Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:1 of 27
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Instrument setting out terms of Easements, Profits à Prendre, Restrictions on the Use of Land or Positive Covenants intended to be created or released pursuant to Section 88B Conveyancing Act 1919 (Act).

Plan: **DP1318909**

PLAN OF SUBDIVISION OF LOT 103 IN DP1298342 & COVENANT AFFECTING LOT 121 IN DP1284706

Full Name and Address of the Owner(s) of the land

BIRLING ESTATE PTY LTD

975 The Northern Road, Barker NSW 2556

Covered by Subdivision Certificate No. 14. 2024. 496.1

dated 12/10/2026

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of the 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 (B)	5003	5002
		5004	5003
		5005	5004
		5006	5005
		5007	5006
		5008	5007
		5009	5008
		5013	5012
		5014	5013
		5015	5014
		5016	5015
		5017	5018
		5018	5019
		5019	5020
		5021	5022
		5022	5023
		5023	5024
		5028	5027
		5029	5028
		5030	5029
		5031	5030
		5032	5033
		5033	5034
		5034	5035
		5035	5036

Attesting Witness

Camden Council Authorised Person

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:2 of 27
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Plan: **DP1318909**

PLAN OF SUBDIVISION OF LOT 103 IN DP1298342 & COVENANT AFFECTING LOT 121 IN DP1284706

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of the 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:
2	Easement for Support & Maintenance 0.9 Wide (C)	5014 5016 5019 5020 5021 5022	5022 5019, 5021 5016, 5021 5021 5016, 5019-5020 5014
3	Easement for Padmount Substation 2.75 Wide (D)	5020	Epsilon Distribution Ministerial Holding Corporation
4	Restriction(s) on the use of Land (E)	Part 5020-5021	Epsilon Distribution Ministerial Holding Corporation
5	Restriction(s) on the use of Land (F)	Part 5020-5021	Epsilon Distribution Ministerial Holding Corporation
6	Right of access (Whole of lot) (G)	Whole 5001, 5037	Camden Council
7	Easement for Overhead Power Lines 9.5 Wide (H)	5038	Epsilon Distribution Ministerial Holding Corporation
8	Restriction(s) on the use of Land	5001-5037	Camden Council
9	Restriction(s) on the use of Land	5010, 5017-5020, 5031-5032	Camden Council
10	Restriction(s) on the use of Land	5001-5038	Camden Council
11	Restriction(s) on the use of Land	Each Lot, except lot 5038	Every other lot, 104/1298342, except lot 5038
12	Restriction(s) on the use of Land	Each Lot, except lot 5038	Every other lot, 104/1298342, except lot 5038
13	Restriction(s) on the use of Land	Each Lot, except lot 5038	Every other lot, 104/1298342, except lot 5038

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:3 of 27
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Plan: **DP1318909**

PLAN OF SUBDIVISION OF LOT 103 IN DP1298342 & COVENANT AFFECTING LOT 121 IN DP1284706

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of the 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:
14	Restriction(s) on the use of Land	5010	5001-5009, 5011-5037, 104/1298342
		5017	5001-5016, 5018-5037, 104/1298342
		5018	5001-5017, 5019-5037, 104/1298342
		5019	5001-5018, 5020-5037, 104/1298342
		5020	5001-5019, 5021-5037, 104/1298342
		5031	5001-5030, 5032-5037, 104/1298342
		5032	5001-5031, 5033-5037, 104/1298342
15	Restriction(s) on the use of Land	5010	5001-5009, 5011-5037, 104/1298342
		5017	5001-5016, 5018-5037, 104/1298342
		5018	5001-5017, 5019-5037, 104/1298342
		5019	5001-5018, 5020-5037, 104/1298342
		5020	5001-5019, 5021-5037, 104/1298342
		5031	5001-5030, 5032-5037, 104/1298342
		5032	5001-5031, 5033-5037, 104/1298342

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:4 of 27
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Plan: **DP1318909**

PLAN OF SUBDIVISION OF LOT 103 IN DP1298342 & COVENANT AFFECTING LOT 121 IN DP1284706

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of the 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:
16	Restriction(s) on the use of Land	5010	5001-5009, 5011-5037, 104/1298342
		5031	5001-5030, 5032-5037, 104/1298342
		5032	5001-5031, 5033-5037, 104/1298342
17	Restriction(s) on the use of Land	5010, 5031-5032	Camden Council
18	Positive Covenant (J)	Part 5037-5038, 121/1284706	Camden Council
19	Restriction(s) on the use of Land (K)	Part 5037	Camden Council
20	Restriction(s) on the use of Land	5001, 5037-5038	Camden Council
21	Restriction(s) on the use of Land (L)	Part 5010	Camden Council
22	Positive Covenant (L)	Part 5010	Camden Council

Part 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction under section 88D or 88E of the Act, public positive covenant, or positive covenant for maintenance and repair under section 88BA of the Act, 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 SERVICES 10 METRE(S) WIDE (DP1218798) (C)	121/1284706	4/1218798
		103/1298342	4/1218798
2	EASEMENT FOR SERVICES 10 METRE(S) WIDE (DP1284706) (G)	103/1298342	121/1284706
3	POSITIVE COVENANT (DP1298342) (P)	103/1298342	Camden Council

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:5 of 27
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Plan: **DP1318909**

PLAN OF SUBDIVISION OF LOT 103 IN DP1298342 & COVENANT AFFECTING LOT 121 IN DP1284706

Part 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction under section 88D or 88E of the Act, public positive covenant, or positive covenant for maintenance and repair under section 88BA of the Act, to be released and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities:
4	RIGHT OF ACCESS 13.5 METRE(S) WIDE AND VARIABLE WIDTH (DP1298342) (K)	103/1298342	4/1218798, 121/1284706
5	RIGHT OF CARRIAGEWAY 10 METRE(S) WIDE (DP1218798) (B)	121/1284706 103/1298342	4/1218798 4/1218798
6	RIGHT OF CARRIAGEWAY 10 METRE(S) WIDE (DP1284706) (E)	103/1298342	121/1284706

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:6 of 27
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Plan: **DP1318909**

PLAN OF SUBDIVISION OF LOT 103 IN DP1298342 & COVENANT AFFECTING LOT 121 IN DP1284706

Part 2 (Terms)

Dictionary

Defined Terms

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

Act means the *Conveyancing Act 1919*.

Acoustically Rated Fences is defined in clause 16.

Agent means a person authorised by the Owner.

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.

Council means Camden Council.

Design Review Panel means design review panel constituted from time to time by Birling Estate Developments Pty Ltd ACN 668 807 663.

Development means the whole of the multi-staged development known as "Birling" comprised of the land known as lots 101 to 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.

Instrument means this s88B instrument.

Owner means a person who is entitled to an estate or interest in possession in a lot from time to time.

Traffic Assessment Acoustic Report means the approved acoustic report *"Birling Desktop Traffic Noise Assessment for Stage 3, 4 & 5 TM564-04F02(r3)"* dated 20 October 2025 prepared by Renzo Tonin & Associates Acoustics.

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:7 of 27
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Part 2 (Terms)

1 Terms of Easement for Support & Maintenance 0.9 Wide (B) numbered 1 in the abovementioned plan

1.1 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 (B) 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 (B) in the abovementioned plan.

1.2 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 (B) 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 (B) in the abovementioned plan. For the avoidance of doubt, the granting of this easement is subject to the right of Owner of the lot burdened 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 (B) 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 (B) in the abovementioned plan for its intended purpose pursuant to the easement created under this clause 1.

1.3 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 (B) in the abovementioned plan, for the purpose of

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:8 of 27
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Part 2 (Terms)

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 1.3(a) including:

(i) entering into the lot burdened;

(ii) taking anything onto the lot burdened; and

(iii) carrying out the necessary works.

1.4 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.

Name of person or authority whose consent is required to release, vary or modify the Easement for Support & Maintenance 0.9 Wide (B) 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.

Attesting Witness

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Part 2 (Terms)

2 Terms of Easement for Support & Maintenance 0.9 Wide (C) numbered 2 in the abovementioned plan

2.1 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 (C) 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 (C) 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.

2.2 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;

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:10 of 27
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Part 2 (Terms)

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

(e) make good any collateral damage.

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

3 Terms of Easement for Padmount Substation 2.75 Wide (D) numbered 3 in the abovementioned plan

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 Substation 2.75 Wide (D) numbered 3 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.

4 Terms of Restriction on the Use of Land (E) numbered 4 in the abovementioned plan

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

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:11 of 27
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Part 2 (Terms)

Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land (E) numbered 4 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.

5 Terms of Restriction on the Use of Land (F) numbered 5 in the abovementioned plan

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 (F) 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.

6 Terms of Right of Access Variable Width (Whole of Lot) (G) numbered 6 in the abovementioned plan

6.1 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.

6.2 Despite the right of access terms set out in Schedule 4A, Part 11 of the *Conveyancing Act, 1919,* as amended, the Owner of the lot burdened must maintain and repair the temporary roads within the lot burdened.

Name of person or authority empowered to release, vary or modify the Right of Access Variable Width (Whole of Lot) (G) numbered 6 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.

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:12 of 27
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Part 2 (Terms)

7 Terms of Easement for Overhead Power Lines 9.5 Wide (H) numbered 7 in the abovementioned plan

The terms set out in Section 3 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 Overhead Power Lines 9.5 Wide (H) 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.

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

8.1 In this restriction "**Salinity Plan & Lot Classification and Salinity Assessment**" means:

(a) the *Report on Salinity Investigation and Management Plan - Project 204684.01* dated June 2022; and

(b) the *Report of Lot Classification and Salinity Assessment – Proposed Residential Subdivision – 'Birling, Stage 5', 975 The Northern Road Bringelly NSW - Project 204684.31* dated 6 August 2026,

both prepared by Douglas Partners Pty Ltd.

8.2 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.

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

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:13 of 27
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Part 2 (Terms)

Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land numbered 8 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.

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

No dwelling, boundary fence or improvement shall be constructed on the lot burdened unless constructed in accordance with the noise control treatment recommendations in the 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.

10 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.

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

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:14 of 27
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Part 2 (Terms)

11.1 The Owner of the lot burdened must not undertake or allow to be undertaken any Prohibited Development on the lot burdened notwithstanding the permissibility of the Prohibited Development.

11.2 **Prohibited Development** means:

(a) any subdivision of the lot including but not limited to a strata or deposited plan subdivision; or

(b) the erection of a dual occupancy being either:

(i) 2 dwellings on the lot attached to each other; or

(ii) 2 detached dwellings on the lot; or

(c) a secondary dwelling on the lot including but not limited to 'granny flat' secondary dwellings.

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 the 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.

12 Terms of Restriction on the Use of Land numbered 12 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 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).

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:15 of 27
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Part 2 (Terms)

12.3 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.

12.4 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.

12.5 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.

12.6 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.

12.7 No noxious, noisome or offensive occupation, trade, business, manufacturing or home industry shall be conducted or carried out on any lot burdened.

12.8 No animal breeding shall be conducted or carried out on any lot burdened.

12.9 No commercial or boarding kennels shall be constructed or permitted to remain on any lot burdened.

12.10 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

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Part 2 (Terms)

(c) any such sign is painted and/or decorated in its entirety by a professional signwriter.

12.11 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.

12.12 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.

12.13 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.

12.14 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.

12.15 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.

12.16 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.

12.17 No child-minding centre, day care centre, preschool, long day care centre, kindergarten, occasional childminding centre or such other like childminding

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Part 2 (Terms)

facility or activity shall be constructed or permitted to remain or conducted or caried 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.

12.18 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, aerials, 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.

12.19 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.

12.20 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.

12.21 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.

12.22 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.

12.23 No overgrown vegetation, weeds, grass or greenery shall be permitted to remain on a lot burdened.

12.24 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 12 in the abovementioned plan

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Part 2 (Terms)

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 the 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 13 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.

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Part 2 (Terms)

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).

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 the 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 Use of Land numbered 14 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 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 the 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 15 in the abovementioned plan

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:20 of 27
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Part 2 (Terms)

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 complies with:

(a) the Fence Type 3 requirements in the Birling Design & Landscape Guidelines; and

(b) 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 15 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 the 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.

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

16.1 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.

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

(a) for the repair and maintenance of the Acoustically Rated Fences; and

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Part 2 (Terms)

(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 empowered to release, vary or modify the Restriction on the Use of Land numbered16 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 the 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.

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

17.1 The Owner of the lot burdened must not have driveways or any access point for vehicles including but not limited to cars, motorcycles, or other motorised and electric vehicles, on the lot burdened that provide direct access to and from the secondary sub-arterial road referred to in the abovementioned plan as Hazlett Boulevard.

17.2 Vehicles must not enter and exit the lot burdened other than from the primary residential street or road in front of the lot burdened.

Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land numbered 17 in the abovementioned plan

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:22 of 27
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The cost and expense of such release, variation or modification shall be borne by the person or corporation requesting same in all respects.

18 Terms of Positive Covenant (J) numbered 18 in the abovementioned plan

18.1 The Owner of the lot burdened must manage that part of the lot burdened denoted (J) in the abovementioned plan as an Asset Protection Zone (APZ) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*.

18.2 This positive covenant may be lifted upon commencement of future proposed development on the adjoining stages of the Development but only if the bush fire hazard is removed as part of the proposal.

Name of person or authority empowered to release, vary or modify the Positive Covenant (J) 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.

19 Restriction on the Use of Land (K) numbered 19 in the abovementioned plan

19.1 No building or improvement shall be constructed on that part of the lot burdened denoted (K) in the abovementioned plan other than Class 10b structures as defined in The National Construction Code (Building Classifications).

19.2 This restriction on the use of land may be lifted upon commencement of future proposed development on the adjoining land but only if the bush fire hazard is removed as part of the proposal.

Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land (K) numbered 19 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.

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Part 2 (Terms)

20. Restriction on the Use of Land numbered 20 in the abovementioned plan

The Owner of the lot burdened must not further develop the lot burdened unless and until the Owner of the lot burdened obtains the prior approval of Camden Council.

Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land numbered 20 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.

21. Restriction on the Use of Land (L) numbered 21 in the abovementioned plan

No dwelling or structures shall be constructed or permitted to be constructed in that portion of the lot burdened denoted (L) in the abovementioned plan, except that the eaves, guttering or any roof appurtenant to any dwelling or structure erected on the lot burdened are permitted to overhang the site of the restriction, provided the eaves or roof overhang (not including guttering) does not encroach that portion of the lot burdened denoted (L) by more than 450mm.

Name of person or authority empowered to release, vary or modify the Restriction on the Use of Land (L) numbered 21 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.

22. Terms of Positive Covenant (L) numbered 22 in the abovementioned plan

The Owner of the lot burdened must maintain and repair the retaining wall in that portion of the lot burdened denoted (L) in the abovementioned plan and is not

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Part 2 (Terms)

permitted to remove, undermine or damage any part of the retaining wall including subsoils, alter the surface level or carry out any excavation within that part of the lot burdened denoted (L) in the abovementioned plan.

Name of person or authority empowered to release, vary or modify Positive Covenant (L) numbered (22) 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.

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Req:R031818 /Doc:DP 1318909 B /Rev:26-Oct-2026 /NSW LRS /Prt:27-Oct-2026 08:55 /Seq:25 of 27
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Plan: **DP1318909**

PLAN OF SUBDIVISION OF LOT 103 IN DP1298342 & COVENANT AFFECTING LOT 121 IN DP1284706

Signature Sheet

Execution by Camden Council:

Signature: .....

Signed by: Michael Grasso

Authorised officer as a delegate of Camden Council pursuant to S.378 of the Local Government Act 1993 and I hereby certify that I have no notice of revocation of such delegation.

Authority of Officer: Coordinator Engineering Certifica

Witness Signature: .....

Name of Witness: MADELEINE ROSEVEAR

Address of Witness: 70 CENTRAL AVENUE ORAN PARK NSW 2570

Executed on behalf of the Corporation named below by the authorised person(s) whose signature(s) appear below pursuant to the authority specified

Company Name:

BIRLING ESTATE PTY LTD

Company ACN or ABN:

83 657 548 073

Authority:

Section 127 Corporations Act 2001

Signature:

Name:

Malcolm Katon

Position:

Director

Signature:

Name:

Winton Anton

Position:

Secretary/Director

Camden Council Authorised Person

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Plan: **DP1318909**

PLAN OF SUBDIVISION OF LOT 103 IN DP1298342 & COVENANT AFFECTING LOT 121 IN DP1284706

Signature Sheet

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 satisified, signed this instrument in my presence.

Signature of witness: .....

Name of witness: Ally Bawon Fernandez

Address of witness: L8 11 Harbour Street, Sydney NSW 2000

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 attorney: .....

Attorney's name: STEPHEN IGOROMIRY

Attorney's position: DIRECTOR

Signing on behalf of: COMMONWEALTH BANK OF AUSTRALIA ABN 48 123 123 124

Power of attorney - Book: 4850 No. 738

.....
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Plan: **DP1318909**

PLAN OF SUBDIVISION OF LOT 103 IN DP1298342 & COVENANT AFFECTING LOT 121 IN DP1284706

Signature Sheet

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: 04.08.2026

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.

Signature of attorney:

Digitally signed by Simon Lawton
Date: 04-Aug-26

Name and position of attorney:

Simon Lawton, Strategic Property Manager

Power of attorney:

Book 4846 No 203

Endeavour Energy reference:

NRS4202

REGISTERED: 26/10/2026

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