	Hawkesbury Council
4.	Positive Covenant	1001-1025 incl	Hawkesbury Council
5.	Restriction on the Use of Land	1001-1025 incl	Hawkesbury Council
6.	Restriction on the Use of Land	1001, 1015-1025 incl	Hawkesbury Council
7.	Restriction on the Use of Land (R3)	1000, 789/1233055	1001, 1015-1025 incl
8.	Easement to drain water 1.5m wide (E1)	1011 1010 1009 1008 1007 1006 1005 1004 1014	1012 1011, 1012 1010-1012 incl 1009-1012 incl 1008-1012 incl 1007-1012 incl 1006-1012 incl 1005-1012 incl area (A) within 1000

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

.....  
 Authorised Person  
 Hawkesbury Council

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
 and easements & restriction over Lot 789  
 DP1233055 covered by  
 Subdivision Certificate No. SC0003/21

Full name and address  
 of the owner of the land:

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

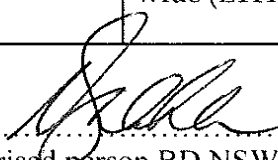
(Sheet 2 of 14 Sheets)


**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:
9.	Easement to drain water 2.5m wide (E2)	1003 1002 1001	1004-1012 incl 1003-1012 incl 1002-1012 incl
10.	Positive Covenant (P33)	Pt. 1000	Hawkesbury Council
11.	Easement for overhead power lines 9 wide (E3)	1000	Epsilon Distribution Ministerial Holding Corporation
12.	Easement for underground cables 2 wide (E4)	789/1233055	Epsilon Distribution Ministerial Holding Corporation
13.	Easement for water supply purposes 4 wide (E5)	789/1233055	Sydney Water Corporation

**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 12.5 wide (E5) (D.P.1233056)	548/1233056	Epsilon Distribution Ministerial Holding Corporation
2.	Easement for overhead power lines 9 wide (E111) (D.P.1233056)	548/1233056	Epsilon Distribution Ministerial Holding Corporation

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

  
 .....  
 Authorised Person  
 Hawkesbury Council

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. *SC0003/21*

Full name and address  
of the owner of the land:

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

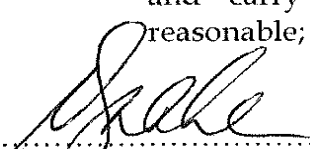
(Sheet 3 of 14 Sheets)


**Part 2 (Terms)**

**1. Terms of Positive Covenant numbered one 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;

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

  
.....  
Authorised Person  
Hawkesbury Council

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. SC0003/21

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 14 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).

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

  
.....  
Authorised Person  
Hawkesbury Council

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. SC0003121

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 14 Sheets)

**Part 2 (Terms)**

**2. Terms of Restriction on the Use of Land numbered two in the abovementioned plan.**

2.1 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:

2.1.1 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

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

**2.2 Alterations**

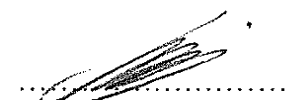
No alterations or additions may be made to any lot or any change to any building erected on any lot altering its colour, the materials used in its construction or the façade which does not comply with the requirements of the DCP and the Design and Landscape Guidelines. Nothing in this restriction shall prevent any work in the nature of repair or refurbishing that is consistent with the original construction.

**2.3 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.)



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



.....  
Authorised Person  
Hawkesbury Council

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. SC0003/21

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 14 Sheets)

**Part 2 (Terms)**

**2.4 Definitions:**

2.4.1 "BD NSW" means BD NSW (MR) Project O007 Pty Ltd (ACN 123 888 773).

2.4.2 "**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.

2.4.3 "**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.

2.4.4 "**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.

2.4.5 "**Redbank Design and Landscape Guidelines**" shall mean the Redbank Design and Landscape Guidelines for Sandstone Arch (Lots 1001-1025) issued under the name of 'Redbank North Richmond'.

2.5 This Restriction on Use was required as a condition of Hawkesbury Council development consent Development Application number DA0412/17

**3. 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.

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

.....  
Authorised Person  
Hawkesbury Council

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. SC0003|21

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 14 Sheets)

**Part 2 (Terms)**

**4. 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.

**5. 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.

**6. Terms of Restriction on the Use of Land numbered six 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' 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.

**7. Restriction on the use of land (R3) numbered seven in the abovementioned plan**

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

**8. Terms of Positive Covenant (P33) numbered ten in the abovementioned plan**

The owner of the Lot burdened must maintain the Lot as an interim asset protection zone as managed grassland as described in the bush fire report prepared by Envirotech Consulting Group Ref: 19-7676 dated 29 July, 2019.

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

.....  
Authorised Person  
Hawkesbury Council

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. SC0003 | 21

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 14 Sheets)

**Part 2 (Terms)**

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".

**9. Terms of Easement for overhead power lines 9 wide (E3) numbered eleven in the abovementioned plan**

The terms set out in Memorandum No AK104602 registered at NSW Land Registry Services are incorporated into this document, subject to changing "Endeavour Energy" to "Epsilon Distribution Ministerial Holding Corporation"

**10. Terms of Easement for underground cables 2 wide (E4) numbered twelve in the abovementioned plan**

The terms set out in Memorandum No AK104616 registered at the NSW Land Registry Services are incorporated into this document, subject to changing "Endeavour Energy" to "Epsilon Distribution Ministerial Holding Corporation"

**11. Terms of Easement for Water Supply Purposes 4 wide (E5) numbered thirteen in the abovementioned plan**

An Easement for Water Supply Purposes 4 wide in the terms set out in Memorandum AE292281 registered at the NSW Land Registry Services are incorporated into this document

**Name of Authority empowered to release, vary or modify terms of Easements, restrictions and covenants numbered one, three, four, five, six and ten in the abovementioned plan**

Hawkesbury Council.

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

.....  
Authorised Person  
Hawkesbury Council



**Plan:**

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. SC0003121

**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 14 Sheets)

**Name of person whose consent is required to release, vary or modify terms of 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.

**Name of Authority empowered to release, vary or modify terms of Easement numbered  
eleven & twelve in the abovementioned plan**


Epsilon Distribution Ministerial Holding Corporation

**Name of Authority empowered to release, vary or modify term of Easement numbered  
thirteen in the abovementioned plan**

Sydney Water Corporation



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



.....  
Authorised Person  
Hawkesbury Council

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. SC0003121

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 14 Sheets)

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

Callum Gracie

Name of witness

76 ARTHUR PHILLIP DRIVE NORTH  
Address of witness RICHMOND NSW 2754

Signature of Attorney

Melinda Graham

Name of Attorney

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

Authorised person BD NSW (MR) PROJECT

Authorised Person  
Hawkesbury Council

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789

DP1233055 covered by  
Subdivision Certificate No. SC0003/21

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 14 Sheets)

National Australia Bank Limited ACN 004 044 937

Executed by its Level 3 Attorney ADAM LINES

Under Power of Attorney No Bank 4512, MD 34

this 23<sup>rd</sup> Day of February 2021

(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)

CHARLES HORNERY  
(Name of Witness)

255 GEORGE STREET,  
SYDNEY, NSW 2000  
(Address of Witness)

[Signature]  
Authorised person BD NSW (MR) PROJECT

[Signature]  
Authorised Person  
Hawkesbury Council

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. SC0003121

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 12 of 14 Sheets)

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

.....  
Signature of delegate

.....  
Name of delegate

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

.....  
Signature of Witness

.....  
Name of Witness

.....  
Address of Witness

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

.....  
Authorised Person  
Hawkesbury Council

Plan:  
**DP1263276**

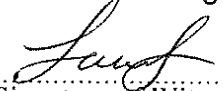
Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. **SC0003121**

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 14 Sheets)

Executed by **Sydney Water Corporation**  
**ABN 49 776 225 038** pursuant to section  
50(3)(a) of the *Interpretation Act 1987* by an  
authorised delegate:

  
.....  
Signature of Witness

**LAUREL SLOTT**  
.....  
Name of Witness

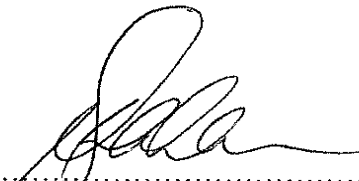
**1 SMITH STREET PARLAMATTA**  
.....  
Address of Witness **NSW 2150**


  
.....  
Signature of Authorised Delegate

**GIRANT MAY**  
.....  
Name of Authorised Delegate

**PROPERTY PORTFOLIO MANAGER**  
.....  
Title of Authorised Delegate

**08.02.2021**  
.....  
Date

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

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

Plan:

**DP1263276**

Plan of Subdivision of Lot 548 DP1233056  
and easements & restriction over Lot 789  
DP1233055 covered by  
Subdivision Certificate No. SC0003121

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 14 Sheets)

I certify that the attorney signed this  
instrument in my presence

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)

M. DOWDS  
.....  
Signature of Witness

[Signature]  
.....  
Signature of Attorney

MEGAN DOWDS  
.....  
Name of Witness

Name and position of Attorney:  
Simon Lawton  
Strategic Property Manager  
Power of Attorney:  
Book 4782 No 292  
Signing on behalf of:  
Endeavour Energy Network Asset Partnership  
ABN 30 586 412 717

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

Endeavour Energy reference:  
URS24139 ARP4433  
release RPM17403 NP091015 NP091016

.....  
Date of signature: 27 January 2021

[Signature]  
.....  
Authorised person BD NSW (MR) PROJECT



[Signature]  
.....  
Authorised Person  
Hawkesbury Council

M. DOWDS