

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 2 of 12 sheets)

Plan: Plan of Subdivision of Lot 5 DP1305209 and Easement over Lot 6 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
1 (cont'd)	Easement for Drainage 2 wide (A) (continued)	545 546 547 548 549 550 557 562 570 571 572 573 574 575 577 578 579 580 582 583 584 585 586 587 588 589	546 to 550 inclusive & Lot 327 DP1307589 547 to 550 inclusive & Lot 327 DP1307589 548 to 550 inclusive & Lot 327 DP1307589 549, 550 & Lot 327 DP1307589 550 & Lot 327 DP1307589 Lot 327 DP1307589 576 to 580 inclusive 569 to 575 inclusive 569 569 & 570 569, 570 & 571 569 to 572 inclusive 569 to 573 inclusive 569 to 574 inclusive 576 576 & 577 576, 577 & 578 576 to 579 inclusive 581 581 & 582 581, 582 & 583 581 to 584 inclusive 581 to 585 inclusive 588, 589 & 590 589 & 590 590
2	Restriction On the Use of Land (R) <i>(Retaining Walls)</i>	Parts of the Lots: 516 to 525 inclusive, 528 to 537 inclusive, 541 to 550 inclusive, 556 to 581 inclusive, 587 to 590 inclusive & 592	Camden Council

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Registered Proprietor (initial)

30013567.L05.88B.Stage 5 Draft.v02.2025.07.01

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

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3	Positive Covenant (V) <i>(Retaining Walls)</i>	Parts of the Lots: 516 to 525 inclusive, 528 to 537 inclusive, 541 to 550 inclusive, 556 to 581 inclusive, 587 to 590 inclusive & 592	Camden Council
4	Easement for Padmount Substation 2.75 wide (B)	515 & 551	Epsilon Distribution Ministerial Holding Corporation
5	Restriction on the Use of Land (C) <i>(Endeavour Energy)</i>	Part 501, Part 515, Part 551 & Part 586	Epsilon Distribution Ministerial Holding Corporation
6	Restriction on the Use of Land (D) <i>(Endeavour Energy)</i>	Part 501, Part 515, Part 551 & Part 586	Epsilon Distribution Ministerial Holding Corporation
7	Restriction on the Use of Land <i>(Bushfire IPA)</i>	501 to 591 inclusive	Camden Council
8	Restriction on the Use of Land <i>(Fencing Covenant)</i>	501 to 591 inclusive	LegPro 75 Unit Trust
9	Restriction on the Use of Land <i>(Salinity)</i>	501 to 591 inclusive	Camden Council
10	Restriction on the Use of Land <i>(Filled Lots)</i>	501 to 591 inclusive	Camden Council
11	Restriction on the Use of Land <i>(DCP Height Restriction)</i>	500 & 591	Camden Council
12	Restriction on the Use of Land (Z) <i>(Bushfire APZ)</i>	Part 500 & Part 591	Camden Council
13	Easement to Drain Water (E) (Whole of Lot) <i>(Detention Basin)</i>	592	Camden Council
14	Easement for On-Site Detention (F) (Whole of Lot) <i>(Detention Basin)</i>	592	Camden Council
15	Easement for Water Quality Purposes (H) (Whole of Lot) <i>(Detention Basin)</i>	592	Camden Council

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Dated

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16	Positive Covenant <i>(Detention Basin)</i>	592	Camden Council
17	Right of Carriageway (W) <i>(Temporary Turning Head)</i>	Lot 6 DP1305209	Camden Council

Part 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement or profit à prendre to be released and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities.
1	Right of Way & Easement for Services (Whole of Lot) created by DP1305209	Lot 5 DP1305209	Lots 6 & 7 DP1305209
2	Right of Carriageway Variable Width (W) created by DP1307859	Lot 5 DP1305209	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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Registered Proprietor (initial)

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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 Easement for Padmount Substation 2.75 Wide (B) numbered 4 in the Plan.

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

Name of authority empowered to release, vary or modify easement numbered 4 in the Plan.

Epsilon Distribution Ministerial Holding Corporation

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

The terms set out in Section 8 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 5 in the Plan

Epsilon Distribution Ministerial Holding Corporation

6. Terms of Restriction on the Use of Land (D) 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

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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

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 8 in the plan:

LegPro 75 Pty Ltd

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

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Camden Council.

10. Terms of Restriction on the Use of Land numbered 10 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 10 in the plan:

Camden Council.

11. Terms of Restriction on the Use of Land numbered 11 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 11 in the plan:

Camden Council.

12. Terms of Restriction on the Use of Land (Z) numbered 12 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 12 in the plan:

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Camden Council

13. Terms of Easement to Drain Water (E) numbered 13 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 13 in the plan:

Camden Council.

14. Terms of Easement for On-Site Detention (F) numbered 14 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 14 in the plan:

Camden Council.

15. Terms of Easement for Water Quality Purposes (H) 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 15 in the plan:

Camden Council.

16. Terms of Positive Covenant numbered 16 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 16 in the plan:

Camden Council.

17. Terms of Right of Carriage Way (W) 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 17 in the plan:

Camden Council.

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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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Dated

Executed by Mortgagee under Mortgage numbered

DRAFT

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Registered Proprietor (initial)

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