

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 **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

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 (A)	7003 7004 7006 7007 7009 7010 7013 7014 7017 7018 7019 7024 7026 7027 7029 7030 7034 7035 7037 7038 7039 7040 7041	7002 7003 7005 7006 7008 7009 7012 7013 7018 7019 7020 7025 7027 7028 7030 7031 7033 7034 7036 7037 7038 7039 7040

Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor

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Sheet **2** of **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

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No.:

Dated:

1 Continued	Easement for Access & maintenance 0.9 wide (A)	7043	7042
		7044	7043
		7045	7044
		7046	7045
		7048	7047
		7049	7048
		7050	7049
		7051	7050
		7052	7051
		7054	7053
		7055	7054
		7057	7058
		7058	7059
		7059	7060
		7060	7061
		7061	7062
		7062	7063
		7063	7064
		7064	7065
		7065	7066
		7066	7067
		7067	7068
		7068	7069
		7069	7070
		7070	7071
		7071	7072
		7072	7073
		7073	7074
		7074	7075
		7075	7076
		7076	7077
		7077	7078
		7078	7079
		7079	7080
		7080	7081

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Sheet **3** of **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

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No.:

Dated:

2	Easement to Drain Water 2.0 Wide (D)	7001	7002
		7004	7003
		7005	7003 & 7004
		7006	7003-7005 Incl
		7007	7003-7006 Incl
		7008	7003-7007 Incl
		7009	7003-7008 Incl
		7010	7003-7009 Incl
		7026	7003-7010 Incl
		7011	7010
		7012	7010 & 7011
		7013	7010-7012 Incl
		7014	7010-7013 Incl
		7019	7010-7014 Incl
		7018	7010-7014 Incl
		7017	7010-7014 Incl
		7049	7048
		7050	7048 & 7049
		7051	7048-7050 Incl
		7052	7048-7051 Incl
		7053	7048-7052 Incl
		7054	7048-7053 Incl
		7059	7048-7054 Incl
		7058	7048-7051 Incl
		7057	7048-7051 Incl
		7039	7038
		7040	7038 & 7039
		7041	7038-7040 Incl
		7042	7038-7041 Incl
		7043	7038-7042 Incl
		7044	7038-7043 Incl
		7045	7038-7044 Incl
		7046	7038-7045 Incl
7047	7038-7045 Incl		
7069	7039-7045 Incl		
7036	7037		

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Sheet **4** of **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

Covered by Council Certificate

No.:

Dated:

3	Easement for retaining wall support 0.5 wide (C)	7015	7014
		7017	7016
		7018	7016
		7019	7014 & 7016
		7020	7013 & 7014
		7021	7012 & 7013
		7022	7012
		7023	7012
		7024	7011 & 7012
		7025	7011
		7026	7010
		7027	7009
		7028	7008
		7029	7007
		7030	7006
		7031	7005
		7032	7004
		7033	7003
		7034	7002
		7035	7001
		7036	7082
		7055	7054
		7057	7056
		7058	7056
		7059	7054 & 7056
		7060	7053 & 7054
		7061	7052 & 7053
		7062	7052
		7063	7051
		7064	7050 & 7051
7065	7050		
7066	7049		
7067	7048 & 7049		
7068	7048		
7069	7047		
7070	7046 & 7047		
7071	7045 & 7046		
7072	7044 & 7045		
7073	7043 & 7044		
7074	7042 & 7043		

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Sheet **5** of **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

Covered by Council Certificate

No.:

Dated:

3 Continued	Easement for retaining wall support 0.5 wide (C)	7075 7076 7077 7078 7079 7080 7081	7041 & 7042 7041 7040 7039 7038 7037 7036 & 7082
4	Easement to Drain Water 3.0 Wide (F)	7001 7035	Penrith City Council
5	Easement to Drain water (Whole of Lot) (G)	7082	Penrith City Council
6	Right of Carriage Way Variable Width (E)	7082	Penrith City Council
7	Easement for Padmount substation 2.75 wide (H)	7084	Epsilon Distribution Ministerial Holding Corporation
8	Restriction on the use of land (swimming pools)	Part lot 7084 Designated (R2)	Epsilon Distribution Ministerial Holding Corporation
9	Restriction on the use of land (Fire rating Buildings)	Part lot 7084 Designated (R3)	Epsilon Distribution Ministerial Holding Corporation
10	Restriction on the use of Land (rear retaining walls)	7001-7015 Incl 7017-7055 Incl 7057-7082 Incl	Penrith City Council

Approved by Penrith City Council

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Authorised Officer

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Sheet **6** of **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

Covered by Council Certificate

No.:

Dated:

11	Restriction on the use of Land (side retaining walls)	7014 7036 7054 7081	Penrith City Council
12	Restriction on the use of Land (design Guidelines)	7001-7081 Incl	Every other lot except 7082-7085 Incl
13	Restriction on the use of land (fencing)	7001-7081 Incl	Every other Lot Except 7082-7085 Incl.

Approved by Penrith City Council

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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 14 Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

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.

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.

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Sheet **8** of **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

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.

Approved by Penrith City Council

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Authorised Officer

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Sheet **9** of **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

Covered by Council Certificate

No.:

Dated:

Part 2 (terms continued)

Terms of Easement for Padmount substation 2.75 wide numbered 7 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 8 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 9 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

Approved by Penrith City Council

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Sheet **10** of **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

Covered by Council Certificate

No.:

Dated:

Part 2 (terms continued)

Terms of Restriction on the Use of Land numbered 10 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 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 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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Sheet **11** of **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

Covered by Council Certificate

No.:

Dated:

Part 2 (terms continued)

Terms of Restriction on the Use of Land numbered 12 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

Approved by Penrith City Council

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Sheet **12** of **14** Sheets

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No.:

Dated:

Part 2 (terms continued)

Terms of Restriction on the use of land numbered 13 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

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Sheet **13** of **14** Sheets

Plan of Subdivision of Proposed Lot 3145(stage 3) and proposed Lot 22(stage 8 & 9 FPOS) and part of lots 35-40 in DP1344

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

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Sheet **14** of **14** Sheets

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No.:

Dated:

Execution page

Approved by Penrith City Council

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Authorised Officer

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Registered Proprietor