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**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 18 Sheets)

Plan: **DP1298502**

Plan of subdivision of Lot 102 in DP1298342 and Easement  
 within Lot 1204 in DP1298371, covered by Council  
 Subdivision Certificate No. 14.2023.486.3

Full Name and Address  
 of the owner of the land:

Birling Estate Pty Ltd ACN 657 548 073  
 975 The Northern Road, Bringelly 2556

**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 & Maintenance 0.9 Wide (A)	2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2131 2135 2136 2137 2138 2139 2140 2141 2142	2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2118 2119 2122 2123 2124 2125 2126 2127 2128 2129 2132 2134 2135 2136 2137 2138 2139 2140 2143

Signed by:

*Andrew Haylett*

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*Michael O...*  
 Camden Council Authorised Person

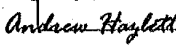
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(Sheet 2 of 18 Sheets)

Plan: **DP1298502**

Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

		2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153	2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154
2	Easement to Drain Water 1.5 Wide (B)	2102 2103 2104 2105 2106 2107 2108 2110 2111 2112 2113 2114 2115 2116 2121 2130 2131 2132 2135 2136 2137 2138 2139 2140 2141	2101 2101, 2102 2101 to 2103 inclusive 2101 to 2104 inclusive, 2101 to 2105 inclusive, 2101 to 2106 inclusive 2101 to 2107 inclusive 2109 2109, 2110 2109 to 2111 inclusive 2109 to 2112 inclusive 2109 to 2113 inclusive 2109 to 2114 inclusive, 2109 to 2115 inclusive 2134 to 2141 inclusive 2131 to 2133 inclusive 2132, 2133 2133 2134 2134, 2135 2134 to 2136 inclusive, 2134 to 2137 inclusive 2134 to 2138 inclusive 2134 to 2139 inclusive 2134 to 2140 inclusive
3	Easement for Support & Maintenance 0.9 Wide (E)	2100 2117 2118 2121 2122 2123 2124 2125 2126	2144 to 2155 inclusive 2141 2121, 2141 2141 2140, 2141 2139, 2140 2138, 2139 2137, 2138 2136, 2137

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Plan: **DP1298502**

Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

		2127 2128 2129 2132 2134 2141 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155	2135, 2136 2134, 2135 2131, 2134 2131 2128, 2129, 2132 2117, 2118 2100 2100 2100 2100 2100 2100 2100 2100 2100 2100 2100 2100 2100
4	Easement for Support & Maintenance 1.5 wide (F)	2135 2136 2137 2138 2139 2140 2141	2127, 2128 2126, 2127 2125, 2126 2124, 2125 2123, 2124 2122, 2123 2121, 2122
5	Easement for Padmount Station 2.75 wide (G)	2120	Epsilon Distribution Ministerial Holding Corporation
6	Restriction on the use of Land (H)	Parts of 2120, 2121	Epsilon Distribution Ministerial Holding Corporation
7	Restriction on the use of Land (J)	Parts of 2120, 2121	Epsilon Distribution Ministerial Holding Corporation
8	Restriction on the use of Land	2101 to 2155 inclusive	Camden Council
9	Restriction on the use of Land	2116 to 2120 inclusive, 2142	Camden Council
10	Restriction on the use of Land	2101 to 2155 inclusive	Camden Council
11	Restriction on the use of Land	Each and every lot	Each and every other lot 104/1298342
12	Restriction on the use of Land	Each and every lot	Each and every other lot 104/1298342

Signed by:

*Andrew Haylett*

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Plan: **DP1298502**

Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371; covered by Council Subdivision Certificate No. 14.2023.486.3

13	Restriction on the use of Land	2101	104/1298342, 2102 to 2155 inclusive
		2116	104/1298342, 2101 to 2115 inclusive and 2117 to 2155 inclusive
		2117	104/1298342, 2101 to 2116 inclusive and 2118 to 2155 inclusive
		2118	104/1298342, 2101 to 2117 inclusive and 2119 to 2155 inclusive
		2119	104/1298342, 2101 to 2118 inclusive and 2120 to 2155 inclusive
		2120	104/1298342, 2101 to 2119 inclusive and 2121 to 2155 inclusive
		2130	104/1298342, 2101 to 2129 inclusive and 2131 to 2155 inclusive
		2133	104/1298342, 2101 to 2132 inclusive and 2134 to 2155 inclusive
		2142	104/1298342, 2101 to 2141 inclusive and 2143 to 2155 inclusive
14	Restriction on the use of Land	2116	104/1298342, 2101 to 2115 inclusive and 2117 to 2155 inclusive
		2117	104/1298342, 2101 to 2116 inclusive and 2118 to 2155 inclusive
		2118	104/1298342, 2101 to 2117 inclusive and 2119 to 2155 inclusive
		2119	104/1298342, 2101 to 2118 inclusive and 2120 to 2155 inclusive
		2120	104/1298342, 2101 to 2119 inclusive and 2121 to 2155 inclusive
		2142	104/1298342, 2101 to 2141 inclusive and 2143 to 2155 inclusive
15	Easement to Drain Water (P) – Whole of Lot	1204/1298371	Camden Council

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16	Restriction on the use of Land	2116 2142	104/1298342, 2101 to 2115 inclusive and 2117 to 2155 inclusive 104/1298342, 2101 to 2141 inclusive and 2143 to 2155 inclusive
17	Restriction on the use of Land	2116 2142	Camden Council Camden Council
18	Positive Covenant	2116 2142	Camden Council Camden Council

**PART 1A (Release)**

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 Services 10 wide created by DP1284706	102/1298342	121/1284706
2	Right of Carriageway 10 wide created by DP1284706	102/1298342	121/1284706
3	Easement for Services 10 wide created by DP1218798	102/1298342	4/1218798
4	Right of Carriageway 10 wide created by DP1218798	102/1298342	4/1218798

**PART 2 (Terms)**

**1 Dictionary**

**1.1 Defined Terms**

The following terms have the following meanings where used in this Instrument:

- (a) **Act** means the *Conveyancing Act 1919*.
- (b) **Acoustically Rated Fences** is defined in Clause 17.
- (c) **Agent** means a person authorised by the Owner.
- (d) **Birling Design & Landscape Guidelines** means the design guidelines (as may be varied from time to time) specified by the Design Review Panel which regulate all building and ancillary landscaping work as applicable to the Development.
- (e) **Council** means Camden Council.
- (f) **Design Review Panel** means design review panel constituted from time to time by Birling Estate Developments Pty Ltd ACN 668 807 663.
- (g) **Development** means the whole of the multi-staged development known as "Birling" comprised of the land known as lots 101-108 (both inclusive) in deposited plan 1298342, lot 121 in deposited plan 1284706 and lot 4 in deposited plan 1218798 (prior to subdivision for the purpose of the development of Birling) or any future lots created from the subdivision of these parcels.

Signed by:

*Andrew Hazlett*

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- (h) **Instrument** means this s88B instrument.
- (i) **Owner** means a person who is entitled to an estate or interest in possession in a lot from time to time.
- (j) **Traffic Assessment Acoustic Report** is defined in clause 10.

**2 Terms of Easement for Support & Maintenance 0.9 wide (A) numbered 1 in the abovementioned plan**

**2.1 The Owner of the lot burdened grants:**

- (a) to the Owner of the lot benefited full and free right and liberty to have a building or any part of a building or any structure erected on the lot benefited, supported, upheld and maintained by the soil and structure erected in that portion of the lot burdened denoted (A) in the abovementioned plan; and
- (b) to the Owner of the lot benefited, and every Agent of the Owner of the lot benefited, full and free right and liberty to enter upon the lot burdened with any tools, implements or machinery necessary and remain there for any reasonable time for the purpose of repairing and maintaining any part of the soil and structure erected on that portion of the lot burdened denoted (A) in the abovementioned plan.

**2.2 The Owner of the lot burdened must not allow any part of a building or any structure or item to be constructed or to remain on that portion of the lot burdened denoted (A) in the abovementioned plan that would prevent or constrain access by the Owner of the lot benefited to that portion of the lot burdened denoted (A) in the abovementioned plan. For the avoidance of doubt, the granting of this easement is subject to the right of Owner of the lot benefited constructing or having in existence, eaves and guttering on a building or structure on the lot burdened that overhang that portion of the lot burdened denoted (A) in the abovementioned plan, provided they do not prevent or constrain reasonable access and use by the Owner of the lot benefited to that portion of the lot denoted (A) in the abovementioned plan for its intended purpose pursuant to the easement created under this clause 2.**

**2.3 The Owner of the lot benefited may:**

- (a) at the expiration of a reasonable notice period (in the circumstances) given to the Owner or occupier of the lot burdened, use that portion of the lot burdened denoted (A) in the abovementioned plan, for the purpose of carrying out necessary work (including but not limited to construction, maintenance and repair) on:
  - (i) the lot benefited; and
  - (ii) any structure constructed or to be constructed by the Owner of the lot benefited,

which cannot otherwise reasonably be carried out;

- (b) do anything reasonably necessary for the purpose set out in clause 2.3(a) including:
  - (i) entering into the lot burdened;
  - (ii) taking anything onto the lot burdened; and
  - (iii) carrying out the necessary works.

**2.4 In exercising the powers in this easement, the Owner of the lot benefited must:**

- (a) ensure all work on the lot benefited is done properly and carried out as quickly as is practicable;
- (b) cause as little inconvenience as is practicable to the Owner and any occupier of the lot burdened;
- (c) cause as little damage as is practicable to the lot burdened and any improvement on it;
- (d) restore the lot burdened as nearly as is practicable to its former condition, and
- (e) make good any collateral damage.

Signed by:

*Andrew Haylett*

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Plan: **DP1298502**

Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

**Name of person or authority whose consent is required to release, vary or modify the Easement for Support & Maintenance 0.9 wide (A) numbered 1 in the abovementioned plan**

Camden Council

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**3 Terms of Easement to Drain Water 1.5 wide (B) numbered 2 in the abovementioned plan**

3.1 An easement to drain water on the terms set out in Part 3 of Schedule 8 of the *Conveyancing Act, 1919*, as amended, is created.

3.2 In addition, the Owner of the lot burdened must not alter the surface levels of the ground within that part of the lot burdened denoted (B) in the abovementioned plan.

**Name of person or authority whose consent is required to release, vary or modify the Easement to Drain Water 1.5 wide (B) numbered 2 in the abovementioned plan**

Camden Council

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**4 Terms of Easement for Support & Maintenance 0.9 wide (E) numbered 3 in the abovementioned plan**

4.1 The Owner of the lot burdened grants to the Owner of the lot benefited:

(a) full and free right and liberty to have the retaining wall, any part of the retaining wall or any structure appurtenant to the retaining wall constructed on the lot benefited, supported, upheld and maintained by the soil and any structure erected in that portion of the lot burdened denoted (E) in the abovementioned plan; and

(b) full and free right for the Owner of the lot benefited and every Agent of the Owner of the Lot benefited, to:

(i) at the expiration of a reasonable notice period (in the circumstances) given to the Owner or occupier of the lot burdened, use that portion of the lot burdened denoted (E) in the abovementioned plan, for the purpose of carrying out necessary work (including but not limited to construction, maintenance and repair) on the retaining wall located on the lot benefited which cannot otherwise reasonably be carried out;

(ii) do anything reasonably necessary for the purpose set out in clause including:

- (A) entering into the lot burdened;
- (B) taking anything onto the lot burdened; and
- (C) carrying out the necessary works.

4.2 In exercising the powers in this easement, the Owner of the lot benefited must:

(a) ensure all work carried out from the lot burdened is done properly and carried out as quickly as is practicable;

(b) cause as little inconvenience as is practicable to the Owner and any occupier of the lot burdened;

(c) cause as little damage as is practicable to the lot burdened and any improvement on it;

(d) restore the lot burdened as nearly as is practicable to its former condition, and

(e) make good any collateral damage.

4.3 The Owner of the lot burdened must maintain and repair the retaining wall in that portion of the lot burdened denoted (E) in the abovementioned plan and is not permitted to remove or damage any

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Plan: **DP1298502** Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

part of the retaining wall including subsolls, alter the surface level, carry out any excavation or restrict access within that part of the lot burdened denoted (E) in the abovementioned plan.

**Name of person or authority whose consent is required to release, vary or modify the Easement for Support & Maintenance 0.9 wide (E) numbered 3 in the abovementioned plan**

Camden Council

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**5 Terms of Easement for Support & Maintenance 1.5 wide (F) numbered 4 in the abovementioned plan**

**5.1 The Owner of the lot burdened grants to the Owner of the lot benefited:**

- (a) full and free right and liberty to have the retaining wall, any part of the retaining wall or any structure appurtenant to the retaining wall constructed on the lot benefited, supported, upheld and maintained by the soil and any structure erected in that portion of the lot burdened denoted (F) in the abovementioned plan; and
- (b) full and free right for the Owner of the lot benefited and every Agent of the Owner of the Lot benefited, to:
  - (i) at the expiration of a reasonable notice period (in the circumstances) given to the Owner or occupier of the lot burdened, use that portion of the lot burdened denoted (F) in the abovementioned plan, for the purpose of carrying out necessary work (including but not limited to construction, maintenance and repair) on the retaining wall located on the lot benefited which cannot otherwise reasonably be carried out;
  - (ii) do anything reasonably necessary for the purpose set out in clause including:
    - (A) entering into the lot burdened;
    - (B) taking anything onto the lot burdened; and
    - (C) carrying out the necessary works.

**5.2 In exercising the powers in this easement, the Owner of the lot benefited must:**

- (a) ensure all work carried out from the lot burdened is done properly and carried out as quickly as is practicable;
- (b) cause as little inconvenience as is practicable to the Owner and any occupier of the lot burdened;
- (c) cause as little damage as is practicable to the lot burdened and any improvement on it;
- (d) restore the lot burdened as nearly as is practicable to its former condition, and
- (e) make good any collateral damage.

**5.3 The Owner of the lot burdened must maintain and repair the retaining wall in that portion of the lot burdened denoted (F) in the abovementioned plan and is not permitted to remove or damage any part of the retaining wall including subsolls, alter the surface level, carry out any excavation or restrict access within that part of the lot burdened denoted (F) in the abovementioned plan.**

**Name of person or authority whose consent is required to release, vary or modify the Easement for Support & Maintenance 1.5 wide (F) numbered 4 in the abovementioned plan**

Camden Council

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

Signed by:

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**Plan: DP1298502** Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

**6 Terms of Easement for Padmount Station 2.75 wide (G) numbered 5 in the abovementioned plan**

6.1 The terms set out in Section 1 of Memorandum No. AR578978 registered at NSW Land Registry Services are incorporated into this Instrument.

**Name of person or authority empowered to release, vary or modify the easement for Padmount Station 2.75 wide (G) numbered 5 in the abovementioned plan**

Epsilon Distribution Ministerial Holding Corporation

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**7 Terms of Restriction on the Use of Land (H) numbered 6 in the abovementioned plan**

7.1 The terms set out in Section 8 of Memorandum No. AR578978 registered at NSW Land Registry Services are incorporated into this Instrument.

**Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land (H) numbered 6 in the abovementioned plan**

Epsilon Distribution Ministerial Holding Corporation

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**8 Terms of Restriction on the Use of Land (J) numbered 7 in the abovementioned plan**

8.1 The terms set out in Section 9 of Memorandum No. AR578978 registered at NSW Land Registry Services are incorporated into this Instrument.

**Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land (J) numbered 7 in the abovementioned plan**

Epsilon Distribution Ministerial Holding Corporation

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**9 Terms of Restriction on the Use of Land numbered 8 in the abovementioned plan**

9.1 In this restriction "Salinity Plan & Lot Classification and Salinity Assessment" means the Salinity Investigation and Management Plan – Stage 1 Birling Project 204684.01 dated June 2022, and the Report of Lot Classification and Salinity Assessment – Stage 2A Birling Project 20468.17 dated 13 January 2026 prepared by Douglas Partners Pty Ltd.

9.2 No construction work including earthworks, imported fill, landscaping, buildings, and associated infrastructure is permitted on the lot burdened unless carried out, or constructed in accordance with the Salinity Plan & Lot Classification and Salinity Assessment.

9.3 No building shall be constructed on the lot burdened unless the footings/foundations have been designed by a qualified Civil/Structural Engineer.

**Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land numbered 8 in the abovementioned plan**

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Plan: **DP1298502** Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**10 Terms of Restriction on the Use of Land numbered 9 in the abovementioned plan**

- 10.1 In this Instrument, "**Traffic Assessment Acoustic Report**" means the approved acoustic report "Birling Desktop Traffic Noise Assessment for Stage 1 & 2 – TM564-01F02" dated 30 August 2023 prepared by Renzo Tonin & Associates Acoustics.
- 10.2 No dwelling, boundary fence or improvement shall be constructed on the lot burdened unless constructed in accordance with Traffic Assessment Acoustic Report.

**Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land numbered 9 in the abovementioned plan**

Camden Council

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**11 Terms of Restriction on the Use of Land numbered 10 in the abovementioned plan**

No driveway is permitted to be constructed on a lot within 1m of pram ramps or in locations where it would conflict with other road related infrastructure.

**Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land numbered 10 in the abovementioned plan**

Camden Council

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

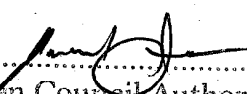
**12 Terms of Restriction on the Use of Land numbered 11 in the abovementioned plan**

- 12.1 In this restriction on use of land, **Birling** means Birling Estate Pty Ltd ACN 657 548 073 and each of its successors and assigns excluding purchasers on sale.
- 12.2 No dual occupancy or secondary dwelling (whether this comprises 2 dwellings that are attached or detached) shall be constructed on a lot burdened, and no subdivision of a lot burdened shall be carried resulting in a lot burdened becoming more than one lot.
- 12.3 No fencing shall be constructed or erected on the lot burdened to divide it from any adjoining land owned by Birling unless Birling grants its consent to the construction or erection of the fencing and the fencing is constructed or erected without expense to Birling or its successors or assigns (other than purchasers of lots).
- 12.4 No structure of a temporary or relocatable character or nature which is intended for habitation, including, but without limitation, any tent, shed, shack, garage, trailer, camper or caravan, shall be used at any time as a dwelling or residence on the lot burdened.
- 12.5 No commercial activity, including without limitation, the operation of a display home, shall be conducted or carried out on any lot burdened without the approval of Birling.
- 12.6 No wall of any dwelling constructed on the lot burdened is to be located within 900mm of the side boundary of the lot burdened unless there is a registered easement for support and maintenance addressing the support, access and maintenance obligations benefiting the adjoining lot.
- 12.7 No fuel storage tanks (except any such tank or tanks used for oil heating purposes) shall be placed upon or permitted to remain on any lot burdened.

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- 12.8 No noxious, noisome or offensive occupation, trade, business, manufacturing or home industry shall be conducted or carried out on any lot burdened.
- 12.9 No animal breeding shall be conducted or carried out on any lot burdened.
- 12.10 No commercial or boarding kennels shall be constructed or permitted to remain on any lot burdened.
- 12.11 No advertisement hoarding sign or matter of any description shall be erected or displayed on any lot burdened without the prior written consent of Birling having been given to the Owner of the lot burdened. The required approval may be given or withheld at the absolute discretion of Birling but nothing in this restriction shall prevent the Owner of any lot burdened from displaying not more than one (1) sign on the lot burdened advertising the fact that the dwelling on the relevant lot burdened is for sale if:
- (a) a dwelling is constructed on the lot burdened;
  - (b) any such sign does not exceed nine hundred millimetres (900mm) in width and nine hundred millimetres (900mm) in height; and
  - (c) any such sign is painted and/or decorated in its entirety by a professional signwriter.
- 12.12 No motor truck, lorry, semi-trailer or commercial vehicle with a load carrying capacity exceeding two point five (2.5) tonnes shall be parked or permitted to be parked on any lot burdened, adjoining lot and/or public street unless the same is used in connection with the construction of a dwelling on the relevant lot burdened.
- 12.13 No building shall be permitted to be constructed on the lot burdened nor shall the construction of any building be permitted to continue on the lot burdened unless the lot burdened is maintained in clean and tidy condition as is practicable having regard to the nature of the construction on the lot burdened.
- 12.14 No clothes line shall be erected or permitted to remain on the lot burdened unless the same is not visible from any public road and/or place but nothing in this restriction shall prevent the erection and maintenance of a clothes line where all care has been taken to ensure that the same is as least obvious as possible having regard to the topography of the relevant lot burdened as related to any surrounding public roads and/or places.
- 12.15 No air conditioning plant and/or equipment shall be installed or permitted to remain on any building constructed on the lot burdened unless the same is either:
- (a) not visible from any public road and/or place; or
  - (b) is screened from any public road and/or place in a manner approved by Birling.
- 12.16 No radio masts and/or antennas shall be erected or permitted to remain on any lot burdened unless the same are not visible from any public road and/or place.
- 12.17 No television masts and/or antennas shall be erected or permitted to remain on the lot burdened unless the same are erected at or near the rear of the main building erected on the lot burdened.
- 12.18 No child minding centre, day care centre, preschool, long day care centre, kindergarten, occasional childminding centre or such other like childminding facility or activity shall be constructed or permitted to remain or conducted or carried out on the lot burdened without the prior written consent of Birling having been given to the Owner of the lot burdened. The required approval may be given or withheld at the absolute discretion of Birling.
- 12.19 No visually obtrusive or unsightly items such as hot water storage tanks, rain water tanks, utility metres, roof and window mounted air-conditioning units, condensers, solar roof collectors, air-conditioning service lines, clotheslines, aeriols, gardens sheds etc are to be directly visible from the street/public places and should have a minimal visual impact on an adjacent dwelling including their private open space.
- 12.20 No external (attached to the outer side of the façade or windows of a dwelling) shutters, blinds, canopies, awnings, security devices or any external improvement visible from the ground level outside the lot burdened other than fly screens is to be constructed, installed or maintained on or in a lot burdened.

Signed by:

*Andrew Haylett*

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Camden Council Authorised Person

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(Sheet 12 of 18 Sheets)

Plan: **DP1298502** Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

- 12.21 No garbage containers and recyclable materials are to be stored on or in a lot burdened unless secured and stored so that they are hidden from view outside the lot burdened and do not omit odours.
- 12.22 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.
- 12.23 No boats, trailers, caravans, campers or like vehicles or unregistered vehicles shall be parked or remain parked on or in a lot burdened if the boat, trailer, caravan, camper, like vehicle or unregistered vehicle is visible from the ground level outside the lot burdened.
- 12.24 No overgrown vegetation, weeds, grass or greenery shall be permitted to remain on a lot burdened.
- 12.25 No dwelling on a lot burdened shall be permitted to fall into disrepair.

**Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land numbered 11 in the abovementioned plan**

Birling Estate Pty Ltd ACN 657 548 073 and/or its successors, nominees and/or assigns (other than purchasers on sales) for such period as it is the Owner of any lot or any part or interest in any lot in the abovementioned plan or is the Owner of any lot or any part or interest in any lot benefited by this restriction on Use of Land.

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**13 Terms of Restriction on the Use of Land numbered 12 in the abovementioned plan**

- 13.1 No building, driveway or pathway shall be constructed on the lot burdened, and the Owner of the lot burdened must not make or consent to the making of an application to the Council or a private certifying authority for a development consent or complying development certificate to approve or certify a building, driveway or pathway to be constructed on the lot burdened, unless the building, driveway, pathway and ancillary landscaping and fencing complies with:
  - (a) the Birling Design & Landscape Guidelines; and
  - (b) any other conditions required by any relevant consent authority.
- 13.2 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 Design 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) construct a driveway;
  - (e) 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
  - (f) erect or place any external floodlights or spotlights to any lights illuminating any pool or other similar enclosure.
- 13.3 These restrictions shall expire and have no further force or effect on the date being two years after the date an occupancy certificate is issued to the Owner of a dwelling approved by the Design Review Panel on the last remaining lot in the Development such that there are no further vacant lots in the Development Site (excluding any lots upon which no dwelling is permitted to be constructed).

Signed by:

*Andrew Haylett*

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Camden Council Authorised Person

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(Sheet 13 of 18 Sheets)

Plan: **DP1298502** Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

**Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land numbered 12 in the abovementioned plan**

Birling Estate Pty Ltd ACN 657 548 073 and/or its successors, nominees and/or assigns (other than purchasers on sales) for such period as it is the Owner of any lot or any part or interest in any lot in the abovementioned plan or is the Owner of any lot or any part or interest in any lot benefited by this restriction on Use of Land.

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**14 Terms of Restriction on the Use of Land numbered 13 in the abovementioned plan**

No dwelling shall be constructed or permitted to be constructed or remain on the lots burdened other than double storey dwellings.

**Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land numbered 13 in the abovementioned plan**

Birling Estate Pty Ltd ACN 657 548 073 and/or its successors, nominees and/or assigns (other than purchasers on sales) for such period as it is the Owner of any lot or any part or interest in any lot in the abovementioned plan or is the Owner of any lot or any part or interest in any lot benefited by this restriction on Use of Land.

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**15 Terms of Restriction on the Use of Land numbered 14 in the abovementioned plan**

15.1 No dwelling shall be constructed or permitted to be constructed or remain on a lot burdened unless a front fence (facing the street) is also constructed or established on the lot burdened and that the front fence:

- (a) complies with the Birling Design & Landscape Guidelines;
- (b) is consistent with the design, specifications and standards in the concept plans prepared by Taylor Brammer dated 29 November 2024; and
- (c) complies with any other conditions required by any relevant consent authority.

15.2 These restrictions shall expire and have no further force or effect on the date being two years after the date an occupancy certificate is issued to the Owner of a dwelling approved by the Design Review Panel on the last remaining lot in the Development such that there are no further vacant lots in the Development Site (excluding any lots upon which no dwelling is permitted to be constructed).

**Name of person or authority empowered to release, vary or modify the restriction on the Use of Land numbered 14 in the abovementioned plan**

Birling Estate Pty Ltd ACN 657 548 073 and/or its successors, nominees and/or assigns (other than purchasers on sales) for such period as it is the Owner of any lot or any part or interest in any lot in the abovementioned plan or is the Owner of any lot or any part or interest in any lot benefited by this restriction on Use of Land.

**16 Terms of Easement to Drain Water (P) - Whole of Lot numbered 15 in the abovementioned plan**

16.1 An easement to drain water on the terms set out in Part 3 of Schedule 8 of the *Conveyancing Act, 1919*, as amended, is created.

Signed by:

*Andrew Haylett*

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Camden Council Authorised Person

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(Sheet 14 of 18 Sheets)

Plan: **DP1298502** Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

**Name of person or authority whose consent is required to release, vary or modify the Easement to Drain Water (P) - Whole of Lot numbered 15 in the abovementioned plan**

Camden Council

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

**17 Terms of Restriction on the Use of Land numbered 16 in the abovementioned plan**

17.1 The Owner of the lot burdened must not alter, damage, remove or replace the 1.8m high acoustically rated boundary fences constructed by the original owner on the lot burdened as required in the Traffic Assessment Acoustic Report (**Acoustically Rated Fences**) unless and until the Owner of the lot burdened obtains the prior written approval of the Design Review Panel.

17.2 The Owner of the lot burdened is responsible at its cost:

- (a) for the repair and maintenance of the Acoustically Rated Fences; and
- (b) to keep the Acoustically Rated Fences in good order, repair and condition; and
- (c) if damaged or otherwise necessary, to replace the Acoustically Rated Fences in whole or in part, such partial or total replacement to be in accordance with the noise control treatment recommendations in the Traffic Assessment Acoustic Report for the lot burdened and subject to the Owner of the lot burdened obtaining the prior written approval of the Design Review Panel.

**Name of person or authority whose consent is required to release, vary or modify the Restriction on the Use of Land numbered 16 in the abovementioned plan**

Birling Estate Pty Ltd ACN 657 548 073 and/or its successors, nominees and/or assigns (other than purchasers on sales) for such period as it is the Owner of any lot or any part or interest in any lot in the abovementioned plan or is the Owner of any lot or any part or interest in any lot benefited by this Restriction on Use of Land.

**18 Terms of Restriction on the Use of Land numbered 17 in the abovementioned plan**

18.1 In this restriction on the use of land numbered 17, "**Development**" means the undertaking of any works in connection with the construction or installation of any improvements on the lot burdened other than construction of retaining walls and associated earthworks to bring the lot burdened to final design level as per Subdivision Works Certificate No. 2023/486/4A and the erection of Acoustically Rated Fences.

18.2 No works that comprises Development shall be undertaken on the lot burdened unless, to the satisfaction of Council, the retaining walls and associated earthworks to bring the lot burdened to final design level have been installed in accordance with Subdivision Works Certificate No. 2023/486/4A, and Acoustically Rated Fences have been erected in accordance with the requirements of the Traffic Assessment Acoustic Report.

**Name of person or authority whose consent is required to release, vary or modify the Restriction on the Use of Land numbered 17 in the abovementioned plan**

Camden Council

The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

Signed by:

*Andrew Haylett*

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Camden Council Authorised Person

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(Sheet 15 of 18 Sheets)

Plan: **DP1298502** Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

**19 Terms of Positive Covenant numbered 18 in the abovementioned plan**

- 19.1 If a bond has been provided to the Council in connection with the requirement for the construction of retaining walls and associated earthworks to bring the lot burdened to final design level as per Subdivision Works Certificate No. 2023/486/4A and/or the erection of Acoustically Rated Fences as provided for in Restriction on the Use of Land numbered 17 in the abovementioned plan, then the Owner of the lot burdened must allow the Council to enter the lot burdened (on reasonable notice) to do anything that Council is entitled to do (including works) under the terms on which the bond has been provided to the Council.
- 19.2 The Owner of the lot burdened is entitled to insist that this Positive Covenant be released after the retaining walls and associated earthworks to bring the lot burdened to final design level as per Subdivision Works Certificate No. 2023/486/4A are constructed to the satisfaction of Council and Acoustically Rated Fences are erected as provided for in Restriction on the Use of Land numbered 17 in the abovementioned plan, and in that regard, the Council must, at the cost of the Owner of the lot burdened, sign documents and do everything else reasonably necessary to enable the Owner to register the release of this positive covenant by an appropriate dealing approved by NSW Land Registry Services.

**Name of person or authority whose consent is required to release, vary or modify the Positive Covenant numbered 18 in the abovementioned plan**

Camden Council

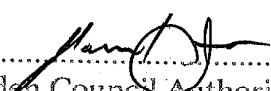
The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

Signed by:

*Andrew Haylett*

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Camden Council Authorised Person

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(Sheet 16 of 18 Sheets)

Plan: **DP1298502**

Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

**Execution by Registered Proprietor**

**Executed by Birling Estate Pty Ltd ACN 657 548**  
073 in accordance with section 127 of the  
Corporations Act 2001

Signed by: *5/2/2026*  
*Andrew Hazlett* *4:15:06 PM*  
.....  
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Signature of director

Andrew Hazlett  
.....  
Name of director – BLOCK LETTERS

DocuSigned by: *6/2/2026*  
*Winton Anton* *1:06:11 PM*  
.....  
CA88EE53A6B24DC.....  
Signature of director/secretary

Winton Anton  
.....  
Name of director/secretary – BLOCK LETTERS

(Sheet 17 of 18 Sheets)

Plan: **DP1298502**

Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

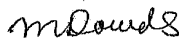
**Execution by the Prescribed Authority**

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

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 Megan Dowds  
Date: 04.12.2025

Signature of attorney:

 Digitally signed  
by Simon Lawton  
Date: 04-Dec-25

Name of witness:

Megan Dowds

Name and position of attorney:

Simon Lawton  
Strategic Property Manager

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: URS26825

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

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(Sheet 18 of 18 Sheets)

Plan: **DP1298502**

Plan of subdivision of Lot 102 in DP1298342 and Easement within Lot 1204 in DP1298371, covered by Council Subdivision Certificate No. 14.2023.486.3

**Execution by Camden Council**

Signed on behalf of The Council of Camden ABN 31 117 341 764 by its Authorised Delegate pursuant to s.378 of the Local Government Act 1993

*[Signature]*  
Signature of Authorised Delegate

Michael Grasso  
Name of Authorised Delegate - BLOCK LETTERS

I certify that I am an eligible witness and that the Authorised Delegate signed in my presence:

*[Signature]*  
Signature of witness

MADELINE ROSEVEAR  
Name of witness - BLOCK LETTERS

70 CENTRAL AVENUE GRAN PARK NSW 2570  
Address of witness

**Execution by Mortgagee**

Land and Property Information NEW SOUTH WALES	
I certify the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.	Certified correct for the purposes of the Real Property Act 1900 by the person(s) named below who signed this instrument pursuant to the power of attorney specified.
Signature of witness: <i>[Signature]</i>	Signature of attorney: <i>[Signature]</i>
Name of witness: <u>Mina Anwar</u>	Attorney's name: <u>Edmond Scargall</u>
Address of witness: <u>L8, CPP South</u>	Attorney's position: <u>Associate Director</u>
<u>11 Harbour St, Sydney NSW 2000</u>	Signing on behalf of: COMMONWEALTH BANK OF AUSTRALIA ABN 48 123 123 124
Power of attorney - Book: <u>4651</u> No. <u>555</u>	