

FORM APPROVAL
B1304

FORM B4

I 899605 RC

27 May, 2004 15:46:36 Midland



REG. \$ 77.00

**s136D Deed of Restrictive Covenant Lot 720 DP
40189**

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

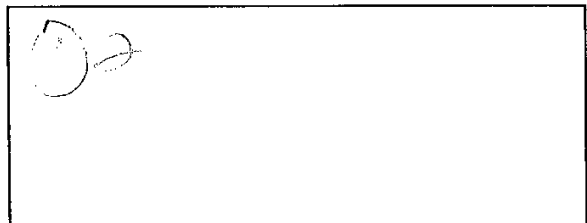
PREPARED BY **MALLESONS STEPHEN JAQUES**

ADDRESS **152 ST GEORGE'S TERRACE
PERTH WA 6000**

REFERENCE **JJ:LI:09 0091 8997**

PHONE NO. **+61 8 9269 7000** FAX NO **+61 8 9**

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



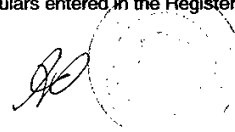
TITLES, LEASES, DECLARATIONS ETC, LODGED HERewith.

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

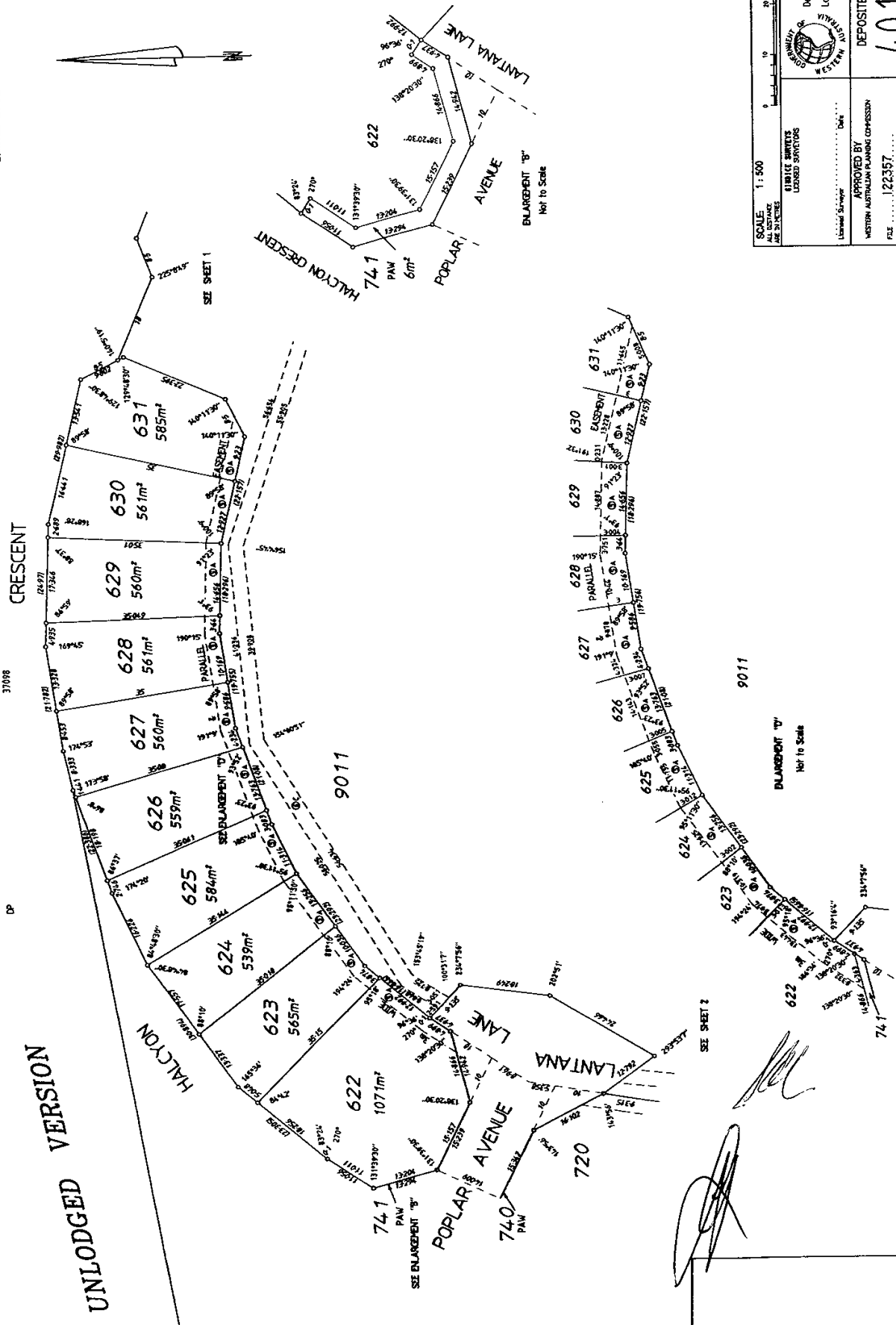
EXAMINED

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.



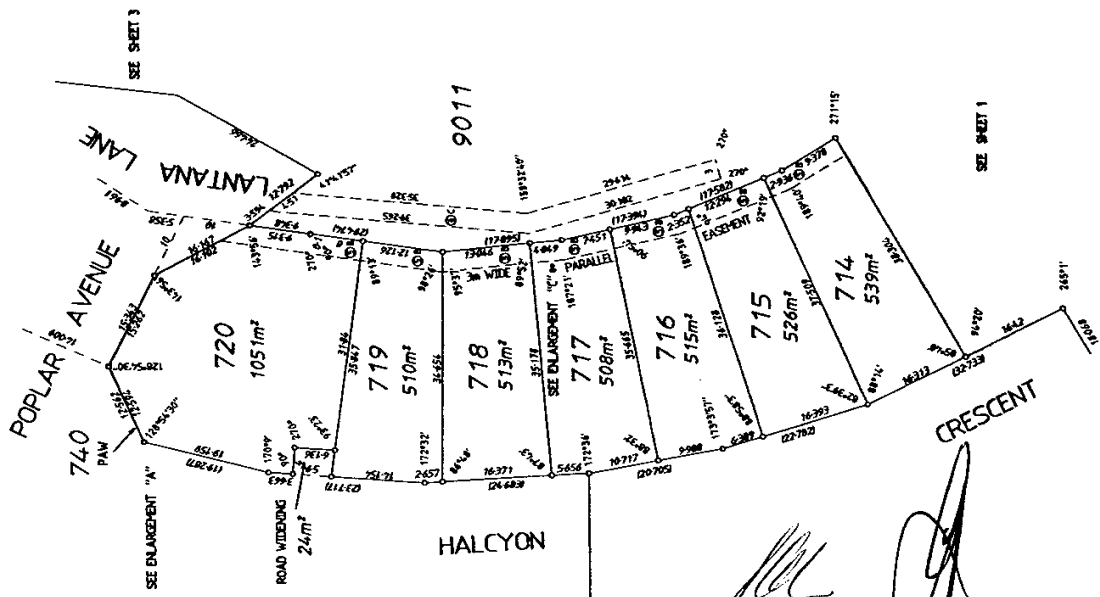
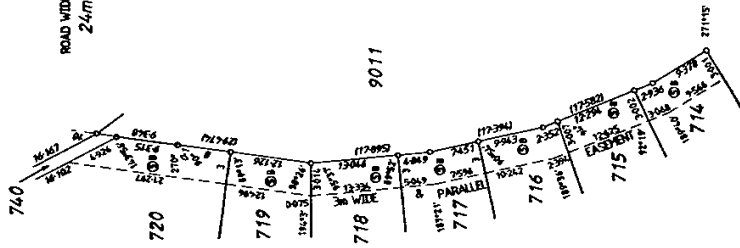
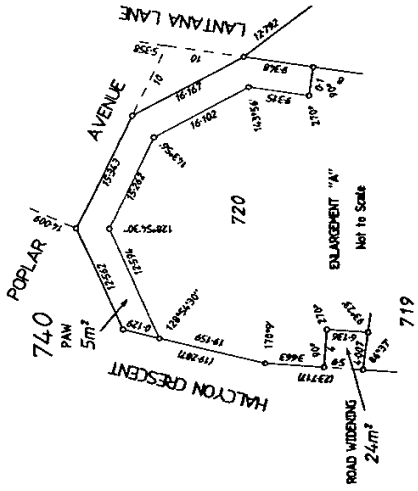
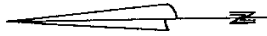
FOR PLAN HEADING SEE SHEET 1
LIMITED IN DEPTH TO 60.96 METRES



UNLOGGED VERSION

 SURVEYOR GENERAL WESTERN AUSTRALIA	PUBLIC SERVICE LICENSED SURVEYORS	Department of Land Information
	Approved By WESTERN AUSTRALIAN PLANNING COMMISSION FILE NO. 122357	DEPOSITED PLAN 40189

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



UNLOGGED
VERSION

SCALE 1:500 ALL DISTANCE IN METRES	DEPARTMENT OF LAND INFORMATION WESTERN AUSTRALIA	SHEET OF ENTIRE
LIMITED SURVEY LICENSED SURVEYORS	APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE NO. 122357	DEPOSITED PLAN 40189
Local Surveyor	DATE	DELEGATED UNDER S30 WAPM ACT 1995

ED/VER AMENDMENT BY SIGNATURE DATE

TYPE FREEHOLD
PURPOSE SUBDIVISION
PLAN OF

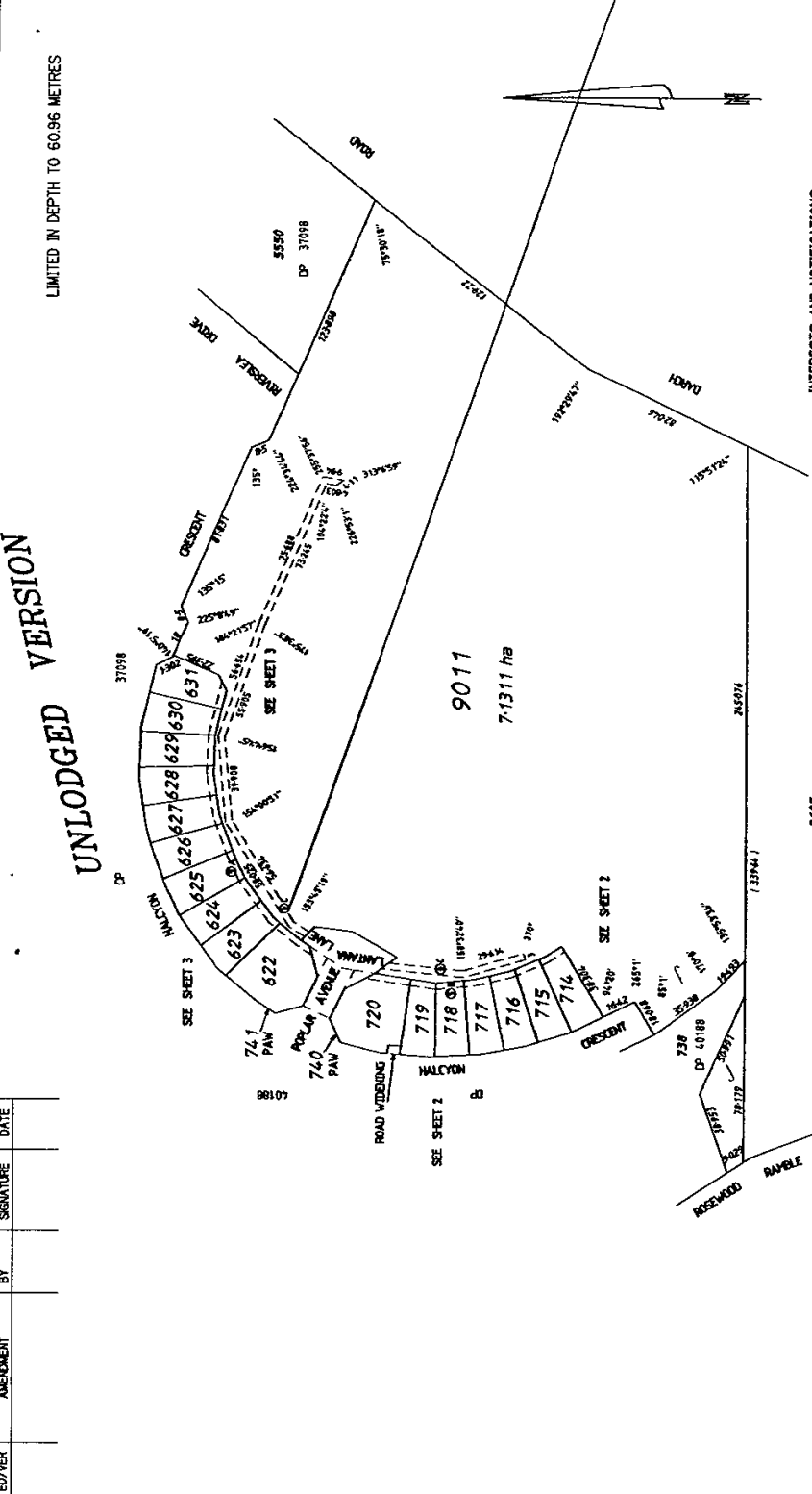
LIMITED IN DEPTH TO 60.96 METRES

UNLOGGED VERSION

LOTS 622 - 631 (inc),
LOTS 714 - 720 (inc),
740, 741, 9011
EASEMENTS, ROADS,
ROAD WIDENING AND
RESTRICTIVE COVENANTS

DISTRICT SUSSEX
TOWNSHIP
DOLA FILE
LOCAL AUTHORITY MARGARET RIVER
LOCALITY MARGARET RIVER
INDEX BR 29 201 0001 1082
SCALE 1:1800
SURVEYOR'S CERTIFICATE - Copy
1. I hereby certify that the information contained in this plan and / or the accompanying documents is true and correct to the best of my knowledge and belief and that I am a duly qualified and registered surveyor in the Province of Alberta.
2. I have not been convicted of an offence under the provisions of the Survey Act or the Survey Regulations or any other Act or Regulation relating to the surveying profession in Alberta in relation to which I am licensed.

APPROVED BY PLANNING COMMISSION
FILE 122357
APPROVED UNDER S20 MARK ACT 1941
DATE



INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
① ALL SHEETS	EASEMENT (ROADWAY)	SECTION 27A OF THE TP & B ACT REG. 5	DP 4118	LOT 711	WATER DEPOSITION	
② ALL SHEETS	EASEMENT (ROADWAY)	SECTION 27A OF THE TP & B ACT REG. 5	THIS PLAN	LOTS 627 - 631 INC LOTS 714 - 720 INC	SEE DEED OF MORTGAGE MARGARET RIVER	
③ ALL SHEETS	EASEMENT (ROADWAY)	SECTION 27A OF THE TP & B ACT REG. 5	THIS PLAN	LOT 720	SEE DOCUMENT	
④ ALL SHEETS	RESTRICTIVE COVENANT	SECTION 140 OF THE TLA	THIS PLAN	LOTS 627 - 631 INC LOTS 714 - 720 INC	LOTS 627 - 631 INC LOTS 714 - 720 INC	
⑤ ALL SHEETS	RESTRICTIVE COVENANT	SECTION 140 OF THE TLA	THIS PLAN	LOTS 627 - 631 INC LOTS 714 - 720 INC	LOTS 627 - 631 INC LOTS 714 - 720 INC	
⑥ ALL SHEETS	RESTRICTIVE COVENANT	SECTION 140 OF THE TLA	THIS PLAN	LOTS 627 - 631 INC LOTS 714 - 720 INC	LOTS 627 - 631 INC LOTS 714 - 720 INC	
⑦ ALL SHEETS	RESTRICTIVE COVENANT	SECTION 140 OF THE TLA	THIS PLAN	LOTS 627 - 631 INC LOTS 714 - 720 INC	LOTS 627 - 631 INC LOTS 714 - 720 INC	
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⑩ ALL SHEETS	RESTRICTIVE COVENANT	SECTION 140 OF THE TLA	THIS PLAN	LOTS 627 - 631 INC LOTS 714 - 720 INC	LOTS 627 - 631 INC LOTS 714 - 720 INC	

9 107
DP 37445

SURVEY CARRIED OUT UNDER REG 28A
SPECIAL SURVEY AREA GUIDELINES
REG 28A(1) - FINAL MARKING DEFERRED

DEPARTMENT OF LAND SURVEYING
WESTERN AUSTRALIA
Department of Land Information
DEPOSITED PLAN
40189
SHEET EDITION 1 OF 3
VERSION 1

~~AFFIX SEAL~~

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:



[Handwritten signature]
.....
Signature of authorised person

[Handwritten signature]
.....
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)

The Schedule

Item 1 - The Estate

The land formerly comprised in Sussex Locations 2141, 2142 and 2151

Item 2 - The Deposited Plan

Deposited Plan 40189

Item 3 - The Subdivided Land

Lot 9010 on Deposited Plan 40188 but now being comprised in Deposited Plan 40189

-
- (a) the date being 5 years from and including the date of this deed; and
 - (b) any rezoning of Lot 720; and
 - (c) the adoption of a new Outline Development Plan or structure plan by the Shire and the Western Australian Planning Commission incorporating Lot 720.

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 Lot 720 pursuant to Section 136D of the Transfer of Land Act.

EXECUTED as a deed

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 or any other authority assuming its functions with jurisdiction in respect of Lot 720.

Shop has the meaning given to that term in the Shire of Augusta - Margaret River Town Planning Scheme No. 17 Margaret River Town Site as at the date of this deed.

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 Lot 720 and the covenants will be registered against the Certificate of Title to Lot 720.
- 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) use or permit the use of Lot 720 for any purpose other than for the purpose of:
 - (i) erection or construction and use of a Shop comprising a free standing building or a dedicated portion of a building segregated from any prescribed dwelling on Lot 720; and
 - (ii) subject to limitations in any other restrictive covenants registered on the Certificate of Title to Lot 720, erection or construction and use of a prescribed dwelling comprising a free standing building or a dedicated portion of a building segregated from any Shop on Lot 720; and
 - (b) erect or construct a prescribed dwelling on Lot 720 prior to the erection or construction of a Shop on Lot 720.

3 Benefit and Burden

- 3.1 The burden of the covenants in Clause 2.2 is appurtenant to and will run with Lot 720 for the benefit of every other Lot ^{EXCEPT AN EXCLUDED LOT} to the intent that the covenants will bind the Registered Proprietor and the registered proprietor from time to time of Lot 720 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}, but not so as to render the Registered Proprietor personally liable after the Registered Proprietor has parted with all interest in Lot 720.

(See latter
Rp.)

- 3.2 The covenants in Clause 2.2 expire on the earlier of:

Contents	Deed of Restrictive Covenant - Lot 720 Riverslea Estate
1	Definitions 1
	Land definitions 1
	Other definitions 1
2	Special covenants relating to use by Registered Proprietor 2
3	Benefit and Burden 2
4	Consents under S 136E of the Transfer of Land Act 3
	The Schedule 4
	Execution page 5

7298800_2

Dated *27 May* 2004

**Deed of Restrictive Covenant
Riverslea Estate
Lot 720 - Deposited Plan 40189**

**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

Ref: AK:JJ:APS: 09 0091 8997

MALLESONS STEPHEN JAQUES

Confidential communication

Attention Mr Jim Peter

31 May 2004

The Registrar of Titles
Department of Land
Information
PO Box 2222
MIDLAND WA 6036
Fax 9273 7668

Jean Jones
Law Clerk
Direct line
+61 8 9269 7087
Laurence Iffia
Partner

Dear Sir

**Greendene Development Corporation Pty Ltd
I899605 - S136D Deed of Restrictive Covenant**

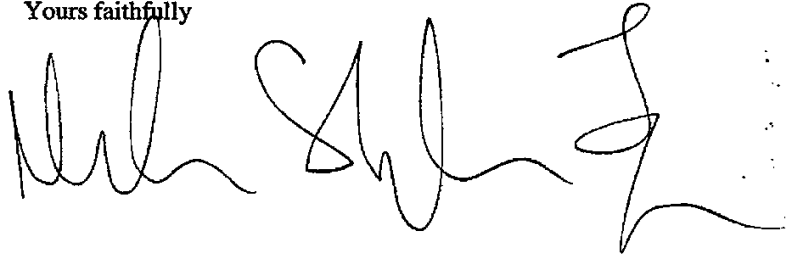
We act for the abovenamed Registered Proprietor and refer to your Requisition Notice dated 28 May 2004.

Would you kindly make the following additions to the Deed:

- 1 Page 1: Add "Excluded Lot" means Lots 740, 741 and 9011" to the "Land definitions".
- 2 Page 2: After the words "other Lot" on the second and sixth lines of 3.1, add the words "except an Excluded Lot".

We will attend to payment of your requisition fee of \$50.00 at the Perth office today.

Yours faithfully



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