

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

(Sheet 1 of 20 sheets)

Plan: DP1306068

Plan of Subdivision of Lot 173 in DP1289775
covered by Subdivision Certificate No. 14,2023.580.1
Dated: 11/6/2025

**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 Drainage of Water 1.5 Wide (A)	10 17	8 16
2	Easement for Drainage of Water 2.6 Wide (B)	20 21 23 24	16 & 17 16, 17 & 20 16, 17, 20 & 21 16, 17, 20, 21 & 23
3	Easement for Drainage of Water Variable Width (C)	2 3 4 5 7 8 10 12 13 20 21	3, 4 & 5 2, 4 & 5 2, 3 & 5 2, 3 & 4 8 7 8 13 12 19 & 21 19 & 20
4	Right of Access Variable Width (D)	2 3 4 5 7 8 12 13 16 17 20 21	3, 4 & 5 2, 4 & 5 2, 3 & 5 2, 3 & 4 8 7 13 12 17 16 21 20


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5	Easement for Support, Access and Maintenance 0.9 Wide (E)	3 4	4 5
6	Restriction on the Use of Land	1 – 5 incl., 7, 8, 10, 21, 23 & 24	Camden Council
7	Easement for Drainage of Water Variable Width (J)	25	Camden Council
8	Easement for On-site Detention and Water Quality Facility Variable Width (J1)	25	Camden Council
9	Positive Covenant (J1)	Pt 25 (J1)	Camden Council
10	Restriction on the Use of Land (J1)	Pt 25 (J1)	Camden Council
11	Restriction on the Use of Land	1 – 5 incl.	Camden Council
12	Restriction on the Use of Land	25	Camden Council
13	Restriction on the Use of Land	1 – 24 incl.	Camden Council
14	Restriction on the Use of Land	1 – 24 incl.	Camden Council
15	Restriction on the Use of Land	1, 2, 3, 4, 5, 6, 7, 9, 11, 14, 15, 18, 19, 22, 23 & 24	Camden Council
16	Restriction on the Use of Land	1, 2, 3, 4, 5, 6 & 9	Camden Council
17	Restriction on the Use of Land	1 – 5 incl.	Camden Council
18	Restriction on the Use of Land	2 – 5 incl.	Camden Council
19	Restriction on the Use of Land	1 – 24 incl.	1 – 24 incl.
20	Restriction on the Use of Land	1 – 24 incl.	1 – 24 incl.


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21	Easement for Padmount Substation Variable Width (F)	25	Epsilon Distribution Ministerial Holding Corporation
22	Restriction on the Use of Land (G)	Pt 25 (G)	Epsilon Distribution Ministerial Holding Corporation
23	Restriction on the Use of Land (H)	Pt 25 (H)	Epsilon Distribution Ministerial Holding Corporation
24	Easement for Underground Cables 3 Wide (Z3)	1 – 5 incl.	Epsilon Distribution Ministerial Holding Corporation
25	Easement for Underground Cables 1 Wide (Z4)	25	Epsilon Distribution Ministerial Holding Corporation
26	Easement for Services Variable Width (L)	2 3 4 5 7 8 12 13 16 17 20 21	3, 4 & 5 2, 4 & 5 2, 3 & 5 2, 3 & 4 8 7 13 12 17 16 21 20
27	Restriction on the Use of Land	1 – 5 incl. 7, 8, 10, 12, 13, 16, 17, 20, 21, 23, 24	Camden Council
28	Restriction on the Use of Land	21, 23 & 24	Camden Council
29	Positive Covenant	1 – 24 incl.	Camden Council
30	Restriction on the Use of Land	19 & 22	Camden Council



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Plan: **DP1306068**Plan of Subdivision of Lot 173 in DP1289775
covered by Subdivision Certificate No. *14.2023.580.1*
Dated: *11/6/2025***Part 1A (Release)**

Number of item shown in the intention panel on the plan	Identity of easement or profit à prendre to be released and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Easement for Overhead Powerlines 9 Wide & Variable Width (DP1139483) released in the part shown (Z1)	173/1289775	Epsilon Distribution Ministerial Holding Corporation as Statutory Successor of Integral Energy Australia
2	Easement for Underground Cables 1 & 2.5 Wide (DP1297519) released in the part shown (Z5)	173/1289775	Epsilon Distribution Ministerial Holding Corporation
3	Easement for Drainage of Water Variable Width (DP1289775)	173/1289775	Camden Council



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Part 2 (Terms)

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

An Easement for Drainage of Water as set out in Schedule 8, Part 8 of the *Conveyancing Act 1919 (NSW)*, as amended, together with the following addition:

- (a) The Owners of the lot burdened must not make or permit, or suffer the making of, any alterations to the finished surface levels within the Easement Site.
- (b) Any fencing erected across the Easement Site is to be open form fencing.

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

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

An Easement for Drainage of Water as set out in Schedule 8, Part 8 of the *Conveyancing Act 1919 (NSW)*, as amended, together with the following addition:

- (a) The Owners of the lot burdened must not make or permit, or suffer the making of, any alterations to the finished surface levels within the Easement Site.
- (b) Any fencing erected across the Easement Site is to be open form fencing.

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

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

An Easement for Drainage of Water as set out in Schedule 8, Part 8 of the *Conveyancing Act 1919 (NSW)*, as amended, together with the following addition:

- (a) The Owners of the lot burdened must not make or permit, or suffer the making of, any alterations to the finished surface levels within the Easement Site.
- (b) Any fencing erected across the Easement Site is to be open form fencing.

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

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

A Right of Access as set out in Schedule 8, Part 14 of the *Conveyancing Act 1919 (NSW)*, as amended, subject to replacing paragraph (a) of the terms with the following words "by any reasonable means, with or without animals or vehicles or both, pass across each lot burdened, but only within the site of this easement, to get to or from the lot benefited, and".

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



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

- 5.1. The Owner of the lot burdened grants the Owner of the lot benefited a right of support and maintenance over that part of the lot burdened containing the Easement Site for the purpose of supporting the retaining wall located on the lot benefited adjacent to the Easement Site (**Retaining Wall**).
- 5.2. The Owner of the lot burdened must not:
- (a) permit any structures within the Easement Site except for:
 - (i) any footings of the Retaining Wall; and
 - (ii) any eaves, guttering or roof forming part of the dwelling erected on the lot burdened that overhangs the Easement Site, but only to the extent that:
 - A. the eaves or roof (not including guttering) do not encroach the Easement Site by more than 450mm; and
 - B. the guttering remains within the Easement Site; and
 - (b) do anything which:
 - (i) will damage the Retaining Wall;
 - (ii) will detract from the support of the Retaining Wall; and/or
 - (iii) may affect or have tendency to affect the stability of the soil or footings of the Retaining Wall in the Easement Site.
- 5.3. 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 carrying out any work necessary to ensure the support of Retaining Wall is maintained; and
 - (b) remain on the Easement Site for any reasonable time for the purposes outlined in Clause 5.3(a).
- 5.4. 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.
- 5.5. 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.

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


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

The Owner of the lot burdened must not, and must not allow any person to, alter, remove or destroy any part of the retaining wall located on the lot burdened, including any soil, planting, footings or fencing associated with the retaining wall structure.

The Authority whose consent is required to release, vary or modify the Restriction numbered 6 in the plan is **Camden Council**.

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

An Easement for Drainage of Water as set out in Schedule 4A, Part 7 of the *Conveyancing Act 1919* (NSW), as amended, is created.

The Authority whose consent is required to release, vary or modify the Easement numbered 7 in the plan is **Camden Council**.

8. Terms of Easement numbered 8 in the abovementioned plan:

8.1. The Authority having the benefit of this Easement may:

- (a) detain water (whether rain, storm, spring, soakage or seepage water) in any quantities in The System located on the Easement Site;
- (b) monitor the water storage to ensure water quality; and
- (c) enter the lot burdened, together with any person authorised by the Authority and with any tools, equipment or machinery necessary for the purpose of laying, inspecting, cleansing, repairing, maintaining or renewing any pipe lines for the purpose of detaining water, provided the person authorised by the Authority takes all reasonable precautions to ensure as little disturbance as possible to the surface of the lot burdened and will restore that surface as nearly as practicable to its original condition.

8.2. The Owners of the lot burdened must not do anything that would adversely affect the water quality within the Easement Site.

The Authority whose consent is required to release, vary or modify the Easement numbered 8 in the plan is **Camden Council**.


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9. Terms of Positive Covenant numbered 9 in the abovementioned plan:

9.1. The Owner of the lot burdened (herein called 'the proprietor') covenant with the Benefitted Authority in respect of The System constructed on the burdened lot(s), that the proprietor will:

- (a) construct, clean maintain and repair all pits, tanks pipe lines, orifice plates, trench barriers, walls, earth banks and other structures;
- (b) maintain the existing surface levels;
- (c) regularly mow and remove grass clippings and debris as necessary to ensure the efficient operation from time to time and at all times of the basin PROVIDED HOWEVER that Camden Council (herein called 'the Council') shall have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and upon reasonable notice but at any time and without notice in the case of an emergency:
 - (i) to view the state of repair of the basin;
 - (ii) to ascertain whether or not there has been any breach of the terms of this covenant; and
 - (iii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within 14-days of the date receipt by the proprietor of written notice from the Council requiring remedy of a breach of the terms of this covenant taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith up demand.
- (d) indemnify and keep indemnified the Council from and against all claims, damages, costs and expenses which the Council or any other person may suffer as a result of any malfunction or non-operation of The System or any failure of the proprietor to comply with the terms of this Positive Covenant.

9.2. In the event of the proprietor failing to comply with the terms of any written notice served in respect of the matters in clause 9.1 above, the Council and its authorised agents may enter with all necessary equipment and carry out any work required by such notice to ensure the safe and efficient operation of The System and recover from the proprietor the cost of carrying out such work, and if necessary, recover the amount due by legal proceedings (including legal costs and fees) and enter a covenant charge on the lot burdened under section 88F of the *Conveyancing Act 1919* (NSW). In carrying out any work under this clause, the Council shall take responsible precautions to ensure that the land is disturbed as little as possible.

The Authority whose consent is required to release, vary or modify the Positive Covenant numbered 9 in the plan is **Camden Council**.


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10. Terms of Restriction numbered 10 in the abovementioned plan:

- 10.1. The Owner of the lot burdened covenant with the Benefitted Authority in respect of The System constructed and/or installed within that part of the burdened lot and denoted (J1) on the plan, that they will not, without the prior and express written consent of the Benefitted Authority:
- (a) do any act, matter or thing which would prevent The System from operating in a safe and efficient manner;
 - (b) make or permit or suffer the making of any alterations or additions to The System;
 - (c) allow any development within the meaning of the *Environmental Planning and Assessment Act 1979* (NSW) to encroach upon The System.
- 10.2. This Restriction on the Use of Land shall bind all persons who are entitled to claim under the registered proprietor(s) as stipulated in Section 88E(5) of the *Conveyancing Act 1919* (NSW).

The Authority whose consent is required to release, vary or modify the Restriction numbered 10 in the plan is **Camden Council**.

11. Terms of Restriction numbered 11 in the abovementioned plan:

No vehicles are permitted to access or travel to or from any part of Cobbitty Road and the lot(s) burdened, in accordance with the requirements of Camden Council. This restriction does not include pedestrian access.

The Authority whose consent is required to release, vary or modify the Restriction numbered 11 in the plan is **Camden Council**.

12. Terms of Restriction numbered 12 in the abovementioned plan:

No further residential, commercial and industrial development shall be permitted on the lot(s) hereby burdened unless satisfactory arrangements have been made with Camden Council. These arrangements include access to roads, services (water, sewer, electricity and telecommunications) and payment of any outstanding contributions (this may be through further subdivision or consolidation with adjoining lots).

The Authority whose consent is required to release, vary or modify the Restriction numbered 12 in the plan is **Camden Council**.

13. Terms of Restriction numbered 13 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 13 in the plan is **Camden Council**.


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14. Terms of Restriction numbered 14 in the abovementioned plan:

- 14.1. 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 the salinity / control measures outlined in the Salinity Management Plan.
- 14.2. In this Easement, "Salinity Management Plan" means Section 8 of the 'Detailed Salinity Assessment Report, 421 The Northern Road, Cobbitty Lot 5005 DP 1162239' prepared by Geotest Services (Ref: P33603.1_R01, Dated 2 February 2022), as may be updated or amended.

The Authority whose consent is required to release, vary or modify the Restriction numbered 14 in the plan is **Camden Council**.

15. Terms of Restriction numbered 15 in the abovementioned plan:

- 15.1. No dwelling shall be constructed on the lots burdened unless in accordance with the following:
- (a) Construction Requirements – window and door treatments for affected facades on the ground and first floor of the lots burdened must be consistent with "Section 4.4 Noise Modelling Results", "Table 4-3 worst case building treatment required" and "Appendix B Building Treatment categories" contained within the "Tranche 3 Western Lots - Road Traffic Noise Assessment, 531 Cobbitty Road, Cobbitty", prepared by Renzo Tonin & Associates, Ref TM504-03F02 (r3), dated 23 February 2024.
- 15.2. Each lot burdened must demonstrate compliance with the above requirements.

The Authority whose consent is required to release, vary or modify the Restriction numbered 15 in the plan is **Camden Council**.


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16. Terms of Restriction numbered 16 in the abovementioned plan:

16.1. No dwelling shall be constructed on the lots burdened unless in accordance with the following:

- (a) Alternative Ventilation for Habitable Rooms – facades identified in the acoustic report, "Tranche 3 Western Lots - Road Traffic Noise Assessment, 531 Cobbitty Road, Cobbitty", prepared by Renzo Tonin & Associates, Ref TM504-03F02 (r3), dated 23 February 2024 may require windows to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) must be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer may be required to ensure that the requirements under the BCA and AS:1668 (as may be amended or updated from time to time) are achieved.

16.2. Each lot burdened must demonstrate compliance with the above requirements.

The Authority whose consent is required to release, vary or modify the Restriction numbered 16 in the plan is **Camden Council**.

17. Terms of Restriction numbered 17 in the abovementioned plan:

17.1. No dwelling shall be constructed on the lots burdened unless in accordance with the following:

- (a) Principle Private Open Space, External Noise Levels – The relevant open space area or relevant principal private open space area must be protected from the road traffic noise source and comply with the Department of Environmental and Climate Change's (DECC) Environmental Criteria for Road Traffic Noise. If the proposed principal private open space area cannot be demonstrated to comply with the DECC's Environmental criteria for Road Traffic noise, an acoustic fence will be required, and the details shall for demonstrated for each dwelling application on the affected lots.

17.2. Each lot burdened must demonstrate compliance with the above requirements.

The Authority whose consent is required to release, vary or modify the Restriction numbered 17 in the plan is **Camden Council**.

18. Terms of Restriction numbered 18 in the abovementioned plan:

The Owner of the lot burdened must present their garbage bins on Stoke Place (being the road located to the east of Lot 1 in the plan) for collection on the designated collection days, clear of ancillary structures (such as driveway crossovers), in accordance with the requirements of Camden Council.

The Authority whose consent is required to release, vary or modify the Restriction numbered 18 in the plan is **Camden Council**.


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19. Terms of Restriction numbered 19 in the abovementioned plan:

- 19.1. No fence shall be erected on a lot burdened to divide it from any adjoining land owned by Mirvac without the consent of Mirvac.
- 19.2. 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.
- 19.3. 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.
- 19.4. 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.
- 19.5. 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.
- 19.6. 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.
- 19.7. In this Restriction, "Mirvac" means Mirvac 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 19 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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20. Terms of Restriction numbered 20 in the abovementioned plan:

- 20.1. 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.
- 20.2. 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.
- 20.3. These restrictions shall expire and have no further force or effect on the date being the first to occur of:
- (a) 15 May 2029; 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 20 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.

21. Terms of Easement numbered 21 in the abovementioned plan:

The terms set out in Section 1 of Memorandum AR578978 are incorporated into this document.

The Authority whose consent is required to release, vary or modify the Easement numbered 21 in the plan is **Epsilon Distribution Ministerial Holding Corporation**.


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22. Terms of Restriction numbered 22 in the abovementioned plan:

The terms set out in Section 8 of Memorandum AR578978 are incorporated into this document.

The Authority whose consent is required to release, vary or modify the Restriction numbered 22 in the plan is **Epsilon Distribution Ministerial Holding Corporation**.

23. Terms of Restriction numbered 23 in the abovementioned plan:

The terms set out in Section 9 of Memorandum AR578978 are incorporated into this document.

The Authority whose consent is required to release, vary or modify the Restriction numbered 23 in the plan is **Epsilon Distribution Ministerial Holding Corporation**.

24. Terms of Easement numbered 24 in the abovementioned plan:

The terms set out in Section 2 of Memorandum AR578978 are incorporated into this document.

The Authority whose consent is required to release, vary or modify the Easement numbered 24 in the plan is **Epsilon Distribution Ministerial Holding Corporation**.

25. Terms of Easement numbered 25 in the abovementioned plan:

The terms set out in Section 2 of Memorandum AR578978 are incorporated into this document.

The Authority whose consent is required to release, vary or modify the Easement numbered 25 in the plan is **Epsilon Distribution Ministerial Holding Corporation**.

26. Terms of Easement numbered 26 in the abovementioned plan:

An Easement for Services as set out in Schedule 8, Part 11 of the *Conveyancing Act 1919* (NSW), as amended.

The Authority whose consent is required to release, vary or modify the Easement numbered 26 in the plan is **Camden Council**.

27. Terms of Restriction numbered 27 in the abovementioned plan:

The Owner of the lot burdened must not remove, prune, damage or disturb any existing native vegetation (as that term is defined in the *Native Vegetation Act 2003* (NSW)) on the lot burdened without the prior approval of the Benefitted Authority.

The Authority whose consent is required to release, vary or modify the Restriction numbered 27 in the plan is **Camden Council**.


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28. Terms of Restriction numbered 28 in the abovementioned plan:

- (a) For the purposes of this restriction, APZ Area means that part of the lot burdened shown as (K) on the Plan.
- (b) No building shall be erected or permitted to remain on the lot burdened within the APZ Area.

The Authority whose consent is required to release, vary or modify the Restriction numbered 28 in the plan is **Camden Council**.

29. Terms of Positive Covenant numbered 29 in the abovementioned plan:

The Owner of the lot burdened must:

- (a) keep vegetation within the Inner Protection Area to a minimum level;
- (b) keep litter fuels within the Inner Protection Area below 1cm in height and be discontinuous;
- (c) comply with the following requirements as described in section A4.1.1 of the NSW Rural Fire Service document Planning for Bush Fire Protection 2019:

Trees

- (i) tree canopy cover should be less than 15% at maturity;
- (ii) trees at maturity should not touch or overhang the building;
- (iii) lower limbs should be removed up to a height of 2 metres above the ground
- (iv) tree canopies should be separated by 2 to 5 metres;
- (v) preference should be given to smooth barked and evergreen trees;

Shrubs

- (vi) create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
- (vii) shrubs should not be located under trees;
- (viii) shrubs should not form more than 10% ground cover;
- (ix) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;

Grass

- (x) grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- (xi) leaves and vegetation debris should be removed.

In this covenant, **Inner Protection Area** means the curtilage around the dwelling on the lot burdened, consisting of a mown lawn and well maintained gardens.

The Authority whose consent is required to release, vary or modify the Positive Covenant numbered 29 in the plan is **Camden Council**.


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Plan: **DP1306068**

Plan of Subdivision of Lot 173 in DP1289775
covered by Subdivision Certificate No. *14.2023.580.1*
Dated: *11/6/2025*

30. Terms of Restriction numbered 30 in the abovementioned plan:

No driveway is permitted to be constructed on the lot burdened without Camden Council's prior review and approval.

The Authority whose consent is required to release, vary or modify the Restriction numbered 30 in the plan is **Camden Council**.

31. Definitions

In this Instrument:

- (c) **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).
- (d) **Benefited Authority** means the Authority having the benefit of an easement under this Instrument.
- (e) **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.
- (f) **Development** means the development known as "Cobbitty by Mirvac" comprised in Lots 3, 5 and 6 in Deposited Plan 1276275 and Lots 100 to 174 in Deposited Plan 1289775 or any future lots created from the subdivision of these parcels.
- (g) **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.
- (h) **Instrument** means this section 88B instrument.
- (i) **Owner** means a person who is entitled to an estate or interest in possession in a lot.
- (j) **Review Panel** means the Mirvac Development Review Panel.
- (k) **The System** means the On-Site Detention Storage/Water Quality Area & Outlet Works constructed and/or installed on the land as detailed on the plans approved by Camden Council as Subdivision Works Certificate No. 2023/580/2 dated 04/02/2025, including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to detain stormwater, as well as all surfaces graded to direct stormwater to the on-site detention storage.


.....
Camden Council Authorised Person

Plan: **DP1306068**

Plan of Subdivision of Lot 173 in DP1289775
covered by Subdivision Certificate No. **14,2023,580.1**
Dated: **11/6/2025**

Signatures

Consent of Owner:

I certify that the attorney signed this instrument in my presence.

Digitally signed by Peter Ioannou. Date 30/05/2025

Signature of witness:

Signed by:
Peter Ioannou
F1D90B848A3A433...

Name of witness:

Peter Ioannou

Address of witness:

Level 28, 200 George Street Sydney
NSW 2000

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 attorney:

DocuSigned by:
Aaron Baker
8A3B38A1A8ED433...

Attorney name: Aaron Baker

Attorney position: Project Director

Power of attorney: Book 4825

No 438

Signature of attorney:

Signed by:
Ayberk Sahin
AA3E16957C86463...

Attorney name: Ayberk Sahin

Attorney position: Development Manager

Power of attorney: Book 4825

No 438

Digitally signed by Ayberk Sahin. Date 30/05/2025

Mhi
Camden Council Authorised Person

Plan: **DP1306068**

Plan of Subdivision of Lot 173 in DP1289775
covered by Subdivision Certificate No. **14,2023,580,1**
Dated: **11/6/2025**

Signatures

Consent of Mortgagee:

I certify that the attorney signed this instrument in my presence.

Digitally signed by Peter Ioannou. Date 30/05/2025

Signature of witness:

Signed by:
Peter Ioannou
F1D90B848A3A433...

Name of witness:

Peter Ioannou

Address of witness:

Level 28, 200 George Street Sydney
NSW 2000

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 attorney:

DocuSigned by:
Aaron Baker
8A3B38A1A8ED433...

Attorney name: Aaron Baker

Attorney position: Project Director

Power of attorney: Book 4833

No 897

Signature of attorney:

Signed by:
Ayberk Sahin
AA3E16057C86463

Digitally signed by Ayberk Sahin. Date 30/05/2025

Attorney name: Ayberk Sahin

Attorney position: Development Manager

Power of attorney: Book 4833

No 897

Mhi
.....
Comdan Council Authorised Person

Plan: **DP1306068**

Plan of Subdivision of Lot 173 in DP1289775
covered by Subdivision Certificate No. 14.2023.580.1
Dated: 11/6/2025

Signatures

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:



Digitally signed
by Natasha Issac
Date: 29.05.2025

Signature of attorney:



Digitally signed
by Helen Smith
Date: 29.05.2025

Name of witness:

Natasha Issac

Attorney name: Helen Smith

Attorney position: Head of Property

Address of witness:

c/- Endeavour Energy
Level 41, 8 Parramatta Square
10 Darcy Street
Parramatta NSW 2150

Power of attorney: Book 4833

No 383

EE reference: NRS3710

Release: PROP00058094,
PROP00059310

This document was signed in counterpart and witnessed over audio visual link in accordance with Section 14G of the Electronic Transactions Act 2000.


.....
Camden Council Authorised Person

Plan: **DP1306068**

Plan of Subdivision of Lot 173 in DP1289775
covered by Subdivision Certificate No. **14.2023.580.1**
Dated: **11/6/2025**

Signatures

Executed by Camden Council by its authorised delegate pursuant to Section 378 of the Local Government Act 1993

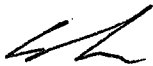


Signature of Delegate

NICOLE FRANKLIN

Name of Delegate

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



Signature of Witness

Brendan Tong

Name of Witness

70 Central Ave, Oran Park

Address of Witness

