

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 24 sheets)

Plan: DP1303450

Plan of Subdivision of Lot 3101 in DP1223680,
Lots 594 & 596 in DP1231304, Lot 5 in DP1276275,
Lot 174 in DP1289775 and Lot 1 in DP1298600
covered by Subdivision Certificate No. ~~14.2023.215-1~~
Dated: ~~05/12/2024~~

**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

AVJennings Properties Limited
(ABN 50 004 601 503)
Level 6/58 Norwest Blvd,
Baulkham Hills NSW 2153

The Macarthur Anglican School
(ABN 58 390 019 481)
PO Box 555, Camden NSW 2570

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 (A)	114 115 116 117 118 120 121 122 123 124 125 126 127 128 129 130 131 133 134 135 136 137 138 139 140 141	115 116 117 118 119 121 122 Pt 143 (P1) Pt 143 (P2) 123 124 125 126 127 128 129 130 134 135 136 137 138 139 140 Pt 143 (P3) 131

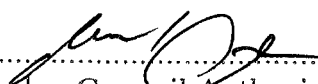


 Camden Council Authorised Person

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 Dated: ~~05/12/2024~~

2	Easement for Drainage of Water 1.8 Wide (B2)	145	739/1231306, 740/1231306, 741/1231306 & 742/1231306
3	Right of Access Variable Width (D)	143 & 145	Camden Council
4	Easement for Support, Access and Maintenance 0.9 Wide (E)	114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141	115 116 117 118 119 120 121 122 Pt 143 (P1) Pt 143 (P2) 123 124 125 126 127 128 129 130 & 133 133 134 135 136 127 & 137 126 & 138 125 & 139 124 & 140 123 & Pt 143 (P3) 131 & 132
5	Easement for Support over Retaining Wall 0.9 Wide (E1)	123	140

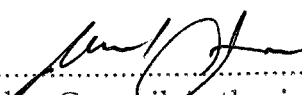


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6	Easement for Support over Retaining Wall 0.9 Wide (E3)	145	Camden Council
7	Restriction on the Use of Land	112 – 140 inclusive, Pt 143 & Pt 145 (E4)	Camden Council
8	Easement for Padmount Substation 2.75 Wide (F)	132	Epsilon Distribution Ministerial Holding Corporation
9	Restriction on the Use of Land (G)	Pt 132 & Pt 141 (G)	Epsilon Distribution Ministerial Holding Corporation
10	Restriction on the Use of Land (H)	Pt 132 & Pt 141 (H)	Epsilon Distribution Ministerial Holding Corporation
11	Easement for Drainage of Water Variable Width (J)	142 & 143	Camden Council
12	Easement for On-site Detention and Water Quality Facility Variable Width (J1)	142 & 143	Camden Council
13	Restriction on the Use of Land (J1)	Pt 142 & Pt 143 (J1)	Camden Council
14	Positive Covenant (J1)	Pt 142 & Pt 143 (J1)	Camden Council
15	Restriction on the Use of Land (K)	141 & Pt 143 (K)	Camden Council
16	Restriction on the Use of Land	112, 141 & 145	Camden Council
17	Restriction on the Use of Land	141, 142, 143, 145 & 146	Camden Council
18	Restriction on the Use of Land	112 – 140 inclusive	Camden Council
19	Restriction on the Use of Land	112 – 140 inclusive	Camden Council



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20	Restriction on the Use of Land	112 – 114 inclusive & 131 – 134 inclusive	Camden Council
21	Restriction on the Use of Land	112	Camden Council
22	Restriction on the Use of Land	112 – 140 inclusive	112 – 140 inclusive
23	Restriction on the Use of Land	112 – 140 inclusive	112 – 140 inclusive


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 covered by Subdivision Certificate No. *14.2023.2151*
 Dated: *05/12/2024*

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 Water Supply Purposes 3 Wide (DP1231306) released in the part shown (O1)	596/1231304	Sydney Water Corporation
2	Easement for Underground Cables 1 Wide (DP1231306) released in the part shown (N1)	596/1231304	Epsilon Distribution Ministerial Holding Corporation
3	Right of Carriageway (Entire Lot) (DP1231304)	596/1231304	Camden Council
4	Easement to Drain Water (Entire Lot) (DP1231304)	596/1231304	Camden Council
5	Easement for Drainage of Water 3 Wide (AN838964)	174/1289775	Camden Council
6	Right of Access 6 Wide (DP1289775)	174/1289775	5/1276275
7	Easement for Services 6 Wide (DP1289775)	174/1289775	5/1276275
8	Easement for Drainage of Water Variable Width (DP1289775)	174/1289775	Camden Council
9	Easement for On-site Detention and Water Quality Facility Variable Width (DP1289775)	174/1289775	Camden Council
10	Fencing Easement (DP1179307)	1112/1209460, 1232/1209994, 1233/1209994, 1420/1209996, Blacksmith Cres (1135/1209460) & Egan Cres (1234/1209994 & 1339/1209995)	3101/1223680 Pt 2/1298600



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Dated: 05/12/2024

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 burdened lot and the Owner of the benefited lot 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 Easement numbered 2 in the abovementioned plan:

- 2.1. An Easement for Drainage of Water as set out in Schedule 8, Part 8 of the Conveyancing Act 1919, as amended, together with the following addition:
- (a) The registered proprietor(s) of the land shall 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 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:

- 3.1. A Right of Access as set out in Schedule 4A, Part 11 of the Conveyancing Act 1919, as amended, together with the right for the Benefited Authority and every person authorised by it to go, pass and repass across the Easement Site at all times with or without vehicles.
- 3.2. The rights under this Right of Access terminate on the date that any part of the Easement Site is dedicated as a public road (**Sunset Event**) and on and from that date this easement is extinguished without further assurance.
- 3.3. Upon satisfaction of the Sunset Event and upon request by the Owner of the lot burdened or the Benefited Authority, the Owner of the lot burdened and the Benefited Authority must do all things necessary (including making application to NSW Land Registry Services (or its successor) to remove the record of the Right of Access from the title of the lot burdened.

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

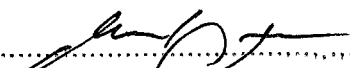

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Dated: 05/12/2024

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

- 4.1. 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**).
- 4.2. 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.
- 4.3. 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 4.3(a).
- 4.4. 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.


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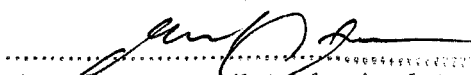
- 4.5. In exercising the powers granted under this Easement, the Owner of the lot benefited must:
- (a) ensure that all work is done properly; and
 - (b) cause as little damage as is practicable to the lot burdened and any improvement on it;
 - (c) restore the Easement Site as nearly as is practicable 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 4 in the plan is **Camden Council**.

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 over that part of the lot burdened containing the Easement Site for the purpose of supporting the retaining wall located on the Easement Site (**Retaining Wall**).
- 5.2. The Owner of the lot burdened must not:
- (a) do anything which will detract from the support of the Retaining Wall; and
 - (b) permit any structures within the Easement Site that do not form part of the Retaining Wall except for 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:
 - (i) the eaves or roof (not including guttering) do not encroach the Easement Site by more than 450mm; and
 - (ii) the guttering remains within the Easement Site; and
- 5.3. The Owner of the lot burdened must:
- (a) keep the Retaining Wall in good repair and safe condition; and
 - (b) carry out any work that is reasonably necessary to maintain the Retaining Wall and to protect the structural integrity of the Retaining Wall.

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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Dated: 06/12/2024

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

- 6.1. The Owner of the lot burdened grants the Benefited Authority a right of support by that part of the lot burdened containing the Easement Site to the extent that the Easement Site (including any retaining wall on the Easement Site (**Retaining Wall**)) provides support.
- 6.2. The Owner of the lot burdened must not:
- (a) do anything which will detract from the support provided by the Easement Site and Retaining Wall; and
 - (b) permit any structures within the Easement Site that do not form part of the Retaining Wall except for 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:
 - (i) the eaves or roof (not including guttering) do not encroach the Easement Site by more than 450mm; and
 - (ii) the guttering remains within the Easement Site.
- 6.3. The Owner of the lot burdened must:
- (a) keep the Easement Site and Retaining Wall in good repair and safe condition; and
 - (b) carry out any work that is reasonably necessary to maintain the Retaining Wall and to protect the structural integrity of the Retaining Wall.

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

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

The Owner of the lot burdened must not, or 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 7 in the plan is **Camden Council**.

8. Terms of Easement numbered 8 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 8 in the plan is **Epsilon Distribution Ministerial Holding Corporation**.


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9. Terms of Restriction numbered 9 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 9 in the plan is **Epsilon Distribution Ministerial Holding Corporation**.

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

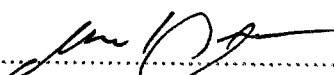
The terms set out in Section 9 of Memorandum AR578978 are incorporated into this document.

The Authority whose consent is required to release, vary or modify the Restriction numbered 10 in the plan is **Epsilon Distribution Ministerial Holding Corporation**.

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

- 11.1. An Easement for Drainage of Water as set out in Schedule 4A, Part 7 of the Conveyancing Act 1919, as amended, is created.
- 11.2. The rights under this Easement for Drainage of Water terminate on the date of decommissioning and removal of the Temporary Stormwater Management Measures from the Easement Site (**Sunset Event**) and on and from that date this easement is extinguished without further assurance.
- 11.3. Upon satisfaction of the Sunset Event and upon request by the Owner of the lot burdened or the Benefited Authority, the Owner of the lot burdened and the Benefited Authority must do all things necessary, including making application to NSW Land Registry Services (or its successor) to remove the record of the Easement for Drainage of Water from the title of the lot burdened.

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


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

12.1. 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 servient tenement and will restore that surface as nearly as practicable to its original condition.

12.2 The Registered Proprietors(s) 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 12 in the plan is **Camden Council**.

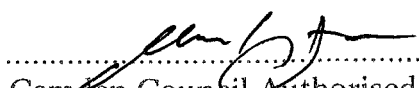
13. Terms of Restriction numbered 13 in the abovementioned plan:

13.1. The Registered Proprietors(s) 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.

13.2. This Restriction on 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.

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 Positive Covenant numbered 14 in the abovementioned plan:

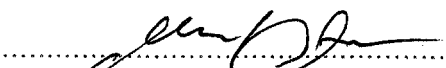
- 14.1. The Registered Proprietor(s) of the lot burdened (herein called 'the proprietor') covenant with the Benefitted Authority in respect of The System constructed on the burdened lot(s), that the proprietor will:
- (a) construct, clean maintain and repair all pits, tanks pipe lines, orifice plates, 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 enter upon the burdened lot with all necessary materials and equipment at all reasonable time 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.

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

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

- 15.1. For the purpose of this Restriction, the 'APZ Area' means the whole of Lot 141 and that part of Lot 143 burdened and designated 'K' on the plan.
- 15.2. The APZ Area must be managed as a Temporary Asset Protection Zone (APZ) in accordance with Appendix 4 of the NSW Rural Fire Service 'Planning for Bushfire Protection – A guide for councils, planners, fire authorities and developers' dated 2019 (as amended and updated).
- 15.3. The Restriction may be released, varied or modified upon the removal of the bush fire hazard as part of the lawful commencement of any future urban development.

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:

No vehicles are permitted to access or travel to or from any part of the Charles McIntosh Parkway 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 16 in the plan is **Camden Council**.

17. Terms of Restriction numbered 17 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 17 in the plan is **Camden Council**.

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

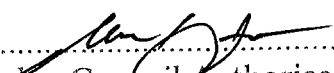
No dwelling shall be permitted to be constructed on the lots burdened unless the footings of the building have been designed by a suitably qualified civil and/or structural engineer.

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

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

- 19.1. No buildings or structures shall be constructed on the lots hereby 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 in Report on Lot Classification and Salinity Assessment, Tranche 4, Stage 3a, Cobbitty, prepared by Douglas Partners (Project 92323.13.R.002.Rev0)

The Authority whose consent is required to release, vary or modify the Restriction numbered 19 in the plan is **Camden Council**.


Camden Council Authorised Person

Plan: **DP1303450**

Plan of Subdivision of Lot 3101 in DP1223680,
Lots 594 & 596 in DP1231304, Lot 5 in DP1276275,
Lot 174 in DP1289775 and Lot 1 in DP1298600
covered by Subdivision Certificate No. 14-2023-2157
Dated: 05/12/2024

20. Terms of Restriction numbered 20 in the abovementioned plan:

20.1. No dwelling shall be constructed on the lots hereby 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 “Table 4-3 worst case building treatment required” and “Table 5-1 – treatment categories” contained within the “Road Traffic Noise Assessment, Tranche 4, 531 Cobbitty Road, Cobbitty”, prepared by Renzo Tonin, dated 26 June 2023;
- (b) Alternative Ventilation for Habitable Rooms – facades identified in the acoustic report 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; and
- (c) Principle Private Open Space Protection – the external noise from road traffic must not exceed 57 dBA LAeq (between the hours of 7am and 10pm, being a total of 15 hours per day) at the external nominated principle private open space area for each lot burdened.

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

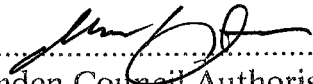
The Authority whose consent is required to release, vary or modify the Restriction numbered 20 in the plan is **Camden Council**.

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

21.1. No dwelling shall be constructed on the lot hereby burdened unless in accordance with the following:

- (a) Location of Principle Private Open Space – the location of principle private open space must be located in the rear yard behind the dwelling and away from the southern property boundary.
- (b) Acoustic Boundary Fence – a 1.8m high acoustic rated property boundary fence is required along the southern and eastern boundary consistent in location with “Figure 4-9” in the “Road Traffic Noise Assessment Tranche 4 531 Cobbitty Road Cobbitty”, prepared by Renzo Tonin, dated 26 June 2023.

The Authority whose consent is required to release, vary or modify the Restriction numbered 21 in the plan is **Camden Council**.


.....
Camden Council Authorised Person

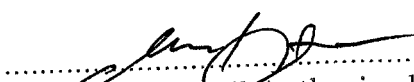
Plan: **DP1303450**

Plan of Subdivision of Lot 3101 in DP1223680,
Lots 594 & 596 in DP1231304, Lot 5 in DP1276275,
Lot 174 in DP1289775 and Lot 1 in DP1298600
covered by Subdivision Certificate No. 14-2023-2151
Dated: 05/12/2024

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

- 22.1. No fence shall be erected on a lot burdened to divide it from any adjoining land owned by Mirvac without the consent of Mirvac.
- 22.2. 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.
- 22.3. 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.
- 22.4. 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.
- 22.5. 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.
- 22.6. 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.
- 22.7. In this Restriction, "Mircac" 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 22 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.


.....
Camden Council Authorised Person

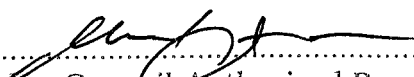
Plan: **DP1303450**

Plan of Subdivision of Lot 3101 in DP1223680,
Lots 594 & 596 in DP1231304, Lot 5 in DP1276275,
Lot 174 in DP1289775 and Lot 1 in DP1298600
covered by Subdivision Certificate No. *14 2023 2/5* /
Dated: *05/12/2024*

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

- 23.1. 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.
- 23.2. 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.
- 23.3. 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 23 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.


.....
Camden Council Authorised Person

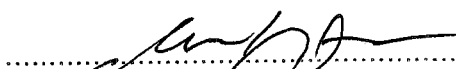
Plan: **DP1303450**

Plan of Subdivision of Lot 3101 in DP1223680,
Lots 594 & 596 in DP1231304, Lot 5 in DP1276275,
Lot 174 in DP1289775 and Lot 1 in DP1298600
covered by Subdivision Certificate No. 14.2023.245.1
Dated: 05/12/2024

24. 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 Development Review Panel.
- (i) **Temporary Stormwater Management Measures** means the temporary stormwater management measures detailed on the plans approved by Camden Council as Subdivision Works Certificate No. 16.2023.215.3 dated 03/09/2024.
- (j) **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. 16.2023.215.3 dated 03/09/2024, 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: **DP1303450**

Plan of Subdivision of Lot 3101 in DP1223680,
Lots 594 & 596 in DP1231304, Lot 5 in DP1276275,
Lot 174 in DP1289775 and Lot 1 in DP1298600
covered by Subdivision Certificate No. 14.2023.215.1
Dated: 05/12/2024

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:



~~Electronic signature of me,~~

~~affixed by me, or at my direction, on~~

I certify that I am an eligible witness and that this document was signed in counterpart and witnessed over audio visual link in accordance with s14G of the Electronic Transactions Act 2000 (NSW).

Name of witness:

ISAAC PAPADATOS

Address of witness:

200 GEORGE ST, SYDNEY NSW 2000

Signature of attorney:



~~Electronic signature of me,~~

~~affixed by me, or at my direction, on~~

Attorney name:

ADAM THOMAS PERROTT

Attorney position:

DEVELOPMENT DIRECTOR

Power of attorney:

Book

4819

No

748

Signature of attorney:



~~Electronic signature of me,~~

~~affixed by me, or at my direction, on~~

Attorney name:

ARRON TAN

Attorney position:

SENIOR DEVELOPMENT MANAGER

Power of attorney:

Book

4819

No

748

Plan: **DP1303450**

Plan of Subdivision of Lot 3101 in DP1223680,
Lots 594 & 596 in DP1231304, Lot 5 in DP1276275,
Lot 174 in DP1289775 and Lot 1 in DP1298600
covered by Subdivision Certificate No. **14-2023-215-1**
Dated: **05/12/2024**

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 **AVJennings Properties Limited** (ABN 50 004 601 503)

Signature of witness:

G. Opacic

Name of witness:

GORDAN OPACIC

Address of witness:

Level 6, 58 Northwest Boulevard, Northwest
NSW 2153

Signature of attorney:

Rosemary Hooper

Attorney name:

ROSEMARY HOOPER

Attorney position:

STATE PRODUCTION MANAGER
NSW

Power of attorney:

Book

4804

No

959

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 **CBA Corporate Services (NSW) Pty Limited** (ABN 25 072 765 434)

Signature of witness:

Loshitha Pather
DocuSigned by:
F3E6BCA98A5842A...

Name of witness:

Loshitha Pather

Address of witness:

1 Harbour St, Sydney NSW 2000

Signature of attorney:

Huyen Nguyen
DocuSigned by:
E769D2C2FC65443...

Attorney name:

Huyen Nguyen

Attorney position:

Associated Director

Power of attorney:

Book

4659

No

765

Digitally signed by Loshitha Pather. Date
4 December 2024 at 9.20am

Digitally signed by Huyen Nguyen. Date 4
December 2024 at 9.15am

Plan: **DP1303450**

Plan of Subdivision of Lot 3101 in DP1223680,
Lots 594 & 596 in DP1231304, Lot 5 in DP1276275,
Lot 174 in DP1289775 and Lot 1 in DP1298600
covered by Subdivision Certificate No. 14-2023-2151
Dated: 05/12/2024

Signatures

Consent of Owner:

The Macarthur Anglican School
(ABN 58 390 019 481)

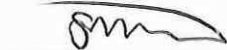

DAVID NOCKLES
HEADMASTER
12 CHELLASTON ST
CAMDEN

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 **Commonwealth Bank of Australia**
(ABN 48 123 123 124)

Signature of witness:



Name of witness:

Stephanie He

Address of witness:

11 Harbour St Sydney

Signature of attorney:



Attorney name:

Alexander MacInnes

Attorney position:

Relationship Executive

Power of attorney:

Book 4548

No

494

Plan: **DP1303450**

Plan of Subdivision of Lot 3101 in DP1223680,
Lots 594 & 596 in DP1231304, Lot 5 in DP1276275,
Lot 174 in DP1289775 and Lot 1 in DP1298600
covered by Subdivision Certificate No. 14-2023-215-1
Dated: 05/12/2024

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: 2024.11.27
08:51:05 +11'00'

Signature of attorney:

 Digitally signed
by Simon Lawton
Date: 27.11.2024

Name of witness:

Natasha Issac

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

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

Name and position of attorney:

Simon Lawton, Strategic Property Manager

Power of attorney: Book: 4825 No: 475

EE reference: URS27652
Release PROP00058941

Plan: **DP1303450**

Plan of Subdivision of Lot 3101 in DP1223680,
Lots 594 & 596 in DP1231304, Lot 5 in DP1276275,
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covered by Subdivision Certificate No. *14-2023-215-1*
Dated: *05/12/2024*

Signatures

Executed by Sydney Water Corporation
ABN 49 776 225 038 pursuant to section
50(3)(a) of the *Interpretation Act 1987* by an
authorised delegate:

04-Dec-2024 | 6:40 AEDT

DocuSigned by:
NGA BUI
D5A5C9A50B874B8...
Signature of witness

04-Dec-2024 | 7:08 AEDT

NGA BUI
Name of witness

1 Smith Street, Parramatta NSW
Address of witness

DocuSigned by:
Simon Fairfax
1730AA4754E4494...
Signature of authorised delegate

Simon Fairfax
Name of authorised delegate

Property Portfolio Acquisition Manager
Title of authorised delegate

04-Dec-2024 | 6:40 AEDT

Date

Consent of Mortgagee:

Executed on behalf of **Mirvac Cobbitty Pty Ltd (ABN 14 682 963 533)** by the authorised
person(s) whose signature(s) appear below pursuant to Section 127 of The Corporations Act
2001.

DocuSigned by: Signed: 1/14/2025 1:50:01 PM
Sophie Hlubucek
4B7BD86898CF482...
Signature

Sophie Hlubucek
Name (Block Letters)

Director
Office Held

DocuSigned by: Signed: 1/14/2025 12:59:51 PM
Vicki Vordis
925728D3A0BC466...
Signature

Vasiliki Vordis
Name (Block Letters)

Secretary
Office Held

Plan: **DP1303450**

Plan of Subdivision of Lot 3101 in DP1223680,
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Lot 174 in DP1289775 and Lot 1 in DP1298600
covered by Subdivision Certificate No. 14-2023-2151
Dated: 05/12/2024

Signatures

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



Signature of Delegate

Michael Grasso - T/C Engineering

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

