#### INSTRUCTIONS

- This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
- If insufficient space hereon Additional Sheet Form B1 should be used.
- Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
- 4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

#### **NOTES**

- Insert document type.
- A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

EXAMINED

<b>P8</b>	9	28	7	o:F	<b>3</b> C	SE ONLY
20 5-6	200					



LODGED BYWA PROPERTY LAWYERS

ADDRESS OF BOX OFF

PHONE No. 9380 3606

EMAIL

REFERENCE No.

ISSUING BOX No. 8714

Department of Biodiversity,
Conservation and Attractions

ADDRESS
Locked Bag 104
Bentley Delivery Centre
BENTLEY WA 6983

PHONE No. (08) 9219 9527

EMAIL covenant@dbca.wa.gov.au

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

4/6

1. Received Items Nos.
2.
3.
4.
5. Receiving Clerk.
6.

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.





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	SIGNED by PAUL MCCALLUM  in the presence of:  )  )
	Signature of Witness
	TAMLA WILLE Name of Witness (BLOCK LETTERS)
·	BEAUMARIS FAMILY PRACTICE OFFAN REEF Address of Witness (BLOCK LETTERS)
	Doctor Occupation of Witness (BLOCK LETTERS)
	SIGNED by KRISCHELLE LISA ) MCCALLUM )
·	in the presence of:
	Signature of Witness
	Name of Witness (BLOCK LETTERS)
	BEANMARIS FAMILY PRACTICE OCEAN REEF Address of Witness (BLOCK LETTERS)
,	Doctor.  Occupation of Witness (BLOCK LETTERS)
·	

Execution	Executed by the parties as a Deed		
	SIGNED by CATHERINE MARY WADDINGHAM by her plenary administrator the Public Trustee.  The Common Seal was hereunto affixed by Shaun William Conlin (under a power of delegation by the PUBLIC TRUSTEE in accordance with section 5 of the Public Trustee Act 1841 (WA)) in the presence of:  An Officer in the State Public Service, Public Trust Office, Perth.		
	The COMMON SEAL of the CONSERVATION AND LAND MANAGEMENT EXECUTIVE BODY  was affixed to this document on 17 / 01 / 21 in the presence of the Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions:		
ACTING	Peter Dans STUART SMITH DIRECTOR GENERAL		

Executive Body's Covenants	<ol> <li>THE EXECUTIVE BODY HEREBY WAIVES the restrictions referred to in Clause 1 to the extent necessary for the implementation of mutually agreed Management Guidelines which will address issues including, but not limited to, provisions for reasonable fire prevention and protection including carrying out controlled rotational fuel reduction measures subject to express agreement between the Executive Body and the Owner in writing prior to the Land being deliberately burnt.</li> <li>The Executive Body waives any future claim to financial benefits arising</li> </ol>
	from carbon sequestration or other ecosystem service rights that may become associated with the Land.
Mutual Covenants	4. IT IS HEREBY MUTUALLY AGREED by the Owner and the Executive Body that the Owner's covenants and restrictions expressed herein shall run with and bind the Land and shall enure for the benefit of the Executive Body.
	5. This Restrictive Covenant does not preclude the Owner from entering into another covenant or agreement over the Land, such as for carbon rights, provided that the operation of that further covenant or agreement does not negatively impact on the natural values of the Land, or the ability of the Owner to comply with the Management Guidelines and this Restrictive Covenant.
Variation of Covenants	6. If the Owner seeks a variation of this covenant, then provided that the natural values identified by the Executive Body are not significantly compromised, and an appropriate variation can be made to address such alteration, the Executive Body may at its discretion agree to the variation.
Interpretation	7.
	a) Reference to a party or parties includes the personal representatives, successors and lawful assigns of the party or parties.
	b) Where a reference to a party includes more than one person the rights and obligations of those persons shall be joint and several.
	c). Headings have been inserted for guidance only and shall be deemed not to form part of the text.
Further obligations	8. Nothing herein shall prevent or exempt the Owner from complying with all Federal, State and Local Government laws.

- ii) plant propagation and specimens for identification purposes, in accordance with the Management Guidelines;
- iii) timber for domestic use, in accordance with the Management Guidelines;
- d) construct, erect, establish or permit or consent to (unless required by law) the construction, erection or establishment of any transmission lines or other services or works on the Land, save for the replacement of the existing transmission lines;
- e) erect or permit to be erected any fence on the Land, save for:
  - i) a perimeter fence around the Land; or
  - ii) temporary exclusion fences for revegetation or vegetation management, in accordance with the Management Guidelines;
- f) introduce, or cause or permit the introduction of, any plant onto the Land that is not indigenous to the Land;
- g) introduce, or cause or permit the introduction of, any animal onto the Land that is not indigenous to the Land, save for no more than two domestic dogs in accordance with the Management Guidelines;
- h) introduce or permit the introduction upon the Land of any rocks, soil, gravel, sand or other basic raw materials, except from external sources with a low risk of spreading weed or plant pathogens including *Phytophthora* dieback disease, nor use or permit the use of earth moving machinery on the Land unless it is during dry soil conditions and/or where appropriate precautions have been taken to reduce the risk of introduction or further spread of weeds and plant pathogens;
- destroy or do or permit (unless required by law) any act that would result in the deterioration in the natural state or in the flow, supply, quantity or quality of any body of water on the Land, save for the collection, storage and domestic use of water in the existing soak;
- j) conduct, permit or consent to any investigation or exploration for, or the mining, extraction, removal or production of gas, petroleum, minerals, soil, stones, sand, rock, gravel, clay or other substances on the Land;
- k) use or permit on the Land the use of vehicles including but not limited to trail bikes or four-wheel drive vehicles or farm machinery, save for on existing firebreaks and on the track within easement I463004 shown as 'Y' on Deposited Plan 422722, in accordance with the Management Guidelines, but which vehicles must first be cleaned off site and/or where appropriate precautions have been taken to reduce the risk of introduction or further spread of weeds and plant pathogens;
- use or permit the use on the Land of guns, hunting weapons, animal traps or poisons, save for the purposes specified in the Management Guidelines;
- m) carry out or permit on the Land the storage of rubbish or garden refuse or materials;
- n) carry out or permit on the Land the operation of any trade, industry or business; and
- o) save where expressly permitted herein, carry out or permit on the Land any activities inconsistent or incompatible with the conservation of the indigenous flora and indigenous fauna on the Land.

Special natural values	D. The special natural values of the Land are:
	• Occurrence of <i>Pseudocheirus occidentalis</i> (western ringtail possum), listed as critically endangered under Schedule 2, Division 1 of the <i>Biodiversity Conservation (Listing Of Native Species) (Fauna) Order 2023</i> ;
	• Occurrence of Zanda baudinii (Baudin's cockatoo) and Zanda latirostris (Carnaby's cockatoo), both listed as endangered under Schedule 2, Division 2 of the Biodiversity Conservation (Listing Of Native Species) (Fauna) Order 2023;
. •	• Occurrence of Calyptorhynchus banksii naso (forest red-tailed black cockatoo), listed as vulnerable under Schedule 2, Division 3 of the Biodiversity Conservation (Listing Of Native Species) (Fauna) Order 2023;
·	• Vegetation mapped as '1a' under the South West Regional Ecological Linkage Project (2009), which identifies the vegetation as being "with an edge touching or <100m from a Regional Ecological Linkage";
	• Approximately 19.21 hectares mapped as Cowaramup Cd, described as "Woodland of <i>Eucalyptus marginata</i> subsp. <i>marginata</i> - <i>Corymbia calophylla</i> - <i>Banksia ilicifolia</i> on sandy rises and low woodland of <i>Melaleuca preissiana</i> on lower slopes in the hyperhumid to humid zones", in good to very good condition;
	<ul> <li>Approximately 18.34 hectares mapped as Cowaramup Cr, described as "Woodland of Corymbia calophylla - Eucalyptus marginata subsp. marginata - Agonis flexuosa, woodland of Banksia littoralis and closed heath on rocky slopes in hyperhumid and perhumid zone", in good to very good condition.</li> </ul>
LEGAL RELATIONSHIPS	NOW THIS AGREEMENT WITNESSES:
Owner's covenants	1. The Owner with the intention of binding so far as is possible all registered proprietors or other persons having an estate or interest in the Land to ensure compliance with the restrictions set out herein, HEREBY COVENANTS with the Executive Body that the Owner shall not, except with the prior written consent of the Executive Body or in accordance with Management Guidelines mutually agreed by the Owner and the Executive Body under clause 2 ("Management Guidelines"), do or permit to be done any act or thing upon the Land which in the reasonable opinion of the Executive Body is prejudicial to the natural values of the Land, and in particular the Owner shall not:
	a) subdivide or permit subdivision of the Land;
	b) place or permit to be placed any structure or dwelling on the Land;
	c) destroy or remove or permit the destruction or removal of any local indigenous flora or any indigenous fauna or their related habitats on or from the Land, save for:
	i) the purpose of carrying out maintenance of fences, firebreaks and transmission lines, and the track within easement I463004 shown as 'Y' on Deposited Plan 422722, in accordance with the Management Guidelines;

Page 2 of 8

APPROVAL NO. B1863

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

# **BLANK INSTRUMENT FORM**

# RESTRICTIVE COVENANT

(NOTE 1)

DESCRIPTION	DEED OF COVENANT FOR THE CONSERVATION OF LAND. Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893, benefiting a public authority.			
Date	THIS RESTRICTIVE COVENANT is made the 17th day of, (2024).			
Owner, the registered proprietor of the burdened land	CATHERINE MARY WADDINGHAM OF PO BOX 310 COWARAMUP WA 6284 AS SOLE PROPRIETOR OF 7/10 UNDIVIDED SHARES; and PAUL MCCALLUM AND KRISCHELLE LISA MCCALLUM BOTH OF 3 JOYCE COURT HILLARYS WA 6025 AS JOINT TENANTS OF 3/10 UNDIVIDED SHARES ("the Owner") AND			
Benefiting public authority, name and description	Conservation and Land Management Executive Body ("the Executive Body") of care of the Department of Biodiversity, Conservation and Attractions ("the Department"), Locked Bag 104, Bentley Delivery Centre, Western Australia 6983			
Land	That portion of Lot 101 on Deposited Plan 422722 shown as 'X' on Deposited Plan 422722, formerly being part of the land comprised in Certificate of Title volume 2973 folio 504 and Certificate of title volume 2973 folio 505 and now being the whole of the land comprised in Certificate of Title volume folio ("the Land")			
RECITALS	WHEREAS			
Covenant runs with the land	A. This Restrictive Covenant binds the Owner, and persons deriving title from them, in perpetuity.			
Limitations, Interests, Encumbrances and Notifications	B. 1. I463004 EASEMENT BURDEN REGISTERED 30/4/2003.			
Intention of the Owner and the Executive Body that ce on the Land be restricted in order to protect its natural values, a particular the special natural values listed in Recital D.				

## **Document Notes:**

IMPORTANT: THIS PAGE FORMS PART OF DOCUMENT [P892871] AND MAY CONTAIN REFERENCES TO AMENDMENTS OR CORRECTIONS TO THE DOCUMENT

8/4/2024 13:47:45

See letter from Public Trustee dated 02/04/2024 requesting signing clause for Catherine Mary Waddingham to be amended to insert reference to order GAA 2577/2022 dated 29/11/2022.





# Requisition Notice

Section 192 of the Transfer of Land Act

Your Ref: BM:18867 Our Ref: P892868 Enquiries: Sophie Telephone: 92739813

Email: Sophie.Burge@landgate.wa.gov.au

19 March 2024

WA PROPERTY LAWYERS **48 OUTRAM STREET** WEST PERTH, WA 6005

Facsimile:

Email: ebiggs@wapropertylawyers.com.au

Delivered by: Email

Dear WA PROPERTY LAWYERS

#### **Requisition Notice**

Registration of the document(s) referenced cannot be affected until all requisitions listed below are complied with and the fee payable is received. A time limit of 21 days applies from the date stated above after which all documents may be rejected.

It is generally not necessary to attend Landgate in person to make corrections to requisitioned documents however, if an appointment is necessary, please contact Landgate using the contact details above.

Where further documentation is required to be provided in response to a requisition, please use this https://rms.landgate.wa.gov.au/NTR.App.Requisition/wa/P892868/NWjaTq to access the Requisition Portal to securely upload the document(s), excluding documents which require original signatures. Eg. Statutory Declarations.

Doc. No	Description	Req. Fee
P892868, P892869, P892871, P892872, P892873	A Statutory Declaration and a certified copy of the State Administrative Tribunal Order authorizing the Public Trustee to act on behalf of Catherine Mary Waddingham is required.  (See Land Titles Registration policy and procedure guide CAP-02 Incapable Persons).	101.50

Requisition Sub Total \$ 101.50 Additional Fee \$ 0.00 TOTAL FEE Payable \$ 101.50

### Sincerely,

Barobetts

Requisitions may be attended to by:

- Uploading additional evidence/correspondence via secure file upload to the Requisition Portal.
- The lodging of evidence (by hand) at Landgate's Perth Business Office, QBE Building, 200 St. Georges Terrace, Perth. Post to Landgate, Registrations, P O Box 2222, Midland WA 6936.
- For further information regarding this requisition notice please liaise with the Contact Person as shown above.

Correspondence by representatives of parties to documents must state the capacity in which they act and confirm that they are duly authorised to do so. Amendment by letter is at the discretion of the Registrar of Titles. Unless these requisitions are complied with, the documents will be rejected. Documents may be withdrawn from registration, a withdrawal fee is applicable per document. Registration fees returnable in full or in part will be set-off against requisition and withdrawal fees. See payment options on page 2.







# **Requisition Notice** Section 192 of the Transfer of Land Act

**BRUCE ROBERTS REGISTRAR OF TITLES** 

## Requisitions may be attended to by:

- Uploading additional evidence/correspondence via secure file upload to the Requisition Portal.
- The lodging of evidence (by hand) at Landgate's Perth Business Office, QBE Building, 200 St. Georges Terrace, Perth.
- Post to Landgate, Registrations, P O Box 2222, Midland WA 6936.
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# **PAYMENT OPTIONS**

Portal:	Pay by EBS Account or by credit card using the payment option in the Requisition Portal. (Access url in delivery email/Notice above)				
BY BPOINT:	Any Bpoint payments to be made to our cus	y Bpoint payments to be made to our customer services team on 92737373			
IN PERSON:	N PERSON:  Landgate, 1 Midland Square, Midland.  or  Perth Branch Office, QBE Building,  200 St Georges Terrace, Perth.				
BY POST:	BY POST:  PO Box 2222, Midland WA 6936 (Cheques or money orders to be made payable to Landgate.)				
DEALING NO: P892868 CONTACT PERSON: Sophie					
	YOUR REFERENCE: BI	M:18867			
COMPLETE TH	IS SECTION IF PAYING BY EBIS ACCOUNT				
EBS Account Nu	<u>umber</u>		Western Australian Land Information Authority Office Use Only		
			Order No:		
EBS Company Name:					
Amount:	Requisition Fee \$ Additio	nal Fees \$	Total \$		
I hereby authorise the Western Australian Land Information Authority to debit the above EBS account:  (Signature of person authorising payment)					
Name of person	n authorising payment:		Print Name)		
Contact Phone	No:				





# Requisition Notice

Section 192 of the Transfer of Land Act

Your Ref: BM:18867 Our Ref: P892868 Enquiries: Sophie Telephone: 92739813

> Email: Sophie.Burge@landgate.wa.gov.au

> > 27 March 2024

WA PROPERTY LAWYERS **48 OUTRAM STREET** WEST PERTH, WA 6005

Facsimile:

Email: ebiggs@wapropertylawyers.com.au

Delivered by: Email

Dear WA PROPERTY LAWYERS

#### **Requisition Notice**

Registration of the document(s) referenced cannot be affected until all requisitions listed below are complied with and the fee payable is received. A time limit of 21 days applies from the date stated above after which all documents may be rejected.

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Where further documentation is required to be provided in response to a requisition, please use this https://rms.landgate.wa.gov.au/NTR.App.Requisition/wa/P892868/WcmPtG to access the Requisition Portal to securely upload the document(s), excluding documents which require original signatures. Eg. Statutory Declarations.

Doc. No	Description	Req. Fee
P892868, P892869, P892871, P892872, P892873	This is a further requisition to the notice dated 19 March 2024.  1. The SAT order provided has a reference number of GAA 2577/2022 and is dated 29 November 2022. This application has been executed pursuant to order GAA 4691/2021 dated 01/11/2021. The Transfers refer to order GAA 4649/2021 dated 01/11/2021. Notification P892869 and Restrictive Covenant P892871 have not been executed in accordance with SIG-16 as no order number has been included. Please clarify?  2. The statutory declaration provided states that "the Public Trustee has authority to execute a Withdrawal of Caveat", however, no Withdrawal of Caveat has been lodged? A new declaration is required to reference the correct documents lodged in this dealing.	0.00

#### Requisitions may be attended to by:

- Uploading additional evidence/correspondence via secure file upload to the Requisition Portal.
- The lodging of evidence (by hand) at Landgate's Perth Business Office, QBE Building, 200 St. Georges Terrace, Perth. Post to Landgate, Registrations, P O Box 2222, Midland WA 6936.
- For further information regarding this requisition notice please liaise with the Contact Person as shown above.

Correspondence by representatives of parties to documents must state the capacity in which they act and confirm that they are duly authorised to do so. Amendment by letter is at the discretion of the Registrar of Titles. Unless these requisitions are complied with, the documents will be rejected. Documents may be withdrawn from registration, a withdrawal fee is applicable per document. Registration fees returnable in full or in part will be set-off against requisition and withdrawal fees. See payment options on page 2.







# **Requisition Notice**

Section 192 of the Transfer of Land Act

Requisition Sub Total \$ 0.00 Additional Fee \$ 0.00 TOTAL FEE Payable \$ 0.00

Sincerely,

Barobetts

BRUCE ROBERTS REGISTRAR OF TITLES

### Requisitions may be attended to by:

- 1. Uploading additional evidence/correspondence via secure file upload to the Requisition Portal.
- 2. The lodging of evidence (by hand) at Landgate's Perth Business Office, QBE Building, 200 St. Georges Terrace, Perth.
- 3. Post to Landgate, Registrations, P O Box 2222, Midland WA 6936.
- 4. For further information regarding this requisition notice please liaise with the *Contact Person* as shown above.

Correspondence by representatives of parties to documents **must state** the capacity in which they act and confirm that they are duly authorised to do so. Amendment by letter is at the discretion of the Registrar of Titles. Unless these requisitions are complied with, the documents will be rejected. Documents may be withdrawn from registration, a withdrawal fee is applicable per document. Registration fees returnable in full or in part will be set-off against requisition and withdrawal fees. See payment options on page 2.



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BY BPOINT:	Any Bpoint payments to be made to our cus	y Bpoint payments to be made to our customer services team on 92737373			
IN PERSON:	N PERSON:  Landgate, 1 Midland Square, Midland.  or  Perth Branch Office, QBE Building,  200 St Georges Terrace, Perth.				
BY POST:	BY POST:  PO Box 2222, Midland WA 6936 (Cheques or money orders to be made payable to Landgate.)				
DEALING NO: P892868 CONTACT PERSON: Sophie					
	YOUR REFERENCE: BI	M:18867			
COMPLETE TH	IS SECTION IF PAYING BY EBIS ACCOUNT				
EBS Account Nu	<u>umber</u>		Western Australian Land Information Authority Office Use Only		
			Order No:		
EBS Company Name:					
Amount:	Requisition Fee \$ Additio	nal Fees \$	Total \$		
I hereby authorise the Western Australian Land Information Authority to debit the above EBS account:  (Signature of person authorising payment)					
Name of person	n authorising payment:		Print Name)		
Contact Phone	No:				





Our Ref: PM 33187778 TM69

Telephone 9222 6702

Enquiries: Law Clerk

Facsimile 6217 2304

Attention: Sophie Landgate PO Box 2222 MIDLAND WA 6936

By Email: Sophie.Burge@landgate.wa.gov.au

Dear Madam

## **Requisition Notice P892868**

I refer to the Requisition Notice dated 27 March 2024.

I confirm that I have the delegated authority to amend documents on behalf of the Public Trustee and respectfully give Landgate the authority to amend document Notification P892869 and Restrictive Covenant P892871 by adding Order reference GAA 2577/2022 and Order date 29/11/2022 which were erroneously excluded.

The Public Trustee kindly requests that the Application for New Titles and the Transfers of Land for Lots 100 and 101 Applicant's signing clause for Catherine Mary Waddingham be amended to reflect Order reference GAA 2577/2022 and Order date 29/11/2022, replacing GAA 4691/2021 which was a typographical error and 1/11/2021 which was erroneously referred to.

If you wish to discuss the above, please feel free to contact me on 9222 6702.

Yours faithfully

BREANNA DIMOVSKI

ACTING LAW CLERK FOR THE PUBLIC TRUSTEE

2 April 2024

Postal Address: GPO Box M946

Perth, WA 6843

Tel: Fax: 1300 746 212

Email:

(08) 9222 6617

Web:

public.trustee@justice.wa.gov.au www.publictrustee.wa.gov.au

Veb:

wa.gov.au

EV002740285 LTR

Public Trustee ABN 30 664 810 803 553 Hay Street, Perth WA 6000



WESTERN AUSTRALIA TRANSFER OF LAND ACT 1893 AS AMENDED

OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005



# STATUTORY DECLARATION

## I, BREANNA DIMOVSKI of Public Trust Office Perth Western Australia, Acting Law Clerk

Sincerely declare as follows:

- 1. I have been authorised to make this declaration under a power of delegation by the Public Trustee in accordance with Section 5 of the Public Trustee Act 1941 and amendments.
- 2. By order of the State Administrative Tribunal dated 1 November 2021 in matter number GAA 4649/2021 ("2021 Order"), the PUBLIC TRUSTEE was authorised to exercise the functions of a plenary administrator in relation to the estate of CATHERINE MARY WADDINGHAM ("the Represented Person"). The 2021 Order was made pursuant to the emergency provisions contained in section 65 of the Guardianship and Administration Act 1990 ("GAA").
- 3. By order of the State Administrative Tribunal dated 29 November 2022 in matter number GAA 2577/2022 ("2022 Order"), the PUBLIC TRUSTEE was appointed Plenary Administrator of the estate of the Represented Person, with all the powers and duties conferred by the GAA.
- 4. By the 2022 Order, the Public Trustee has authority to execute a s70A Notification, Restrictive Covenant, Application for New Titles and Transfers of Land on behalf of the Represented Person.
- I declare the Represented Person is alive and that the 2022 Order has not been revoked, varied or amended by the State Administrative Tribunal and that the incapacity still continues as at the date hereof.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005 at Perth

on 2 day of Anni

Signature of person making the declaration

In the presence of – Worth FI IZABETH IRIS MARSH

Signature of authorised witness

Public Trustee Office, 553 Hay Street Perth, Public Servant

2024 by -

# **INSTRUCTIONS**

1. If insufficient space hereon Form B2 should be used.

## **NOTES**

- 1. If more than one declarant, each signature must have a separate attestation.
- 2. No person under eighteen years of age may be a witness.
- 3. A complete list of authorised witnesses for statutory declarations is contained in Schedule 2 of the Western Australian Oaths, Affidavits and Statutory Declarations Act 2005.
- 4. The Western Australian Oaths, Affidavits and Statutory Declarations Act 2005 contains special provisions about authorised witnesses for statutory declarations made outside Western Australia.

! Statutory Declaration.doc

