

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*.

(Sheet 1 of 15 sheets)

Plan: Plan of Subdivision of Lot 1 DP1305209 and Easements over Lot 3 in DP1305209 covered by Subdivision Certificate No.

Dated

Full name and address of the owner of the land: LegPro 75 Pty Ltd
ACN 657 948 493
Level 45, 25 Martin Place
Sydney NSW 2000

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 lot(s), road(s), bodies or Prescribed Authorities
1	Easement for Drainage 2 wide (A)	102 103 104 105 106 111 120 121 122 122 131 132 133 136 137 138 142 145 148 149 150 153 154 155 156 158 159 160 161	101 101 & 102 101, 102 & 103 101 to 104 inclusive 101 to 105 inclusive 110 121, 122 & 123 122 & 123 123 132, 133 & 134 133 & 134 134 135 135 & 136 135, 136 & 137 131 to 134 inclusive 144 144 & 145 144, 145 & 148 144, 145, 148 & 149 154 to 157 inclusive 155, 156 & 157 156 & 157 157 159 to 162 inclusive 160, 161 & 162 161 & 162 162
2	Restriction On the Use of Land (R)	Parts of the Lots: 100 101 102 103	Camden Council

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Registered Proprietor (initial)

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Camden Council (initial)
Council File No: DA/2023/186/1

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(Sheet 2 of 15 sheets)

Plan:

Plan of Subdivision of Lot 1 DP1305209 and Easements over Lot 3 in DP1305209 covered by Subdivision Certificate No.

Dated

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 lot(s), road(s), bodies or Prescribed Authorities
2 (cont'd)	Restriction On the Use of Land (R) (continued)	Parts of the Lots: 104 105 106 107 110 111 113 114 115 116 117 119 120 121 122 123 124 127 128 132 133 134 135 136 137 138 139 140 141 144 145 146 147 148 151 152 154 155 158 159 160 161 162	Camden Council

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Registered Proprietor (initial)

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Camden Council (initial)
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Plan:

Plan of Subdivision of Lot 1 DP1305209 and Easements over Lot 3 in DP1305209 covered by Subdivision Certificate No.

Dated

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3	Positive Covenant (V)	Parts of the Lots: 100 101 102 103 104 105 106 107 110 113 114 115 116 117 119 120 121 122 123 124 127 128 132 133 134 135 136 137 138 139 140 141 144 145 146 147 148 151 152 154 155 158 159 160 161 162	Camden Council

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Plan of Subdivision of Lot 1 DP1305209 and Easements over Lot 3 in DP1305209 covered by Subdivision Certificate No.

Dated

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4	Easement for Padmount Substation 2.75 wide (C)	106 & 157	Epsilon Distribution Ministerial Holding Corporation
5	Restriction on the Use of Land (D)	Part 106, Part 107, Part 144 & Part 157	Epsilon Distribution Ministerial Holding Corporation
6	Restriction on the Use of Land (E)	Part 106, Part 107, Part 144 & Part 157	Epsilon Distribution Ministerial Holding Corporation
7	Restriction on the Use of Land (<i>Bushfire IPA</i>)	100 to 162 inclusive	Camden Council
8	Restriction on the Use of Land (<i>Acoustic</i>)	101 to 151 inclusive	Camden Council
9	Positive Covenant (<i>Acoustic Barrier fence</i>)	101, 111 & 112	Camden Council
10	Restriction on the Use of Land (<i>Fencing Covenant</i>)	100 to 162 inclusive	LegPro 75 Pty Ltd
11	Restriction on the Use of Land (<i>Salinity</i>)	101 to 162 inclusive	Camden Council
12	Restriction on the Use of Land (<i>Filled Lots</i>)	101 to 162 inclusive	Camden Council
13	Right of Carriageway (<i>Temporary Turning Head</i>)	Lot 3 in DP1305209	Camden Council
14	Easement to Drain Water (Whole of Lot) (<i>Detention basin</i>)	100	Camden Council
15	Easement for On-Site Detention (Whole of Lot) (<i>Detention basin</i>)	100	Camden Council
16	Easement for Water Quality Purposes (Whole of Lot) (<i>Detention basin</i>)	100	Camden Council
17	Positive Covenant (<i>Detention basin</i>)	100	Camden Council
18	Right of Carriageway 3 wide (B)	110 111	111 110

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Dated

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19	Restriction on the Use of Land <i>(Acoustic ~ Windows Closed)</i>	101 to 162 inclusive	Camden Council
20	Restriction on the Use of Land <i>(Principal Private Open Space)</i>	101, 111 & 112	Camden Council
21	Restriction on the Use of Land <i>(Bin Placement for adjoining lot)</i>	109 112	110 & Camden Council 111 & Camden Council
22	Positive Covenant <i>(Bin Placement)</i>	110 & 112	Camden Council

Part 2 (Terms)

1. Terms of Easement to Drain Water 2 wide (A) numbered 1 in the Plan

Notwithstanding the terms of Easement to Drain Water as set out in Part 3 Schedule 8 of the Conveyancing Act 1919 (as amended), no building, erection of structures, excavation, filling or alteration of the finished surface levels approved by the Council for the subdivision created by the plan herein will be permitted on the site of the Easement and no fence shall be erected within the easement that would restrict the overland flow of water in the easement without the written consent of Camden Council being firstly obtained.

Name of authority whose consent is required to release, vary or modify the easement numbered 1 in the plan:

Camden Council

2. Terms of Restriction on the Use of Land (R) numbered 2 in the Plan

- (a) The registered proprietor of the lot hereby burdened must not, or allow any person to, alter, remove or destroy any part of the retaining wall including any soil, planting or fencing associated with the retaining wall within the area designated (R) on the plan without the prior written approval of Camden Council.
- (b) Ensure that no alteration to the type, size or location of the retaining wall within, on or over the area designated (R) on the plan without the prior written consent of Camden Council.

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- (c) No buildings or structures shall be permitted to be constructed within the area designated (R) on the plan. Notwithstanding the above, an eave, gutter or part of the roof structure for the dwelling may overhang the area designated (R).

Name of authority whose consent is required to release, vary or modify the restriction numbered 2 in the plan:

Camden Council.

3. Terms of Positive Covenant (V) numbered 3 in the Plan

The registered proprietor or their assigns must covenant with Camden Council at all times to maintain the retaining wall and any associated fencing in good order within, on or over the area designated (V) on the plan. If the retaining wall is not maintained to the satisfaction of Camden Council, Council may enter upon the land and carry out the necessary work at full cost to the owner of the lot burdened.

Name of authority whose consent is required to release, vary or modify the positive covenant numbered 3 in the plan:

Camden Council.

4. Terms of Easement for Padmount Substation 2.75 wide (C) numbered 4 in the Plan

The terms set out in Section 1 of Memorandum AR578978 are incorporated into this document.

Name of authority having the right to release, vary or modify the easement numbered 4 in the plan:

Epsilon Distribution Ministerial Holding Corporation

5. Terms of Restriction on the Use of Land (D) numbered 5 in the Plan

The terms set out in Section 8 of Memorandum AR578978 are incorporated into this document.

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Name of authority having the right to release, vary or modify the Restriction on the Use of Land numbered 5 in the plan:

Epsilon Distribution Ministerial Holding Corporation

6. Terms of Restriction on the Use of Land (E) numbered 6 in the Plan

The terms set out in Section 9 of Memorandum AR578978 are incorporated into this document.

Name of authority having the right to release, vary or modify the Restriction on the Use of Land numbered 6 in the plan:

Epsilon Distribution Ministerial Holding Corporation

7. Terms of Restriction on the Use of Land numbered 7 in the Plan

Except for where vegetation is to be retained, the lot(s) burdened by this restriction must be maintained to comply with the standards of an Inner Protection Area (IPA) as described by Section A4.1.1 of NSW Rural Fire Service (RFS) document "Planning for Bush Fire Protection 2019".

Name of authority having the right to release, vary or modify the Restriction on the Use of Land numbered 7 in the plan:

Camden Council

8. Terms of Restriction on the Use of Land numbered 8 in the Plan

No dwelling shall be erected or constructed unless the registered proprietor(s) have constructed and maintained such dwelling to make provision to comply with construction requirements and window and door treatments consistent with "Section 5 _ Noise Impact Assessment" and "Tables 5-1, 5-2 & 5-3" contained within the "Traffic Noise Assessment Proposed Subdivision – 190 Raby Road, Gledwood Hills Report prepared by Rodney Stevens Acoustic Consultants, Reference R220433R1, Revision 3, dated 11th April, 2024.

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Internal noise levels contained within Camden DCP 2019 must be achieved for each dwelling.

Compliance with the above is to be demonstrated for each dwelling application.

Name of authority having the right to release, vary or modify the Restriction on the Use of Land numbered 8 in the plan:

Camden Council

9. Terms of Positive Covenant numbered 9 in the Plan

- a) In this covenant "Acoustic Wall or Barrier" means the acoustic wall or barrier constructed or to be constructed on or adjacent to the lot burdened.
- b) Such Acoustic Wall or barrier is to be erected or constructed as a 1.8 metre high solid acoustic barrier along the southern boundary facing Gregory Hills Drive as illustrated in "Figure 5-2 Proposed Noise Barrier" and constructed in accordance with "5.10 Acoustic Barrier" contained in the "Traffic Noise Assessment Report prepared by Rodney Stevens Acoustic Consultants, Reference R220433R1, Revision 3, dated 11th April, 2024".
- c) The owner of the lot burdened must:
 - i. Maintain, repair and reinstate the acoustic wall in good repair and safe condition;
 - ii. Remove any graffiti visible from a public place or road as soon as practicable; and
 - iii. Not alter, remove or destroy any soil, planting or any part of the fence or wall which forms part of the Acoustic Wall without prior approval from Camden Council.

Name of authority having the right to release, vary or modify the Positive Covenant numbered 9 in the plan:

Camden Council

10. Terms of Restriction on the Use of Land numbered 10 in the Plan

That for the benefit of any adjoining land owned by LegPro 75 Pty Ltd, but only during the ownership thereof of LegPro 75 Pty Ltd, their successors and assigns other than transferees on sale, no fence shall be erected on the land hereby burdened to divide same from such adjoining land without the consent of LegPro 75 Pty Ltd but such consent shall not be withheld if such fence is erected without expense to LegPro 75 Pty Ltd and in

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favour of any person dealing with a transferee such consent shall be deemed to have been given in respect of every fence for the time being erected.

Name of person or body having the right to release, vary or modify the Restriction on the Use of Land numbered 10 in the plan:

LegPro 75 Pty Ltd

11. Terms of Restriction on the Use of Land numbered 11 in the Plan.

No works are permitted to be undertaken on the lot burdened unless, all works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with AS 2159, AS 2870 and the management strategies contained within the reports titled “.....”, *dated*

Name of Authority whose consent is required to release, vary or modify restriction numbered 11 in the plan:

Camden Council.

12. Terms of Restriction on the Use of Land numbered 12 in the Plan.

No dwelling, garages or other structures shall be permitted on the lot burdened UNLESS the foundations/footings proposed for such structures have been designed to account for the geotechnical classification of each lot burdened and such foundations/footing design is certified by a suitably qualified Structural or Civil Engineer and a copy of the design and certification has been provided to the Authority approving the construction.

Name of Authority whose consent is required to release, vary or modify the restriction numbered 12 in the plan:

Camden Council.

13. Terms of Right of Carriage Way (T) numbered 13 in the Plan

As set out in Part 1 of Schedule 4A of the Conveyancing Act, 1919.

Name of Authority whose consent is required to release, vary or modify the right of carriageway numbered 13 in the plan:

Camden Council.

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14. Terms of Easement to Drain Water numbered 14 in the Plan

As set out in Part 3 of Schedule 4A of the Conveyancing Act, 1919.

Name of Authority whose consent is required to release, vary or modify the Easement numbered 14 in the plan:

Camden Council.

15. Terms of Easement for On-Site Detention numbered 15 in the Plan

Full and free right for every Authority who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that authority, from time to time and at all times to detail water (whether rain, storm, spring, soakage or seepage water) in any quantities across and through the land herein indicated as the servient tenement, together with the right to use, for the purposes of the easement, any line of pipes already laid within the servient tenement for the purpose of detaining water or any pipe or pipes in replacement or in substitution therefor and where no such line of pipes exists, to lay, place and maintain a line of pipes of sufficient internal diameter beneath or upon the surface of the servient tenement, and together with the right for the grantee and every person authorised by the grantee, with any tools, implements, or machinery, necessary for the purpose, to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining or renewing such pipe line or any part thereof and for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary provided that the grantee and the persons authorised by the grantee will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition.

Name of Authority whose consent is required to release, vary or modify the Easement numbered 15 in the plan:

Camden Council.

16. Terms of Easement for Water Quality Purposes numbered 16 in the Plan

The Authority having the benefit of this easement for water quality created by this plan, has the right to monitor the water storage to ensure water quality and further, the servient tenement shall not allow anything to occur to adversely affect the water quality within the site of this easement.

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Name of Authority whose consent is required to release, vary or modify the Easement numbered 16 in the plan:

Camden Council.

17. Terms of Positive Covenant numbered 17 in the Plan

The registered proprietor of the lot burdened shall do all things necessary to maintain, repair and arrange adequate public insurance cover for the temporary on-site detention basin and water quality facility, including any rock retaining walls, pits and pipes that form part of the basin located with the lot, to a level sufficient to ensure operation of the basin.

The Authority benefited may enter upon the lot burdened with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in case of an emergency) to:

- View the state of the basin, and/or;
- Execute any works required to remedy a breach of the terms of this positive covenant if the registered proprietor of the lot burdened has not within fourteen (14) days from the date of receipt by the proprietor of the lot burdened of written notice from Council, requiring remedy of the breach of the terms of this positive covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidation debt the cost of such remedial work from the proprietor forthwith upon demand.

Name of Authority whose consent is required to release, vary or modify the positive covenant numbered 17 in the plan:

Camden Council.

18. Terms of Right of carriageway 3 wide (B) numbered 18 in the Plan

A Right of carriageway on the terms set out in Part 1 Schedule 8 of the Conveyancing Act 1919 (as amended).

Name of Authority whose consent is required to release, vary or modify the right of carriageway numbered 18 in the plan:

Camden Council.

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19. Terms of Restriction on the Use of Land numbered 19 in the Plan:

Where the traffic Noise Assessment Report (prepared by Rodney Stevens Acoustic Consultants, Reference R220433R1, Revision 3, dated 11th April, 2024.) applies a windows closed condition to meet internal noise criteria, the adopted ventilation systems must meet the requirements of the Building Code of Australia and Australian Standard 1668 – The Use of ventilation and air conditioning in buildings.

Name of authority having the right to release, vary or modify the Restriction on the Use of Land numbered 19 in the plan:

Camden Council

20. Terms of Restriction on the Use of Land numbered 20 in the Plan:

No dwelling shall be erected or constructed on the on the burdened lot unless the registered proprietor(s) have designed all principal private open spaces and backyards to be facing away from Gregory Hills Drive.

Name of authority having the right to release, vary or modify the Restriction on the Use of Land numbered 20 in the plan:

Camden Council

21. Terms of Restriction on the Use of Land numbered 21 in the Plan:

The burdened lot shall allow the placement of garbage bins for waste collection for the benefited lot within the property frontage of the burdened lot.

Name of authority having the right to release, vary or modify the Restriction on the Use of Land numbered 21 in the plan:

Camden Council

22. Terms of Positive Covenant numbered 22 in the Plan:

The registered proprietors of the lots hereby burdened must present their garbage bins for waste collection in front of Lot 109 (for Lot 110) and in front of Lot 112 (for Lot 111).

Name of authority having the right to release, vary or modify the Positive Covenant numbered 22 in the plan:

Camden Council

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Registered Proprietor (initial)

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Dated

Execution by Council

CAMDEN COUNCIL by its authorised delegate pursuant to s.377/378 Local Government 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

Executed by:

LegPro 75 Pty Ltd
ACN 657 948 493

in accordance with Section 127(1) of the Corporations Act 2001 in the presence of

.....
Signature of **ELTON MATTHEW HYDER IV**
(Sole Director & Secretary)

.....
Registered Proprietor (initial)

.....
Camden Council (initial)
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Plan: Plan of Subdivision of Lot 1 DP1305209 and Easements over Lot 3 in DP1305209 covered by Subdivision Certificate No.

Dated

Executed by Mortgagee under Mortgage numbered xxxxxxxx:

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Registered Proprietor (initial)

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Plan:

Plan of Subdivision of Lot 1 DP1305209 and Easements over Lot 3 in DP1305209 covered by Subdivision Certificate No.

Dated

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)*

Signature of witness:

Signature of attorney:

Name of witness:

Name and position of attorney:

Address of witness:
c/- Endeavour Energy
Level 41, 8 Parramatta Square
10 Darcy Street
Parramatta NSW 2150

Power of attorney: Book 4822 No.410

EE Reference: _____

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