

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **1** of **13** Sheets

Plan of Subdivision of Lot 141 being a Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

Full name & address of the owners of the land

**OWNERS DETAILS**

**Part 1 (Creation)**

Number of item shown in the intention panel on the plan	Identity of easement, profit a 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 Access & maintenance 0.9 wide	1395 1400 1401 1404 1405 1407 1408 1410 1411 1416 1417 1420 1421 1422 1425 1443 1450 1451 1452 1454 1455 1396	1416 & Pt 1398 Part of Lot 1398 Part of Lot 1398 1405 1406 1408 1409 1411 1412 1417 1418 1421 1422 1423 1426 1444 1451 1452 1453 1455 1456 Part of 1398

Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **2** of **13** Sheets

Plan of Subdivision of Lot 141 being a Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

2	Easement to Drain Water 2.0 Wide	1401 1398 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413 1420 1421 1422 1423 1428 1429 1433 1432 1446 1445 1448 1449 1441 1442 1443 1399	Part of 1398 1403 to 1414 Incl 1404 to 1414 Incl 1405 to 1414 Incl 1406 to 1414 Incl 1407 to 1414 Incl 1408 to 1414 Incl 1409 to 1414 Incl 1410 to 1414 Incl 1411 to 1414 Incl 1412 to 1414 Incl 1413 & 1414 1414 1421 to 1424 Incl 1422 to 1424 Incl 1423 & 1424 1424 1429 & 1430 1430 1431 & 1432 1431 1447 1446 & 1447 1445-1447 Incl 1448 & 1445-1447 Incl 1442-1444 Incl 1443 & 1444 1444 1415
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Approved by Penrith City Council

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 Authorised Officer

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 Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **3** of **13** Sheets

Plan of Subdivision of Lot 141 being a Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

3	Easement for retaining wall support 0.5 wide	1400	1401
		1401	Part of 1398
		1402	1403
		1398	1403 & 1410-1414 Incl
		1404	1405
		1406	1407
		1407	1408
		1408	1409
		1409	1410
		1410	1411
		1397	1414 & 1415
		1399	1415 & 1422 -1424 Incl
		1395	Part 1399 & 1416
		1416	1417
		1417	1418
		1418	1419
		1419	1420-1422 Incl
		1420	1421
		1421	1422
		1422	1423
		1425	1426 & 1428
		1426	1427 & 1428
		1427	1428
		1434	1433 & 1435
1435	1432		
1436	1431		
1437	1430		
1438	1428 & 1429		
1439	1428		
1440	1425 & 1439		
1396	Part of 1398		

Approved by Penrith City Council

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 Authorised Officer

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 Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **4** of **13** Sheets

Plan of Subdivision of Lot 141 being a Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

3	Easement for retaining wall support 0.5 wide	1445 1448 1449 1450 1451 1452 1453 1454 1455 1456 1457	1444 1457 & 1445-1447 Incl 1448 & 1451-1455 Incl 1451 1452 1453 1454 1455 1456 1457 1441-1444 Incl
4	Easement to Drain Water 2.5 Wide	1395  1399 1402 1440 1439	.Part of 1399 & Penrith City Council  Penrith City Council 1403 to 1414 incl 1439 & 1428-1430 Incl 1428-1430 Incl
5	Easement to Drain Water 2.7 Wide & variable	1449 1402	1448 & 1445-1447 Incl 1403 to 1414 Incl
6	Easement to Drain water (Whole of Lot)	1396	Penrith City Council
7	Easement to Drain Water Variable Width	1397	Penrith City Council
8	Easement for Padmount substation 2.75 wide	1397	Epsilon Distribution Ministerial Holding Corporation
9	Restriction on the use of land (swimming pools)	Part lot 1397 Designated (R2)	Epsilon Distribution Ministerial Holding Corporation

Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **5** of **13** Sheets

Plan of Subdivision of Lot 141 being a Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

10	Restriction on the use of land (Fire rating Buildings)	Part lot 1397 Designated (R3)	Epsilon Distribution Ministerial Holding Corporation
11	Restriction on the use of Land (rear retaining walls)	1400-1402 Incl 1411-1415 Incl 1420-1449 Incl 1451-1455 Incl 1457	Penrith City Council
12	Restriction on the use of Land (side retaining walls)	1401 1403 1404 1406-1411 Incl 1415-1423 Incl 1425-1428 Incl 1434, 1435 1439, 1440 1444-1446 Incl 1448-1457 Incl	Penrith City Council
13	Restriction on the use of Land (design Guidelines)	1400-1457 Incl	Every other lot except 1396-1399 Incl
14	Restriction on the use of land (fencing)	1400-1457 Incl	Every other Lot Except 1396-1399 Incl.
15	Restriction on the use of land (split level lots)	1434-1436 Incl 1445-1447 Incl	Penrith City Council

Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **6** of **13** Sheets

Plan of Subdivision of Lot 141 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

**Part 2 (Terms)**

**Terms of Easement for access & maintenance 0.9 wide numbered 1 in the plan**

- 1.1 The owner of the lot benefited may:
- (a) use the easement site to assist in undertaking any works on the lot benefited including construction, repair, painting, landscaping and maintenance;
  - (b) enter onto the lot burdened to inspect and survey any structure on the lot benefited; and
  - (c) do anything reasonably necessary for those purposes, including:
    - entering the lot burdened;
    - taking anything on to the lot burdened; and
    - carrying out works within the site of this easement.
- 1.2 In exercising those powers, the owner of the lot benefited must:
- (a) ensure all work is done properly;
  - (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened;
  - (c) cause as little damage as is practicable to the lot burdened and any improvements on it;
  - (d) restore the lot burdened as nearly as practicable to its former condition; and
  - (e) make good any collateral damage.
- 1.3 The owner of the lot burdened must not :-
- (a) allow any building or other structure to be erected or placed on the easement site except an eave or gutter of the main building on the lot burdened or any permanent underground services to the main building
  - (b) carry out any excavation or filling greater than 500mm. Any excavation or filling shall be located and retained so as not to impact on any adjoining building, structure or property

The grant of this easement is made subject to the right of the owner of the lot burdened to carry out repairs and maintenance or improvements to any landscaping within the site of the easement including installing a security gate across the easement site from the building structure on the lot burdened.

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet 7 of 13 Sheets

Plan of Subdivision of Lot 141 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

## **Part 2 (terms continued)**

### **Terms of Easement for retaining wall support 0.5 wide numbered 3 in the plan**

1.1 The owner of the lot burdened must not:

(a) interfere with the retaining wall or the support it offers, or

(b) use the site of this easement, or any other part of the lot burdened, or any other land, in a way which may detract from the stability of or the support provided by the retaining wall.

1.2 If the owner of the lot burdened does or allows anything to be done which damages the retaining wall or impairs its effectiveness or fails to do something which results in damage to the retaining wall or the impairment of its effectiveness, the owner of the lot benefited may serve a notice on the owner of the lot burdened requiring the damage to be repaired or the impairment removed within 14 days.

1.3 If the owner of the lot burdened does not comply with the notice set out in clause 1.2 within 14 days, the owner of the lot benefited may:

- (a) enter the lot burdened and repair the damage or remove the impairment, and
- (b) recover its reasonable costs from the owner of the lot burdened.

1.4 In exercising those powers, the owner of the lot benefited must:

- (c) ensure all work is done properly, and
- (d) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
- (e) cause as little damage as is practicable to the lot burdened and any improvement on it, and
- (f) restore the lot burdened as nearly as is practicable to its former condition, and
- (g) make good any collateral damage.

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **8** of **13** Sheets

Plan of Subdivision of Lot 141 being a Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

## **Part 2 (terms continued)**

### **Terms of Easement for Padmount substation 2.75 wide numbered 8 in the plan**

The terms of the Easement for Padmount Substation set out in Section 1 Memorandum Number AR578978 are incorporated into this document.

#### **Name of person empowered to release, vary or modify Easement**

Epsilon Distribution Ministerial Holding Corporation

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

The terms of the Restriction on the use of land- Swimming Pools and Spas set out in Section 9 Memorandum Number AR578978 are incorporated into this document.

#### **Name of person empowered to release, vary or modify Restriction**

Epsilon Distribution Ministerial Holding Corporation

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

The terms of the Restriction on the use of land – Fire rating of Buildings set out in Section 8 Memorandum Number AR578978 are incorporated into this document.”

#### **Name of person empowered to release, vary or modify Restriction**

Epsilon Distribution Ministerial Holding Corporation

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **9** of **13** Sheets

Plan of Subdivision of Lot 141 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

## **Part 2 (terms continued)**

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

- 1.1 The combined height of the existing retaining walls constructed as part of the original subdivision effected by the registration of this plan and any proposed wall in the rear yard shall not exceed 1.8m.
- 1.2 Any retaining wall constructed after the registration of this plan shall be located at least 0.6m in front of the existing wall and shall have a maximum height of 1.0m.

### **Name of person empowered to release, vary or modify Restriction**

Penrith City Council

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

- 1.1 The combined height of the existing retaining walls constructed as part of the original subdivision effected by the registration of this plan and any proposed wall along the same side boundary shall not exceed 1.5m.

### **Name of person empowered to release, vary or modify Restriction**

Penrith City Council

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **10** of **13** Sheets

Plan of Subdivision of Lot 141 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

## **Part 2 (terms continued)**

### **Terms of Restriction on the Use of Land numbered 13 in the plan**

1.1 In this restriction on use:

- (a) **Design Guidelines** means the 'Design Guidelines' applicable to the Burdened lot which are published on the Orchard Hills North website or in another medium at the Developer's discretion and which the Developer may amend from time to time;
- (b) **Design Review Panel** means the design review panel constituted by the Developer being the panel required to approve the house and landscaping plans of houses in the Orchard Hills North development;
- (c) **Developer** means Legacy Property Pty Limited; and
- (d) **Sunset Date** means the date that is 10 years after the date of registration of the Plan.

1.2 The Owner of a burdened lot must not construct a dwelling, any ancillary landscaping, driveway or fencing on the burdened lot unless that dwelling, any ancillary landscaping, driveway and fencing:

- (a) comply with the Design Guidelines and any other conditions required by the Developer or any relevant consent authority; and
- (b) have been approved by the Design Review Panel.

1.3 The terms of this restriction on use will cease to apply and the obligations will be released by all benefited lots and by the Developer on the Sunset Date.

### **Name of person empowered to release, vary or modify Restriction**

Legacy Property Pty Limited

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **11** of **13** Sheets

Plan of Subdivision of Lot 141 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

## **Part 2 (terms continued)**

### **Terms of Restriction on the use of land numbered 14 in the plan**

For so long as LEGPRO ORCHARD HILLS STAGE 1 PTY LTD or LEGPRO ORCHARD HILLS STAGE 2 PTY LTD (hereafter referred to as Legpro) remains the registered proprietor of any of the benefited lot:

No fence shall be erected on the lot(s) hereby burdened to divide it from any adjoining land owned by Legpro without their consent, but such consent shall not be withheld if such fence is erected without expense to Legpro. This restriction shall remain in force only during such time as Legpro is the registered proprietor of that adjoining land.

#### **Name of person empowered to release, vary or modify Restriction**

Legacy Property Pty Limited

### **Terms of Restriction on the Use of Land numbered 15 in the plan**

- 1.1 The owner of the lot burdened must not construct a dwelling on the lot burdened unless that dwelling complies with Council's requirements for a full-split level house or half-split level house as applicable.
- 1.2 For these lots burdened, no additional retaining walls will be permitted onto the lots within 6 meters of the rear boundary, other than that constructed as part of the original subdivision effected by the registration of this plan.
- 1.3 For the purpose clause 1.2 in this restriction the rear boundary of Lot 1434 is considered to be the boundary of Lot 1434 which is shared with Lot 1433.

#### **Name of person empowered to release, vary or modify Restriction**

Penrith City Council

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **12** of **13** Sheets

Plan of Subdivision of Lot 141 being a Subdivision of Lot 1 in DP863335

Covered by Council 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:  
\_\_\_\_\_

EE reference:  
\_\_\_\_\_

Approved by Penrith City Council

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Authorised Officer

.....  
Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **13** of **13** Sheets

Plan of Subdivision of Lot 141 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

**Execution page**

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **1** of **9** Sheets

Plan of Subdivision of Lot 1398 & Easement over Lot 1397 being a Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

Full name & address of the owners of the land

**OWNERS DETAILS**

**Part 1 (Creation)**

Number of item shown in the intention panel on the plan	Identity of easement, profit a 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 Access & maintenance 0.9 wide	1458 1460 1464 1469 1475 1476 1477 1478 1479 1482 1491 1493 1495 1496 1498 1499 1501 1502	1459 1461 1465 1468 1474 1475 1478 1479 1480 1483 1492 1494 1496 1497 1499 1500 1502 Part Lot 1397 Stage 14A residue

Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **2** of **9** Sheets

Plan of Subdivision of Lot 1398 & Easement over Lot 1397 being a Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

2	Easement to Drain Water 2.0 Wide	1458 1459 1460 1461 1477 1478 1479 1480 1481 1482 1483 1484	1459-1466 Inclusive 1460-1466 Inclusive 1461-1466 Inclusive 1462-1466 Inclusive 1478-1485 Inclusive 1479-1485 Inclusive 1480-1485 Inclusive 1481-1485 Inclusive 1482-1485 Inclusive 1483-1485 Inclusive 1484 & 1485 1485
3	Easement to Drain Water 2.7 Wide & Variable	1462 1463 1464 1465	1463-1466 Inclusive 1464-1466 Inclusive 1465 & 1466 1466
4	Easement for retaining wall support 0.5 wide	1458 1459 1460 1461 1462 1463 1464 1466 1467 1468 1469 1470 1471 1472 1473 1474 1475 1476 1479 1488 1489 1490 1492 1494 1495 1496 1497	1459 1460 1461 1462 1463 1464 1465 1484 1483 1482 1481 1470 & 1480 1480 1479 1479 1478 & 1479 1477 & 1478 1480 1491 1491 1491 1493 1495 1496 1497 1498

Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **3** of **9** Sheets

Plan of Subdivision of Lot 1398 &  
Easement over Lot 1397 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

5	Right of Carriageway Variable Width	Lot 1397 in Stage 14A	Penrith City Council
6	Restriction on the use of Land (rear retaining walls)	1458 1459 1461 1464 1465 1467-1490 Inclusive 1492 1499-1502 Inclusive	Penrith City Council
7	Restriction on the use of Land (side retaining walls)	1458-1466 Inclusive 1470 1471 1479 1480 1491-1498 Inclusive	Penrith City Council
8	Restriction on the use of Land (design Guidelines)	1458-1502 Inclusive	Every other lot
9	Restriction on the use of land (fencing)	1458-1502 Inclusive	Every other Lot

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **4** of **9** Sheets

Plan of Subdivision of Lot 1398 &  
Easement over Lot 1397 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

## **Part 2 (Terms)**

### **Terms of Easement for access & maintenance 0.9 wide numbered 1 in the plan**

1.1 The owner of the lot benefited may:

- (a) use the easement site to assist in undertaking any works on the lot benefited including construction, repair, painting, landscaping and maintenance;
- (b) enter onto the lot burdened to inspect and survey any structure on the lot benefited; and
- (c) do anything reasonably necessary for those purposes, including:
  - entering the lot burdened;
  - taking anything on to the lot burdened; and
  - carrying out works within the site of this easement.

1.2 In exercising those powers, the owner of the lot benefited must:

- (a) ensure all work is done properly;
- (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened;
- (c) cause as little damage as is practicable to the lot burdened and any improvements on it;
- (d) restore the lot burdened as nearly as practicable to its former condition; and
- (e) make good any collateral damage.

1.3 The owner of the lot burdened must not :-

- (a) allow any building or other structure to be erected or placed on the easement site except an eave or gutter of the main building on the lot burdened or any permanent underground services to the main building
- (b) carry out any excavation or filling greater than 500mm. Any excavation or filling shall be located and retained so as not to impact on any adjoining building, structure or property

The grant of this easement is made subject to the right of the owner of the lot burdened to carry out repairs and maintenance or improvements to any landscaping within the site of the easement including installing a security gate across the easement site from the building structure on the lot burdened.

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **5** of **9** Sheets

Plan of Subdivision of Lot 1398 &  
Easement over Lot 1397 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

**Part 2 (terms continued)**

**Terms of Easement for retaining wall support 0.5 wide numbered 4 in the plan**

1.1 The owner of the lot burdened must not:

(a) interfere with the retaining wall or the support it offers, or

(b) use the site of this easement, or any other part of the lot burdened, or any other land, in a way which may detract from the stability of or the support provided by the retaining wall.

1.2 If the owner of the lot burdened does or allows anything to be done which damages the retaining wall or impairs its effectiveness or fails to do something which results in damage to the retaining wall or the impairment of its effectiveness, the owner of the lot benefited may serve a notice on the owner of the lot burdened requiring the damage to be repaired or the impairment removed within 14 days.

1.3 If the owner of the lot burdened does not comply with the notice set out in clause 1.2 within 14 days, the owner of the lot benefited may:

- (a) enter the lot burdened and repair the damage or remove the impairment, and
- (b) recover its reasonable costs from the owner of the lot burdened.

1.4 In exercising those powers, the owner of the lot benefited must:

- (c) ensure all work is done properly, and
- (d) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
- (e) cause as little damage as is practicable to the lot burdened and any improvement on it, and
- (f) restore the lot burdened as nearly as is practicable to its former condition, and
- (g) make good any collateral damage.

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **6** of **9** Sheets

Plan of Subdivision of Lot 1398 &  
Easement over Lot 1397 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

## **Part 2 (terms continued)**

### **Terms of Restriction on the Use of Land numbered 6 in the plan (rear retaining walls).**

- 1.1 The combined height of the existing retaining walls constructed as part of the original subdivision effected by the registration of this plan and any proposed wall in the rear yard shall not exceed 1.8m.
- 1.2 Any retaining wall constructed after the registration of this plan shall be located at least 0.6m in front of the existing wall and shall have a maximum height of 1.0m.

#### **Name of person empowered to release, vary or modify Restriction**

Penrith City Council

### **Terms of Restriction on the Use of Land numbered 7 in the plan (side retaining walls).**

- 1.1 The combined height of the existing retaining walls constructed as part of the original subdivision effected by the registration of this plan and any proposed wall along the same side boundary shall not exceed 1.5m.

#### **Name of person empowered to release, vary or modify Restriction**

Penrith City Council

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **7** of **9** Sheets

Plan of Subdivision of Lot 1398 &  
Easement over Lot 1397 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

## **Part 2 (terms continued)**

### **Terms of Restriction on the Use of Land numbered 8 in the plan**

1.1 In this restriction on use:

- (a) **Design Guidelines** means the 'Design Guidelines' applicable to the Burdened lot which are published on the Orchard Hills North website or in another medium at the Developer's discretion and which the Developer may amend from time to time;
- (b) **Design Review Panel** means the design review panel constituted by the Developer being the panel required to approve the house and landscaping plans of houses in the Orchard Hills North development;
- (c) **Developer** means Legacy Property Pty Limited; and
- (d) **Sunset Date** means the date that is 10 years after the date of registration of the Plan.

1.2 The Owner of a burdened lot must not construct a dwelling, any ancillary landscaping, driveway or fencing on the burdened lot unless that dwelling, any ancillary landscaping, driveway and fencing:

- (a) comply with the Design Guidelines and any other conditions required by the Developer or any relevant consent authority; and
- (b) have been approved by the Design Review Panel.

1.3 The terms of this restriction on use will cease to apply and the obligations will be released by all benefited lots and by the Developer on the Sunset Date.

### **Name of person empowered to release, vary or modify Restriction**

Legacy Property Pty Limited

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Approved by Penrith City Council

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Authorised Officer

.....  
Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **8** of **9** Sheets

Plan of Subdivision of Lot 1398 &  
Easement over Lot 1397 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

## **Part 2 (terms continued)**

### **Terms of Restriction on the use of land numbered 9 in the plan**

For so long as LEGPRO ORCHARD HILLS STAGE 14 PTY LTD (hereafter referred to as Legpro) remains the registered proprietor of any of the benefited lot:

No fence shall be erected on the lot(s) hereby burdened to divide it from any adjoining land owned by Legpro without their consent, but such consent shall not be withheld if such fence is erected without expense to Legpro. This restriction shall remain in force only during such time as Legpro is the registered proprietor of that adjoining land.

### **Name of person empowered to release, vary or modify Restriction**

Legacy Property Pty Limited

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Approved by Penrith City Council

.....  
Authorised Officer

.....  
Registered Proprietor

**Instrument setting out terms of easements or Profits a Prendre intended to be created or released and of Restrictions or Positive Covenants intended to be created pursuant to section 88B of the conveyancing act, 1919.**

**DP**

Sheet **9** of **9** Sheets

Plan of Subdivision of Lot 1398 &  
Easement over Lot 1397 being a  
Subdivision of Lot 1 in DP863335

Covered by Council Certificate

No.:

Dated:

**Execution page**

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Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor