

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:

DRAFT ONLY
REVISION: 00 DATE: 06/03/2026
NOT FOR INVESTIGATION
AT NSW LRS

(Sheet 1 of 9 sheets)

Plan of Subdivision of Lots 1166 & 1167 in
 DP1309624
 covered by Subdivision Certificate No.
 Dated:

**Full name and address
 of the owner(s) of the land:**

Mirvac Residential Sub Co Pty Ltd
 (ACN 672 683 797)
 Level 28, 200 George Street,
 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 for Support, Access and Maintenance 0.9 Wide (A1)	8103 8104 8105 8108 8109 8110	8104 8105 8106 8109 8110 8111
2	Restriction on the Use of Land	8101, 8107, 8108 & 8112	Camden Council
3	Restriction on the Use of Land	8101 - 8112	Camden Council
4	Restriction on the Use of Land	8101 - 8112	Camden Council
5	Restriction on the Use of Land	8101	Camden Council
6	Restriction on the Use of Land	8101 - 8112	8101 - 8112
7	Restriction on the Use of Land	8101 - 8112	8101 - 8112

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 Attesting Witness

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Part 2 (Terms)

1. Terms of Easement numbered 1 in the abovementioned plan:

- 1.1. The Owner of the lot burdened grants to the Owner of the lot benefited the right for the lot benefited to be supported by the soil or any structure erected in the Easement Site that the dwelling and associated structures on the lot benefited derives support from.
- 1.2. The Owner of the lot burdened must not do anything which may affect or have tendency to affect the stability of the soil or any structures erected in the Easement Site.
- 1.3. Subject to clause 1.2, the Owner of the lot burdened may carry out repairs and maintenance or improvements to any landscaping within the Easement Site including installing a security gate.
- 1.4. The Owner of the lot benefited, and every person authorised by that person may, by any reasonable means:
 - (a) access and take anything onto the lot burdened, but only within the Easement Site, for the purpose of doing anything reasonably necessary for the purpose of constructing, renewing, replacing, painting, repairing and maintaining the dwelling and associated structures adjacent to the Easement Site, situated on the lot benefited, that may or may not be built up to the boundary line adjacent to the lot burdened; and
 - (b) remain on the Easement Site for any reasonable time for the purposes outlined in Clause 1.4 (a).
- 1.5. The Owner of the lot benefited, and every person authorised by that person must:
 - (a) cause as little inconvenience as is practicable to the Owner and any occupier of the lot burdened whilst exercising their rights under this Easement;
 - (b) comply with all reasonable directions by the Owner of the lot burdened in connection with the use of the Easement Site including, without limitation, any direction in respect of the hours and method of access; and
 - (c) except in an emergency, provide the Owner and any occupier of the lot burdened reasonable notice of the times and methods of access.
- 1.6. In exercising the powers granted under this Easement, the Owner of the lot benefited must:
 - (a) ensure that all work is done properly;
 - (b) cause as little damage as is practicable to the lot burdened and any improvement on it;
 - (c) restore the Easement Site as nearly as is practicable to its former condition after any work has been carried out; and
 - (d) make good any collateral damage.
- 1.7. 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 dwelling on the lot burdened, that overhang the Easement Site.

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- 1.8. The Owner of the lot burdened and the Owner of the lot benefited acknowledge that it is not the responsibility of Camden Council to determine any dispute in relation to the Easement for Support, Access and Maintenance and any dispute is a civil matter to be resolved between the parties.

The Authority whose consent is required to release, vary or modify the Easement numbered 1 in the plan is **Camden Council**.

2. Terms of Restriction numbered 2 in the abovementioned plan:

No driveway shall be constructed unless it is more than 1 metre from any pram ramp (otherwise known as a kerb ramp) and does not conflict with other road related infrastructure.

The Authority whose consent is required to release, vary or modify the Restriction numbered 2 in the plan is **Camden Council**.

3. Terms of Restriction numbered 3 in the abovementioned plan:

No dwelling shall be permitted to be constructed on the lots burdened unless the footings of the building have been designed by a suitably qualified civil and/or structural engineer.

The Authority whose consent is required to release, vary or modify the Restriction numbered 3 in the plan is **Camden Council**.

4. Terms of Restriction numbered 4 in the abovementioned plan:

- 4.1. No buildings or structures shall be constructed on the lots burdened unless all construction works, including earthworks, imported fill, landscaping, buildings, and associated infrastructure proposed to be constructed on the land, are carried out in accordance with Council's engineering specifications and the salinity control measures outlined in Section 8 of the Salinity Management Plan.

- 4.2. In this Easement, "Salinity Management Plan" means the Detailed Salinity Assessment Report, 421 The Northern Road, Cobbitty Lot 5005 DP1162239, prepared by Geotest Services Pty Ltd, Ref: P33603.1_R01, dated 2 February 2022, and any updated salinity management plans for the site approved by Camden Council.

The Authority whose consent is required to release, vary or modify the Restriction numbered 4 in the plan is **Camden Council**.

5. Terms of Restriction numbered 5 in the abovementioned plan:

No driveway shall be constructed for the burdened lot, unless its position matches the approved SWC Engineering Plans.

[ME to confirm terms]

The Authority whose consent is required to release, vary or modify the Restriction numbered 5 in the plan is **Camden Council**.

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6. Terms of Restriction numbered 6 in the abovementioned plan:

- 6.1. No fence shall be erected on a lot burdened to divide it from any adjoining land owned by Mirvac without the consent of Mirvac.
- 6.2. No air-conditioning unit is to be installed:
 - (a) in any front porch/ balcony of a lot burdened; or
 - (b) in any area on or in a lot burdened where the air conditioning unit is visible from ground level outside the lot burdened.
- 6.3. No garbage containers and recyclable materials are to be stored on or in any lot burdened unless secured or stored so that they are hidden from view from outside the lot burdened and do not omit odours.
- 6.4. No vehicle may be parked on a lot burdened unless it is parked:
 - (a) in a garage or driveway on the lot burdened; or
 - (b) in an area designated as being an area where a vehicle may be parked.
- 6.5. No boats, trailers, caravans or any other towable item may be parked on or in a lot burdened if the boat, trailer, caravan or any other towable item is visible from ground level outside the lot burdened.
- 6.6. No retaining wall that is visible from ground level outside a lot burdened shall be constructed or permitted to remain constructed unless the retaining wall is constructed of a masonry material.
- 6.7. In this Restriction, "Mircac" means Mircac Residential Sub Co Pty Ltd (ACN 672 683 797) and its successors, nominees or assigns other than purchases on sale.

The Corporation whose consent is required to release, vary or modify the Restriction numbered 6 in the plan is **Mircac Residential Sub Co Pty Ltd ACN 672 683 797** and/or its successors, nominees and/or assigns, other than purchases on sales, for such period as it is the Owner of land in the plan and thereafter the Owners of the lots benefited PROVIDED THAT any release, variation or modification of these restrictions shall be made and done in all respects at the cost and expense of the person or persons requesting the release, variation or modification.

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7. Terms of Restriction numbered 7 in the abovementioned plan:

- 7.1. No building shall be constructed on the lot burdened, and the Owner of the lot burdened must not make application to Camden Council for a development consent to approve a building to be constructed on the lot burdened, unless the building and ancillary landscaping and fencing complies with:
- (a) the Design Guidelines; and
 - (b) any other conditions required by any relevant Authority.
- 7.2. The Owner of the lot burdened must not do any of the following unless and until the Owner of the lot burdened obtains the prior written approval of the Review Panel:
- (a) erect any building or structure;
 - (b) carry out any siteworks (including fencing, excavation, filling or retaining walls);
 - (c) erect a fence or wall;
 - (d) erect any external sign, hoarding, tank, clothes line, letter box, mast, pole, television antenna, satellite dish or radio aerial either freestanding or fixed to any building; or
 - (e) erect or place any external floodlights or spotlights to any lights illuminating any pool or other similar enclosure.
- 7.3. These restrictions shall expire and have no further force or effect on the date being the first to occur of:
- (a) 15 October 2027; and
 - (b) one year after the date an occupancy certificate is issued to the registered proprietor of a dwelling approved by the Review Panel on the last remaining lot in the Development such that there are no further vacant lots in the Development (excluding any lots upon which no dwelling is permitted to be erected).

The Corporation whose consent is required to release, vary or modify the Restriction numbered 7 in the plan is **Mirvac Residential Sub Co Pty Ltd ACN 672 683 797** and/or its successors, nominees and/or assigns, other than purchases on sales, for such period as it is the Owner of land in the plan and thereafter the Owners of the lots benefited PROVIDED THAT any release, variation or modification of these restrictions shall be made and done in all respects at the cost and expense of the person or persons requesting the release, variation or modification.

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8. Definitions

In this Instrument:

- (a) **Authority** means a government or governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity and includes Camden Council (or its successor).
- (b) **Benefited Authority** means the Authority having the benefit of an easement under this Instrument.
- (c) **Design Guidelines** means the design guidelines (as may be varied from time to time) specified by the Review Panel which regulate all building and ancillary landscaping work as applicable to the Development.
- (d) **Development** means the development known as "Cobbitty by Mirvac" comprised in means Lots 1, 2, 3, 4, 5 and 6 in Deposited Plan 1276275 or any future lots created from the subdivision of these parcels.
- (e) **Easement Site** means in relation to an easement in this Instrument:
 - (i) the site of an easement on the plan; and
 - (ii) all items within the site of the easement identified on the plan which are the subject of the easement.
- (f) **Instrument** means this section 88B instrument.
- (g) **Owner** means a person who is entitled to an estate or interest in possession in a lot.
- (h) **Review Panel** means the Mirvac Design Review Panel.

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Signatures

Consent of Owner:

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 **Mirvac Residential Sub Co Pty Ltd**
(ACN 672 683 797)

Signature of witness:

Signature of attorney:

Name of witness:

Attorney name:

Attorney position:

Address of witness:
Level 28, 200 George Street Sydney
NSW 2000

Power of attorney: Book _____

No _____

Signature of attorney:

Attorney name:

Attorney position:

Power of attorney: Book _____

No _____

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Signatures

Consent of Mortgagee:

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 **Mirvac Cobbitty Pty Ltd**
(ABN 14 682 963 533)

Signature of witness:

Signature of attorney:

Name of witness:

Attorney name:

Attorney position:

Address of witness:
Level 28, 200 George Street Sydney
NSW 2000

Power of attorney: Book _____

No _____

Signature of attorney:

Attorney name:

Attorney position:

Power of attorney: Book _____

No _____

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Executed by Camden Council by its authorised delegate pursuant to Section 378 of the 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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Attesting Witness