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: Plan of Subdivision of Lot 7 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 to Drain Water 6, 5.5 & Variable Width (B)	703	704
2	Right of Carriageway & Easement for Services 6, 5.5 & Variable Width (B)	703	704
3	Restriction on the Use of Land *(Bushfire IPA)*	701 to 706 inclusive	Camden Council
4	Restriction on the Use of Land *(Fencing Covenant)*	701 to 706 inclusive	Every Other Lot
5	Restriction on the Use of Land *(Salinity)*	701 to 706 inclusive	Camden Council
6	Restriction on the Use of Land *(Filled Lots)*	701 to 706 inclusive	Camden Council
7	Restriction on the Use of Land *(DCP Height Restriction)*	701 to 705 inclusive	Camden Council
8	Restriction on the Use of Land (Z) *(Bushfire APZ)*	Parts of Lots 701 to 706 inclusive	Camden Council
9	Restriction on the Use of Land (Y) *(Scenic Protection Setback)*	Parts of Lots 701 to 705 inclusive	Camden Council
10	Restriction on the Use of Land (X) *(Vegetation Management)*	Part 705 & Part 706	Camden Council
11	Positive Covenant (X) *(Vegetation Management)*	Part 705 & Part 706	Camden Council
12	Restriction on the Use of Land *(Bin Placement)*	705	Camden Council & 702 to 704 inclusive

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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
13	Positive Covenant *(Bin Placement)*	702 to 704 inclusive	Camden Council
14	Restriction on the Use of Land (BE) *(Building Envelope clear of all listed Easements and Services)*	Parts of Lots 701 to 706 inclusive	Camden Council
15	Restriction on the Use of Land (A) *(5 metres from Gas Easement)*	701 & 705	Camden Council
16	Right of Public Access 10 wide (F) *(Verdant Drive Temp Construction)*	705 & 706	Camden Council

Part 2 (Terms)

1. **Terms of Easement to Drain Water 3.5, 5 & Variable Width (B) 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 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.

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

Camden Council

2. **Terms of Right of Carriageway & Easement for Services 3.5, 5 & variable width (B) numbered 2 in the Plan**

Right of Carriageway as set out in Part 1 of Schedule 8 of the Conveyancing Act, 1919 (as amended), together with the right to maintain and repair the driveway using such people, materials and/or equipment as may be deemed necessary AND together with full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the land benefited or any part thereof with which the right shall be capable of enjoyment, and every person authorised by him to make, lay out, construct, erect, install, carry, maintain and use through, above, on and

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under the land burdened all drains, pipes, conduits, underground wires and other equipment and materials necessary to provide and carry all or any water, sewage, gas, electricity, telephone and/or other domestic services to and from the said land benefited PROVIDED THAT the said drains, pipes, conduits, underground wires and/or other equipment and materials shall be laid in such position so as to cause as little interference as possible with the rights of carriageway hereby reserved TOGETHER WITH the right for the grantee and every person authorised by him, with any tools, implements or machinery necessary for the purpose of laying, inspecting, cleansing, repairing, maintaining, or renewing such equipment or any part thereof to such extent as may be necessary PROVIDED THAT the grantee and the persons authorised by him will take all reasonable precautions to ensure as little disturbance as possible to the surface of the land burdened and/or free access to the land benefited and will restore without delay 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 2 in the plan:

Camden Council

3. **Terms of Restriction on the Use of Land numbered 3 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 3 in the plan:

Camden Council

4. **Terms of Restriction on the Use of Land numbered 4 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.

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Name of person or body having the right to release, vary or modify the Restriction on the Use of Land numbered 4 in the plan:

LegPro 75 Pty Ltd

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

Camden Council.

6. **Terms of Restriction on the Use of Land numbered 6 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 6 in the plan:

Camden Council.

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

Camden Council.

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8. **Terms of Restriction on the Use of Land (Z) numbered 8 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 8 in the plan:

Camden Council

9. **Terms of Restriction on the Use of Land (Y) numbered 9 in the Plan.**

The lots hereby burdened back 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 "Y" on the plan.

Name of Authority whose consent is required to release, vary or modify restriction numbered 9 in the plan:

Camden Council.

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

The area of the restriction denoted "X" on the plan within the lots burdened is to be managed as a conservation area by the registered proprietor of the land in perpetuity in accordance with the Vegetation Management Plan (VMP) prepared by *Ecological Consultants Australia Pty Ltd and Dated November 2022* and the following restrictions:

a) Access to the area of the restriction denoted "X" on the plan is restricted for the explicit purpose of implementing the actions within the VMP only

b) No development (dwelling/structure), internal fencing, stockpiles, vehicle/trailer/caravan storage, storage, tents or similar are permitted within the conservation area covered by this restriction and denoted "X" on the plan.

c) No vehicle/trailer/caravan or similar access is permitted within the conservation area covered by this restriction and denoted "X" on the plan.

d) No access by any domestic pets or livestock is permitted within the conservation area covered by this restriction and denoted "X" on the plan.

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e) No alterations or additions to the perimeter fencing is permitted for the conservation area covered by this restriction and denoted "X" on the plan.

f) No native vegetation (live, dead or dying), earth, clay, stone, soil, sand or water may be removed or carried away from the conservation area covered by this restriction and denoted "X" on the plan.

g) No waste or pollutants to enter or accumulate within the conservation area covered by this restriction and denoted "X" on the plan.

h) No stormwater, drainage or similar is to be directed into the conservation area covered by this restriction and denoted "X" on the plan other than natural overland flow

i) No landscaping, mowing, fill or deposition of clippings from native or non-native vegetation within the conservation area covered by this restriction and denoted "X" on the plan.

j) The conservation area fencing (as identified and detailed in the VMP, except where amended and approved by Camden Council) must not be removed by any registered proprietor of the lots burdened and may only be modified for general maintenance and repair purposes in perpetuity to the exact standards defined within the aforementioned document, expect where amended and approved by Camden Council.

k) No alteration of the final overland flow path is permitted within the conservation area covered by this restriction and denoted "X" on the plan without written permission of Council.

l) Camden Council Officers reserve the right to enter the conservation area for the purposes of inspection and to monitor compliance with this restriction.

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

Camden Council.

11. **Terms of Positive Covenant (X) numbered 11 in the Plan.**

The area of the Positive Covenant denoted "X" on the plan within the lots burdened is to be managed by the registered proprietor of the land in perpetuity in accordance with the Vegetation Management Plan (VMP) prepared by *Ecological Consultants Australia Pty Ltd and Dated November 2022* and the following requirements:

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i) The area denoted "X" on the plan is to be managed in perpetuity in accordance with the Vegetation Management Plan (VMP) as a native vegetation and wildlife conservation area

ii) The registered proprietor of any lot hereby burdened shall undertake all works within the area designated "X" on the plan as required by the Vegetation Management Plan except where amended and approved by Camden Council. If the required works are not undertaken, Camden Council has the right to enter the land and undertake the works, and all costs associated therewith will be payable by the registered proprietor.

iii) Camden Council Officers reserve the right to enter the conservation area for the purposes of inspection to monitor compliance.

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

Camden Council.

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

The burdened lot shall allow the placement of garbage bins for waste collection for the benefited lots 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 12 in the plan:

Camden Council

13. **Terms of Positive Covenant numbered 13 in the Plan:**

The registered proprietors of the lots hereby burdened must present their garbage bins for waste collection in front of Lot 705.

Name of authority having the right to release, vary or modify the Positive Covenant numbered 13 in the plan:

Camden Council

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

All structures erected on the burdened lots shall be located within the building envelope clear of all listed easements and services and designated as "BE" on the plan.

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

15. **Terms of Restriction on the Use of Land (A) numbered 15 in the Plan:**

Development of any building or structure erected on the lots hereby burdened must not be located within the restricted building zone denoted (A) on the plan.

Name of authority having the right to release, vary or modify the Restriction on the Use of Land numbered 15 in the plan:

Camden Council

16. **Terms of Right of Public Access 10 wide (F) numbered 16 in the Plan:**

Terms of Right of Access as per Part 11 Schedule 4A of the Conveyancing Act 1919 as amended together with the following additions:

a) The easement is a temporary extension of the adjoining public road and will function as a public road in accordance with the definition of "public road" included in the Roads Act 1993 for the purposes of providing access across the easement site.

b) The easement site is made accessible to the public.

c) The easement will further be occupied for construction purposes when completing the public road construction and extension.

d) The easement will be extinguished upon the extension of the adjoining public road to which it relates.

Name of authority having the right to release, vary or modify the Public Right of Access numbered 16 in the plan:

Camden Council

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Plan: Plan of Subdivision of Lot 7 DP1305209 covered by Subdivision Certificate No.

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

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Plan: Plan of Subdivision of Lot 7 DP1305209 covered by Subdivision Certificate No.

Dated

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)

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Plan: Plan of Subdivision of Lot 7 DP1305209 covered by Subdivision Certificate No.

Dated

Executed by Mortgagee under Mortgage numbered ……..:

DRAFT