

FORM APPROVAL  
B1304

FORM B4

**1 892036 RC** REGISTERED  
26.5.2004  
Lodged 20 May, 2004 15:08:31 Perth at 15.37.45  
REG. \$ 77.00

S136D Deed of Restrictive Covenant Deposited Plan  
40186

LODGED BY

ADDRESS

**MALLESONS STEPHEN JAQUES**

Level 10 Central Park

152 St Georges Terrace

Perth WA 6000

PHONE NO. TEL (08) 9269 7000 FAX (08) 9269 7999

ISSUING BOX 168 H

FAX NO.

REFERENCE NO. JJ:LI:09 0091 8997

ISSUING BOX NO. 168H

PREPARED BY

**MALLESONS STEPHEN JAQUES**

ADDRESS

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**PERTH WA 6000**

REFERENCE

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INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER  
THAN LODGING PARTY.

TITLES, LEASES, DECLARATIONS ETC, LODGED HEREWITH.

|          |   |
|----------|---|
| 1. _____ | Received Items<br>Nos.<br><br><br><br>Receiving Clerk<br> |
| 2. _____ |   |
| 3. _____ |   |
| 4. _____ |   |
| 5. _____ |   |
| 6. _____ |   |

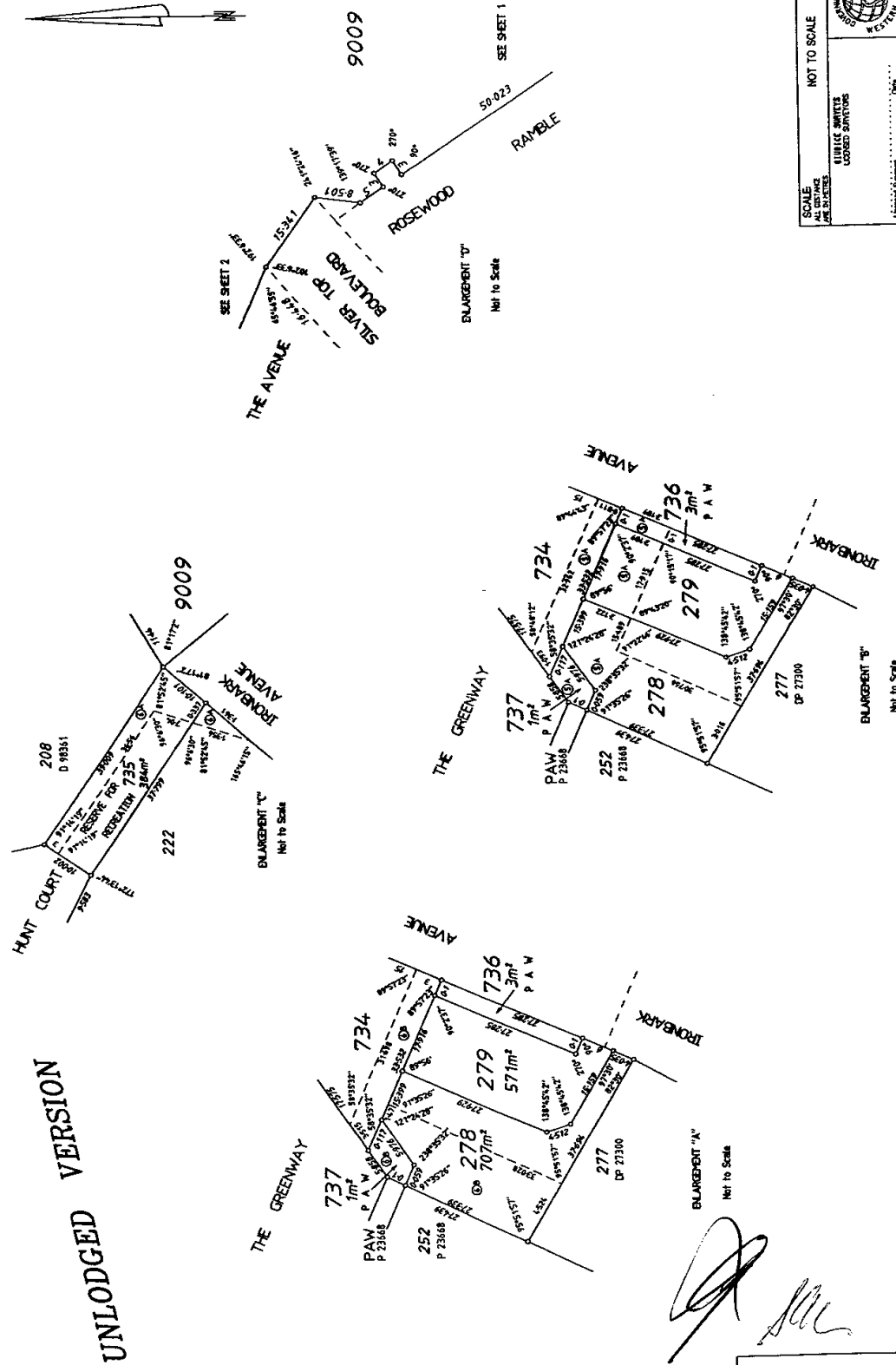
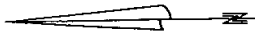
EXAMINED

103189\_1

Registered pursuant to the provisions of the TRANSFER OF  
LAND ACT 1893 as amended on the day and time shown above  
and particulars entered in the Register.



FOR PLAN HEADING SEE SHEET 1  
LIMITED IN DEPTH TO 60.96 METRES

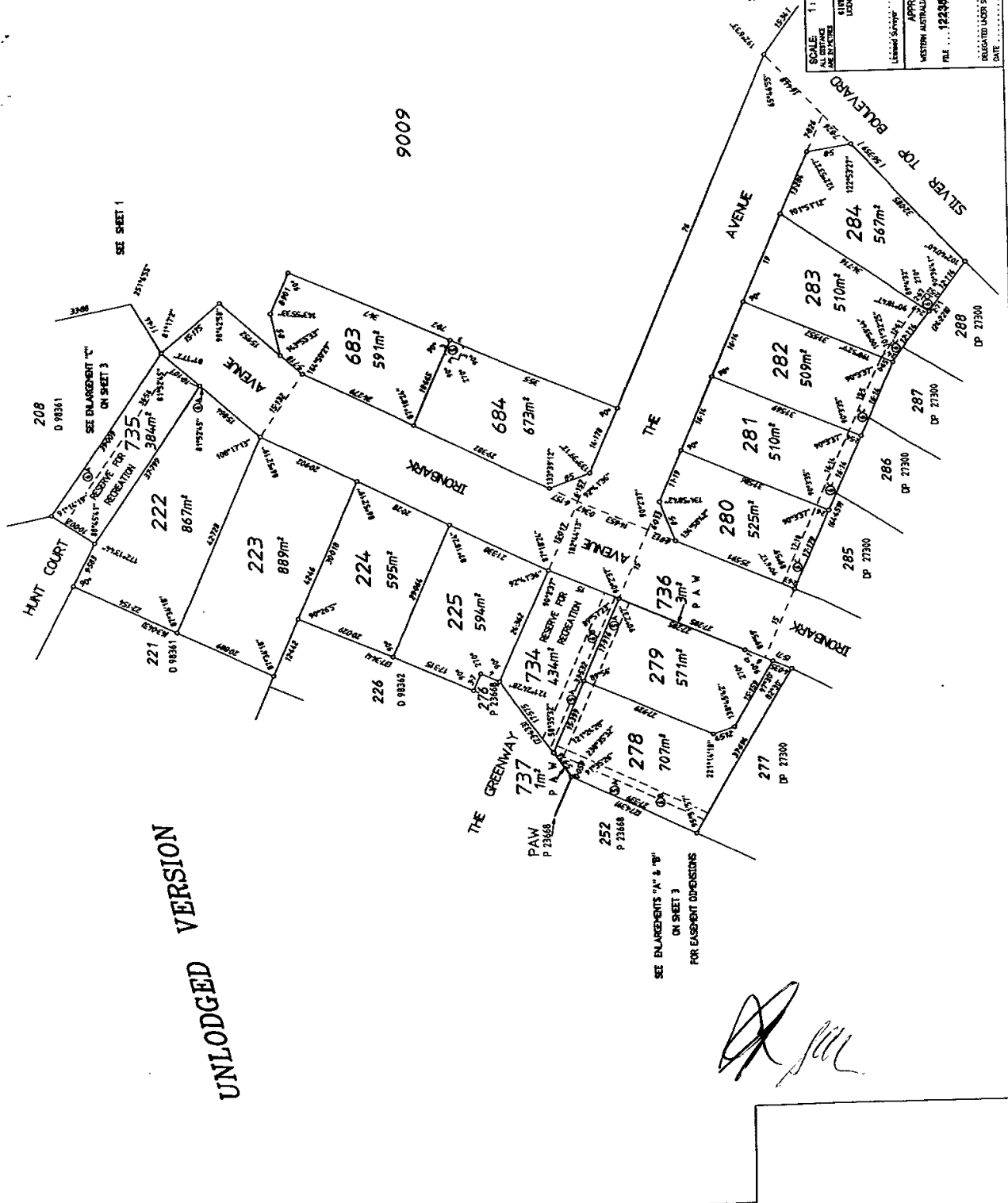
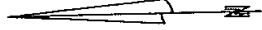


UNLOGGED  
VERSION

*[Handwritten signature]*

|  |   |                                       |
|--|---|---------------------------------------|
| SCALE<br>ALL DIMENSIONS<br>AS SHOWN  | NOT TO SCALE  | <br>Department of<br>Land Information |
| MULTIPLE SURVEYS<br>LOGGED SURVEYS<br><br>Legend Survey<br>APPROVED BY<br>WESTERN AUSTRALIAN PLANNING COMMISSION<br>FILE NO. J22357<br>DELEGATED UNDER S10 WAPC ACT 1985<br>DATE | DEPOSITED PLAN<br><b>40186</b><br>SHEET 1 OF 1<br>EDITION 1 |                                       |

FOR PLAN HEADING SEE SHEET 1  
LIMITED IN DEPTH TO 60.96 METRES



|  |                                |
|--|--------------------------------|
| SCALE<br>1:600<br>METRES<br>10 20 30                                     |                                |
| APPROVED BY<br>WESTERN AUSTRALIAN PLANNING COMMISSION<br>FILE NO. 122357 | DEPOSITED PLAN<br><b>40186</b> |
| SHEET 3 OF 3<br>DATE 12/03/1995<br>VERSION                               |                                |



**Execution page**

THE COMMON SEAL of )  
GREENENE DEVELOPMENT )  
CORPORATION PTY LTD )  
ACN 008 793 244 is affixed by authority )  
of its Directors in the presence of: )



*Adrian J. Lester*  
.....  
Signature of authorised person

*Stuart Andrew Lester*  
.....  
Signature of authorised person

*Director*  
.....  
Office held

*DIRECTOR*  
.....  
Office held

**ADRIAN J. LESTER**  
.....  
Name of authorised person (block letters)

**Stuart Andrew LESTER**  
.....  
Name of authorised person (block letters)

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**The Schedule**

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**Item 1 - The Estate**

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The land comprised in Portions of Sussex Locations 2141 and 2142 and 2151.

**Item 2 - The Plan(s)**

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Deposited Plan 40186

**Item 3 - The Excluded Lots**

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Lots 734, 735, 736, 737 and 9009

**Item 4 - The Subdivided Land**

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Lot 9008 on Deposited Plan 37429 being the whole of the land comprised in Certificate of Title Volume 2544 Folio 939 but now being the land comprised in Deposited Plan 40186.

- (g) Gain vehicular access to or from the Lot from or to the public road system except by way of a driveway of not less than 2.5 metres in width constructed of hot mix paving materials (including paving bricks) or compacted gravel.
- (h) Permit any commercial vehicle or caravan, boat, boat trailer or other wheeled conveyance (other than trade vehicles or trailers driven on to the Lot by tradespersons remaining temporarily on the Lot in the course of the tradespersons ordinary business with an occupant of the Lot) to be parked on the Lot unless it is a light commercial vehicle or caravan, boat or trailer or other wheeled conveyance less than 2 metres wide and 3 metres long owned by the occupant of any dwelling on the Lot which is parked inside a garage or car park or in such a position so as not to be visible from any other dwelling in the Estate or from the public road system.
- (i) Permit any vehicle, boat or wheeled conveyance to be repaired or restored on the Lot unless it is not visible from any other dwelling in the Estate or from the public road system.
- (j) Construct or install or allow to remain installed on the Lot or on any improvement on the Lot any television or radio aerial or satellite dish visible from any place within the Estate.

### **3 Benefit and Burden**

- 3.1 The burden of the covenants in Clause 2 is appurtenant to and will run with the Lot for the benefit of every other Lot in the Subdivided Land, except an Excluded Lot to the intent that the covenants will bind the Registered Proprietor and the registered proprietor from time to time of the Lot except an Excluded Lot and will be for the benefit of the Registered Proprietor and any other registered proprietor from time to time of every other Lot except an Excluded Lot in the Subdivided Land but not so as to render the Registered Proprietor personally liable after the Registered Proprietor has parted with all interest in the Land.
- 3.2 The covenants in Clause 2 expire on a date 5 years from the date of registration of the application for new certificates of title for the land in the Plan.

### **4 Consents under S 136E of the Transfer of Land Act**

The Registered Proprietor will obtain any consents required under s. 136E of the Transfer of Land Act to the creation of this deed and the creation of the restrictive covenants over the Lots pursuant to Section 136D of the Transfer of Land Act.

**EXECUTED** as a deed

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S. 136D Deed Riverslea Estate - 13 05 04

- (v) any residence or improvement using fibre cement materials for external walls.
- (b) Construct carports or garages on the Lot with materials other than materials used in the construction of the walls and roof of the dwelling.
- (c) Construct the roof of any dwelling or any carport, garage or other outbuilding that is or may be visible from the road side boundary of the Lot:
  - (i) with material other than clay tiles, timber or slate shingles, concrete tiles or metal sheeting having its exterior surface colour coated, sealed and treated so as not to have highly reflective qualities; or
  - (ii) with a pitch of less than 24° or, in the case of a curved roof:
    - (A) a curve of radius greater than 10 metres; or
    - (B) if the part of the circle or oval prescribed by the roof will exceed a quarter of the circumference of that circle or oval
- (d) Construct on the Lot any outbuildings, other than of a design and with the materials used in the construction of the dwelling, or with other materials which are painted in a colour to integrate the outbuildings with the dwelling or its surroundings unless the outbuilding is less than 10 square metres in floor area or is not visible from the road side boundary of the Lot and is constructed at the rear of the Lot behind the dwelling or the proposed site of the dwelling.
- (e) Construct any fences or walls:
  - (i) higher than 1.0 metres forward of the building line unless the wall or fence forms part of a carport or garage; or
  - (ii) where the Lot fronts two roadways, higher than 1.8 metres up to the building line along the longer of the two boundaries; or
  - (iii) made of corrugated fibre cement or similar material; or
  - (iv) made of corrugated iron, except in the case of dwelling wall cladding where less than 50% of the total dwelling external wall area is covered by corrugated iron which is not highly reflective.
- (f) Clear any vegetation from the Lot except as required to comply with the regulations or by-laws relating to fire prevention, or to the extent required for access to the Lot, safety of its occupants or amenity of any dwellings on the Lot.



**designated multiple dwelling site** means land which has been approved as a multiple dwelling site under the residential planning codes by the Shire, and “**multiple residential designation**” has the corresponding meaning.

**public road system** means the public road system within the boundaries of the Estate.

**prescribed dwelling** means a permanent non-transportable private single residential dwelling and includes any extensions, renovations or alterations to the dwelling.

**Shire** means the Shire of Augusta-Margaret River.

## **2 Special covenants relating to use by Registered Proprietor**

- 2.1 The Registered Proprietor pursuant to Section 136D of the Transfer of Land Act creates the covenants set out in clause 2.2 in respect of the Lots and the covenants will be registered against the Certificate of Title to each Lot.
- 2.2 The Registered Proprietor (which expression includes the transferees, assigns and successors of the Registered Proprietor) covenants that the Registered Proprietor will NOT:
- (a) erect or commence or cause or allow to be constructed or erected on any Lot:
    - (i) any residence or improvement unless the plans and specifications for the residence or improvement have been first:
      - (A) submitted in duplicate to GDC not less than 60 days prior to the intended date of commencement of construction or erection; and
      - (B) approved by the Shire;
    - (ii) any occupiable improvement other than a prescribed dwelling;
    - (iii) more than one prescribed dwelling unless the site is a designated multiple dwelling site, in which case the Registered Proprietor will not build more than the number of prescribed dwellings specified for the Lot under its multiple residential designation;
    - (iv) any dwelling having an area (inclusive of the outer faces of the external walls but exclusive of areas under verandahs, soffits, porches, garages or carports) of less than 90 square metres; or

## Deed of Restrictive Covenant - Riverslea Estate Pursuant to Section 136D of the Transfer of Land Act

**Date:**

18 May

2004

**Parties:**

**GREENDENE DEVELOPMENT CORPORATION PTY LTD**  
ACN 008 793 244 having its registered office at Level 2, 47 Stirling  
Highway, Nedlands, Western Australia ("Registered Proprietor")

**Recitals:**

- A. The Registered Proprietor is the registered proprietor of the Estate.
- B. The Registered Proprietor is subdividing the Estate and proposes to register a plan of subdivision in respect of the Subdivided Land which forms part of the Estate.
- C. The Registered Proprietor wishes to register restrictive covenants in respect of all of the lots within the Subdivided Land (other than the Excluded Lots) pursuant to Section 136D of the Transfer of Land Act so that those covenants will benefit and burden those lots.

ABN 66 012 678 629  
WESTERN AUSTRALIA STAMP DUTY  
DEE 20/05/04 11:00 002213854-001  
FEE \$ \*\*\*\*\*  
SD \$ \*\*\*\*\*20.00 PEN \*\*\*\*\*.00

**Operative provisions:**

### 1 Definitions

- 1.1 The following words have the meanings in this deed unless the contrary intention appears:

#### Land definitions

**Estate** means all that land described in item 1 of the Schedule:

**Excluded Lot** means the lot or lots described in item 3 of the Schedule.

**Lot** means a lot created upon registration of the Plan.

**Plan** means the survey plan of the Subdivided Land annexed to this deed and described in Item 2 of the Schedule .

**Subdivided Land** means the land described in Item 4 of the Schedule.

#### Other definitions

**GDC** means Greendene Development Corporation Pty Ltd ACN 008 793 244 or its successor in title to the balance of the Estate not sold to individual purchasers of Lots within the Estate.

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Dated 18 May 2004

**Deed of Restrictive  
Covenant  
Riverslea Estate  
Deposited Plan 40186**

**Greendene Development  
Corporation Pty Ltd  
("Registered Proprietor")**

**Mallesons Stephen Jaques**

Level 10, Central Park  
152 - 158 St George's Terrace  
PERTH WA 6000  
Telephone (08) 9269 7000  
Fax (08) 9269 7999  
Dx 91049 Perth  
Ref: JJ:LI:09 0091 8997