

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A 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 OF THE CONVEYANCING ACT 1919**

(Sheet 1 of 8 Sheets)

Plan: **DP1284563**

Plan of Subdivision of Lot 2 in  
 DP 1284561 Covered by Subdivision  
 Certificate No. 158/2023/SC  
 Dated 18/07/23

**Full name and address of the Proprietors of the Land**

LegPro 77A Pty Ltd  
 (ACN 652 267 171)  
 MLC Centre, Level 45  
 19-29 Martin Place,  
 SYDNEY NSW 2000

**PART 1 (Creation)**

Number of item shown in the intention panel on the plan	Identity of easement, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s):	Benefitted lot(s), bodies or Prescribed Authorities:
1	Easement to Drain Water 1.5 wide (A)	227 226 225 224 223 222 221 201 209 208 207 206 205 204	220, 221, 222, 223, 224, 225 and 226 220, 221, 222, 223, 224 and 225 220, 221, 222, 223 and 224 220, 221, 222 and 223 220, 221 and 222 220 and 221 220 202 203, 204, 205, 206, 207 and 208 203, 204, 205, 206 and 207 203, 204, 205 and 206 203, 204 and 205 203 and 204 203
2	Easement for Repairs 0.9 Wide (B)	201 203 218 219 216 221	202 204 217 220 215 222
3	Restriction on the Use of Land	201-247 inclusive	The Hills Shire Council
4	Restriction on the Use of Land	201-247 inclusive	Every other Lot
5	Right of Public Access Variable Width (H)	236 and 237	The Hills Shire Council
6	Positive Covenant	201-247 inclusive	The Hills Shire Council

Approved by Hills Shire Council



Authorised Officer

Electronically signed by me, David Munday affixed by me on 18/07/23

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**PART 1 (Creation) (Continued)**

Number of item shown in the intention panel on the plan	Identity of easement, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s):	Benefitted lot(s), bodies or Prescribed Authorities:
7	Restriction on the use of Land (Z)	228-237 inclusive	The Hills Shire Council

Approved by Hills Shire Council



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**PART 2 (Terms)**

**1. TERMS OF EASEMENT TO DRAIN WATER NUMBERED ONE IN THE PLAN**

Easement to Drain Water within the meaning of Schedule 8 Part 3 of the Conveyancing Act 1919 (as Amended)

**2. TERMS OF EASEMENT FOR REPAIRS 0.9 WIDE NUMBERED TWO IN THE PLAN**

Easement for Repairs within the meaning of Schedule 8 Part 5 of the Conveyancing Act 1919 (as amended)  
together with the following additions:

1. The grant of this easement is made subject to the existence of, and the right of the owner of the lot burdened to construct, eaves and guttering from the structure on the lot burdened, that overhang the site of the easement, or any permanent underground infrastructure associated with the structure on the lot burdened.
2. 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 at the entrance to the site of the easement from the front of the building structure on the lot burdened.

Name of authority empowered to release, vary or modify the easement numbered two in the plan is:

**The Hills Shire Council**

**3. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED THREE IN THE PLAN**

No dwelling shall be constructed on the lot(s) hereby burdened unless the registered proprietor has first constructed or has made provision for the construction of a rainwater tank with a minimum capacity of 3,000 litres in accordance with the requirements of The Hills Shire Council.

Name of authority empowered to release, vary or modify restriction numbered three in the plan is:

**The Hills Shire Council**

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**PART 2 (Terms) (Continued)**

**4. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED FOUR IN THE PLAN**

For so long as LegPro 77A Pty Ltd remains the registered proprietor of any benefited lot:

No fence shall be erected on the lot(s) hereby burdened to divide it from any adjoining land owned by LegPro 77A Pty Ltd without its consent but such consent shall not be withheld if such fence is erected without expense to LegPro 77A Pty Ltd. This restriction shall remain in force only during such time as LegPro 77 Pty Ltd is the Registered Proprietor of that adjoining land.

Name of authority empowered to release, vary or modify the restriction numbered four in the plan is:

**The registered proprietors of the lots benefited**

**5. TERMS OF RIGHT OF PUBLIC ACCESS VARIABLE WIDTH NUMBERED FIVE 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 addition:

1. The easement is a temporary extension of the adjoining public road and will function as a public road in accordance with the definition of a public road included in the Roads Act 1993 for the purposes of providing access across the easement site.
2. The easement site is made accessible to the public.
3. The easement will be extinguished upon the extension of the adjoining public road to which it relates.

Name of Authority having the power to release vary or modify the easement numbered five in the plan is:

**The Hills Shire Council**

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**PART 2 (Terms) (Continued)**

**6. TERMS OF POSITIVE COVENANT NUMBERED SIX IN THE PLAN**

The registered proprietor of the lot(s) hereby burdened will maintain at the sole expense of the registered proprietor the whole of their lot as an asset protection zone (inner protection area), including, but not limited to, the removal of vegetation in accordance with fuel load requirements and restricting the placement of combustible materials, buildings or improvements, complying with the requirements of the Hills Shire Council and the NSW Rural Fire Service relevant and applicable at the time.

Name of Authority having the power to release vary or modify the positive covenant numbered six in the plan is: **The Hills Shire Council**

**7. TERMS OF RESTRICTION ON THE USE OF LAND NUMBERED SEVEN DESIGNATED (Z) IN THE PLAN**

1. No building or other structure (other than class 10 structures) may be constructed or allowed to remain within the asset protection zone identified on the Asset Protection Zone Overlay Plan prepared by Building Code and Bushfire Hazard Solutions 210432 Issue 3, dated 30/11/2021 as per condition 2 of the Bushfire Safety Authority issued by the Rural Fire Service Reference DA20210122000260-CL55-1 dated 09/12/2021 (Council Reference 854/2021/ZB)

2. This restriction will no longer apply once the grassland/ bushfire threat to the south-east is removed by the development of that adjoining land.

Name of Authority having the power to release vary or modify the Restriction numbered seven in the plan is: **The Hills Shire Council**

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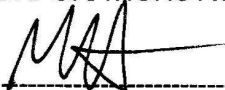
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**EXECUTION BY  
LEGPRO 77A PTY LTD**  
Owner of Lot 2 in DP 1284561

(ACN 652 267 171)

BY THE AUTHORISED PERSON(S) WHOSE SIGNATURE(S)  
APPEAR BELOW PURSUANT TO THE AUTHORITY IN SECTION  
127 OF THE CORPORATIONS ACT 2001



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SIGNATURE OF ELTON MATTHEW HYDER IV  
SOLE DIRECTOR AND SECRETARY

Approved by Hills Shire Council



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**EXECUTION BY MORTGAGEE**

**SIGNED SEALED AND DELIVERED**

By *TIMOTHY ADOLSON*

As attorney for **AUSTRALIA AND NEW  
ZEALAND BANKING GROUP LIMITED**  
(ACN 005 357 522) as mortgagee under  
registered Mortgage No. **AS16522** under  
registered power of attorney

Book *4376* No. *410*

Dated *18<sup>th</sup> November 2023* in the presence  
of:

.....  
Signature of witness **ELIZABETH NGUYEN**

*242 Pitt Street Sydney*  
.....  
*NSW 2000*  
.....

Address of Witness

By executing this instrument the attorney  
states that the attorney has received no  
notice of revocation of the power of attorney

Approved by Hills Shire Council



Authorised Officer

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**The Hills Shire Council** by its authorised delegate  
pursuant to s.377 Local Government Act 1993



.....  
Signature of delegate

Electronically signed by me, David Munday affixed by me on 18/07/23

David Munday  
.....

Name of delegate

I certify that I am an eligible witness  
and that the delegate signed in my  
presence.


Approved by

David Munday  
.....

Name of delegate

on behalf of

**The Hills Shire Council**

Signature: 

**Name:** Harleigh Haines

Electronically signed by me, Harleigh Haines affixed by me on 18/07/23

C/- The Hills Shire Council  
3 Columbia Court  
Norwest NSW 2153

REGISTERED:



07/08/2023

Approved by Hills Shire Council



Authorised Officer

Electronically signed by me, David Munday affixed by me on 18/07/23