

**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 9 sheets)

**Plan:** Plan of Subdivision of Lot 4 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)	403 404 405 406 407 408 416 417 418 419 420 422  423	402 402 & 403 402, 403 & 404 402 to 405 inclusive 402 to 406 inclusive 402 to 407 inclusive 415 415 & 416 415, 416 & 417 415 to 418 inclusive 415 to 419 inclusive 415 to 420 inclusive 415 to 420 inclusive & 422
2	Restriction On the Use of Land (R) <i>(Retaining Walls)</i>	Parts of the Lots: 412 413 416 417	Camden Council
3	Positive Covenant (V) <i>(Retaining Walls)</i>	Parts of the Lots: 412 413 416 417	Camden Council
4	Restriction on the Use of Land (Z) <i>(Bushfire APZ)</i>	Part of each of Lots 415 to 421 inclusive and 424	Camden Council

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Registered Proprietor (initial)

30013567.L04.88B.Stage 4 Draft.v02.2024.07.25

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

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**Plan:**

Plan of Subdivision of Lot 4 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
5	Restriction on the Use of Land <i>(Bushfire IPA)</i>	400 to 424 inclusive	Camden Council
6	Restriction on the Use of Land <i>(Acoustic)</i>	401 & 402	Camden Council
7	Restriction on the Use of Land <i>(Fencing Covenant)</i>	400 to 424 inclusive	LegPro 75 Unit Trust
8	Restriction on the Use of Land <i>(Salinity)</i>	400 to 424 inclusive	Camden Council
9	Restriction on the Use of Land <i>(Filled Lots)</i>	400 to 424 inclusive	Camden Council
10	Restriction on the Use of Land <i>(DCP Height Restriction)</i>	401 to 424 inclusive	Camden Council
11	Restriction on the Use of Land (B) <i>(Rear building set back)</i>	Part of 424	Camden Council
12	Restriction on the Use of Land <i>(Single Storey dwellings)</i>	424	Camden Council
13	Restriction on the Use of Land <i>(Open Style Fencing)</i>	401 to 408 inclusive & 424	Camden Council
14	Restriction on the Use of Land <i>(Acoustic ~ Windows Closed)</i>	401 to 424 inclusive	Camden Council

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**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.
- (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.

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

The registered proprietor of the lots hereby burdened, 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 Restriction on the Use of Land (Z) numbered 4 in the Plan**

The site of the restriction denoted (Z) on the plan is identified as a Bushfire Asset Protection Zone. No buildings (other than class 10b structures) shall be erected or constructed within the site of this restriction. This Asset Protection Zone is to be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 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

**5. Terms of Restriction on the Use of Land numbered 5 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 5 in the plan:**

Camden Council

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

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 6 in the plan:**

Camden Council

**7. Terms of Restriction on the Use of Land numbered 7 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 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 7 in the plan:**

LegPro 75 Pty Ltd

**8. Terms of Restriction on the Use of Land numbered 8 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

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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 8 in the plan:**

Camden Council.

**9. Terms of Restriction on the Use of Land numbered 9 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 9 in the plan:**

Camden Council.

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

Development of any building or structure, including roofing and attachments, erected on the lots burdened must not encroach above a reduced level of 141 metres relative to Australia Height Datum (AHD) in accordance with the requirements of “Camden Development Control Plan 2019 - Schedule 13, 190 Raby Road, Gledswood Hills

**Name of Authority whose consent is required to release, vary or modify restriction numbered 10 in the plan:**

Camden Council.

**11. Terms of Restriction on the Use of Land (B) numbered 11 in the Plan.**

The lot hereby burdened backs onto the ridgeline of the Scenic Hills and must have a minimum 20-metre rear building setback. No building or structure is to be constructed on the lot burdened within the site of the restriction denoted “B” on the plan.

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

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

The lot hereby burdened backs onto the ridgeline of the Scenic Hills and are restricted to single storey dwelling construction only.

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

Camden Council.

**13. Terms of Restriction on the Use of Land numbered 13 in the Plan.**

Where the lots burdened by this restriction share a boundary with a Public Reserve any dividing boundary fence must be of an open style.

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

Camden Council.

**14. Terms of Restriction on the Use of Land numbered 14 in the Plan:**

Where the traffic Noise Assessment Report (prepared by Rodney Stevens Acoustic Consultants, Reference R220433R1, Revision 3, dated 11<sup>th</sup> 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 14 in the plan:**

Camden Council

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Registered Proprietor (initial)

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**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 4 DP1305209 covered by Subdivision Certificate No.

Dated

Executed by Mortgagee under Mortgage numbered .....

DRAFT

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Registered Proprietor (initial)

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