

FORM APPROVAL
B1304

FORM B4

I 899606 RC

27 May, 2004 15:46:36 Midland



REG. \$ 77.00

S136D Deed of Restrictive Covenant Deposited Plan
40189

LODGED BY

MALLESONS STEPHEN JAQUES

ADDRESS

Level 10 Central Park

152 St Georges Terrace

Perth WA 6000

TEL (08) 9269 7000 FAX (08) 9269 7999

ISSUING BOX 168 H

PHONE NO.

FAX NO.

REFERENCE NO. JJ:LI:09 0091 8997

ISSUING BOX NO. 168H

PREPARED BY

MALLESONS STEPHEN JAQUES

ADDRESS

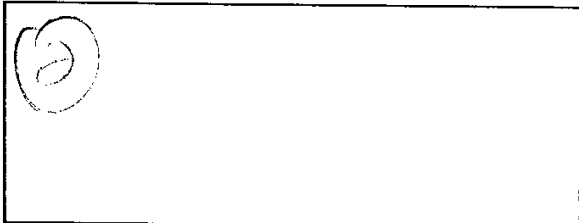
152 ST GEORGE'S TERRACE

PERTH WA 6000

REFERENCE

PHONE NO. +61 8 9269 7000 FAX NO +61 8 9269 7999

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



TITLES, LEASES, DECLARATIONS ETC, LODGED HEREWITH.

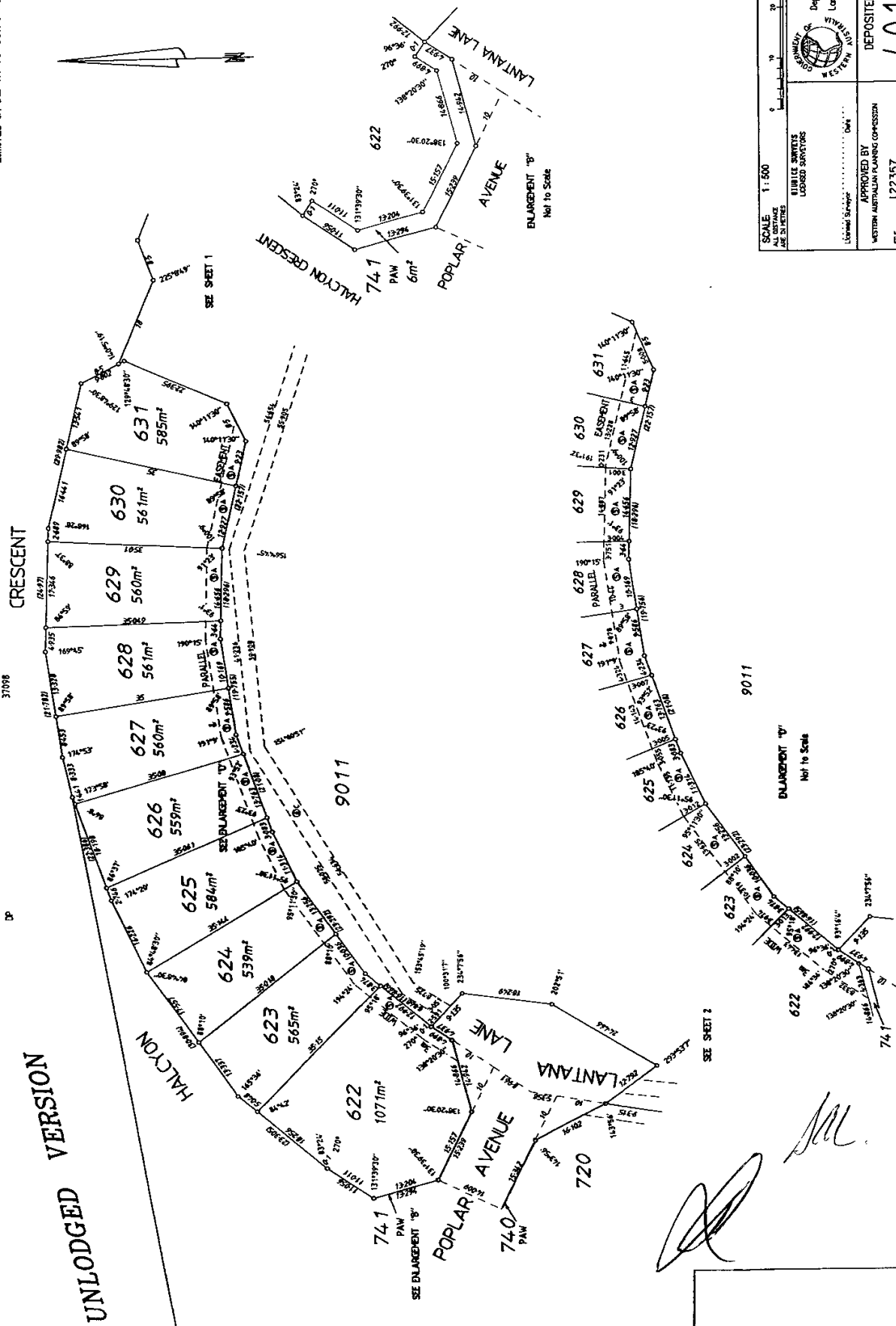
1. _____	Received Items
2. _____	Nos.
3. _____	
4. _____	
5. _____	
6. _____	Receiving Clerk

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 I
LIMITED IN DEPTH TO 60.96 METRES

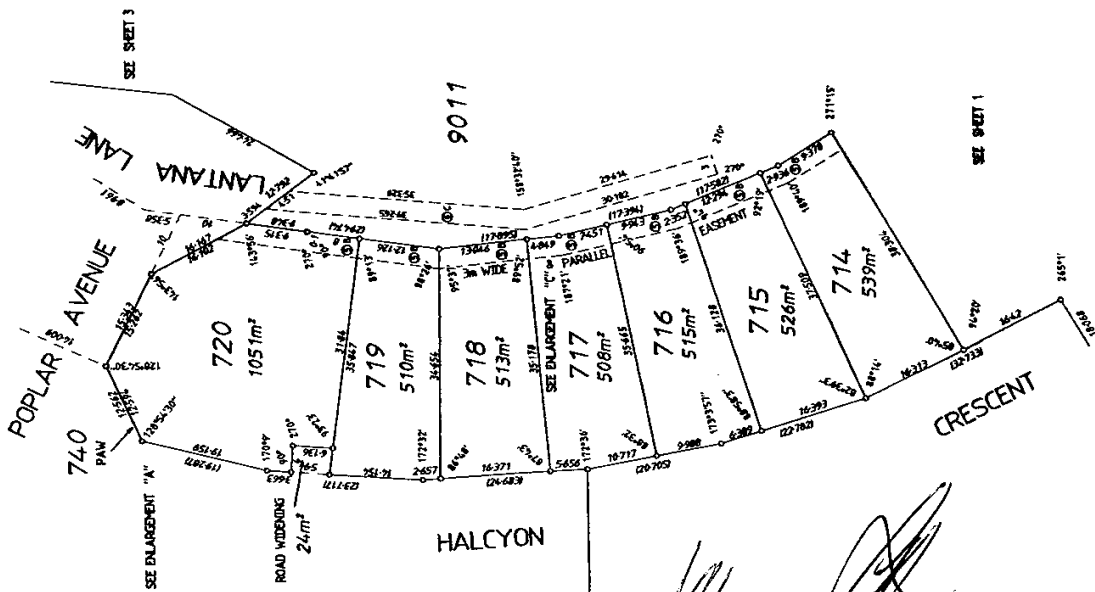
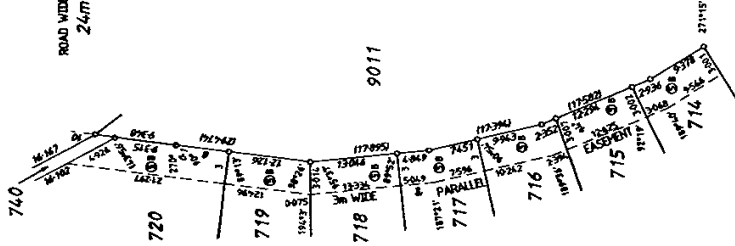
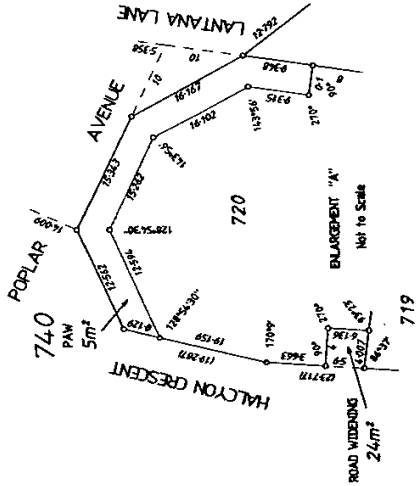
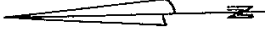


UNLOGGED
VERSION

SCALE 1:500 ALL DIMENSIONS IN METRES UNLESS OTHERWISE SPECIFIED	DEPARTMENT OF LAND INFORMATION WESTERN AUSTRALIA
APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE NO. 122357	DEPOSITED PLAN 40189
DATE 1985	SHEET 1 OF 1

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



UNLOGGED
VERSION

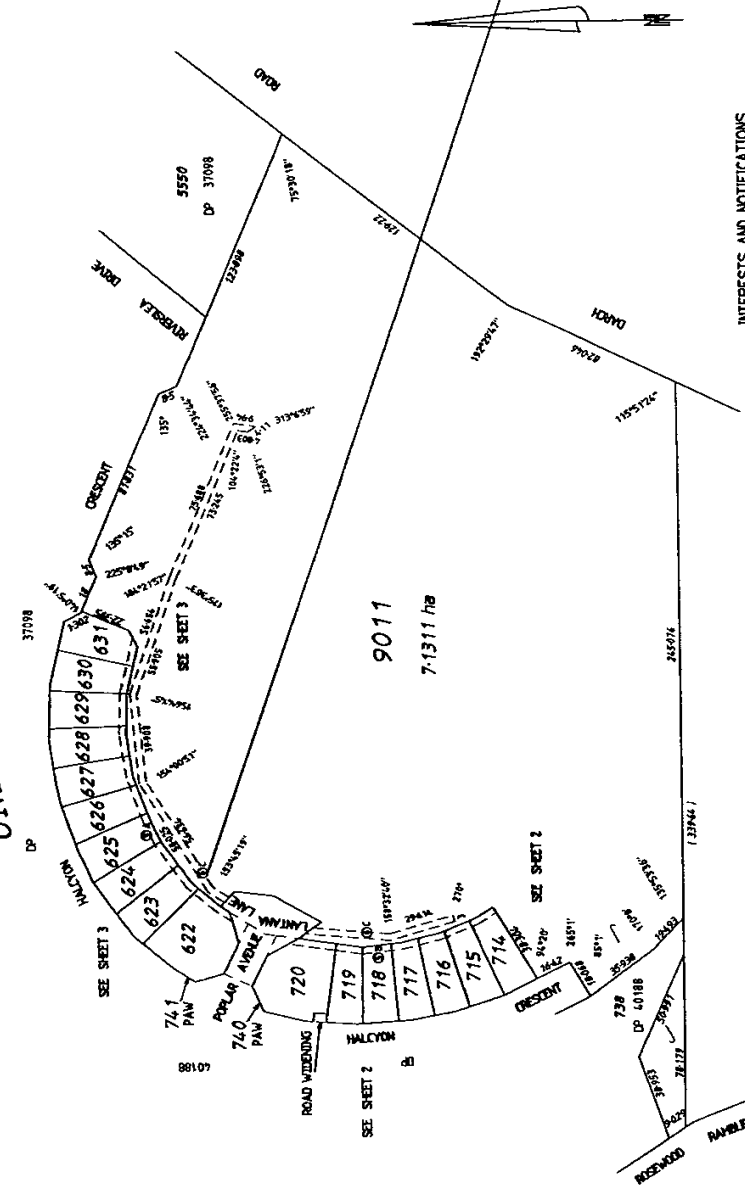
SCALE 1:500 ALL DISTANCE AS SHOWN SEE SHEET 1	Department of Land Information WESTERN AUSTRALIA
APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE NO. 122357	DEPOSITED PLAN 40189
DATE	SHEET 2 OF 3
DATE	EDITION

UNLOGGED VERSION

LIMITED IN DEPTH TO 60.96 METRES

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

ED/VER	AMENDMENT	BY	SIGNATURE	DATE



INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
① ALL SHEETS	EASEMENT ROADWAY	SECTION 21A OF THE TP & D ACT REL. 5	THE PLAN	LOT 711	WITH COVENANT	
② ALL SHEETS	EASEMENT ROADWAY	SECTION 21A OF THE TP & D ACT REL. 5	THE PLAN	LOTS 622 - 631 INC LOTS 714 - 719 INC	SEE DEEDS	
③ ALL SHEETS	RESTRICTIVE COVENANT	SECTION 140 OF THE T.L.A.	THE PLAN	LOT 719		
④ LOTS 714, 741 ALL SHEETS	RESTRICTIVE COVENANT PRIORITY ACCESSWAY	SECTION 140 OF THE T.L.A. SECTIONS 146 OF THE T.L.A. SECTIONS 21A OF THE TP & D ACT	THE PLAN	LOTS 622 - 631 INC LOTS 714 - 719 INC		LOTS 622 - 631 INC LOTS 714 - 719 INC

[Handwritten Signature]

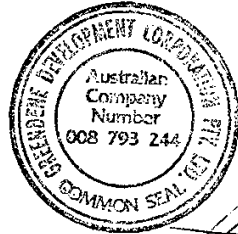
SURVEY CARRIED OUT UNDER REG 26A
 SPECIAL SURVEY AREA GUIDELINES
 REG.18(1) - FINAL MARKING DEFERRED

TYPE	PREHOLD
PURPOSE	SUBDIVISION
PLAN OF	LOTS 622 - 631 (incl), LOTS 714 - 720 (incl), 740, 741, 9011 EASEMENTS, ROADS, ROAD WIDENING AND RESTRICTIVE COVENANTS
DISTRICT	SUSSEX
TOWNSHIP	SSA YES
DOLA FILE	FORMER TENURE LOT 9010 ON DP 40188
LOCAL AUTHORITY	SURE OF ALBERTA MARGARET RIVER CITY
LOCALITY	MARGARET RIVER
INDEX	ON REF. 29 02 10 00, 10 02
SCALE	1:1000
DATE OF SURVEY	19 08 2007
SURVEYOR'S CERTIFICATE - General	I, the undersigned, being a duly qualified surveyor in the Province of Alberta, do hereby certify that the foregoing is a true and correct copy of the plan as registered in the land title office of the Province of Alberta, and that the same is a true and correct copy of the plan as registered in the land title office of the Province of Alberta, and that the same is a true and correct copy of the plan as registered in the land title office of the Province of Alberta.
SURVEY FIRM	GLIBBE SURVEYS LITTONIA LIAISON SERVICES
REGISTERED SURVEYOR	8 8164, 8164 F. 8164 822 L. 8164 822
DATE	12 23 07
TYPE OF VALUATION	APPROVED BY PLANNING COMMISSION
FILE NO.	122357
DATE	
APPROVED BY	APPROVED BY REG. 26A
DATE	
IN ORDER FOR DEALINGS	
SUBJECT TO	
FOR INSPECTION OF PLANS & SURVEYS	DATE
AUTHORIZED LAND OFFICER	
APPROVED BY	DATE
AUTHORIZED LAND OFFICER	
Department of Land Information	
DEPOSITED PLAN 40189	
SHEET	OF
EDITION	VERSION

Execution page

7
AFFIX SEAL
↓

THE COMMON SEAL of)
GREENDENE 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

Director

Office held

ADRIAN J. LESTER

Name of authorised person (block letters)

[Handwritten signature]

Signature of authorised person

DIRECTOR

Office held

Stuart Andrew LESTER

Name of authorised person (block letters)

The Schedule

Item 1 - The Estate

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

Item 2 - The Plan(s)

Deposited Plan 40189

Item 3 - The Excluded Lots

Lots 740, 741 and 9011

Item 4 - The Subdivided Land

Lot 9010 on Deposited Plan 40188 being the whole of the land comprised in Certificate of Title Volume ²⁵⁶⁵ Folio 647 but now being the land comprised in Deposited Plan 40189.

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

- (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.
- (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

- (A) a prescribed dwelling; and
 - (B) a Shop, subject to limitations in any other restrictive covenant registered on the Certificate of Title to Lot 720;
- (iv) 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;
 - (v) 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
 - (vi) 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:

Other definitions

GDC means Greedene 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.

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.

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.

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) other than Lot 720, any occupiable improvement other than a prescribed dwelling;
 - (iii) in the case of Lot 720, any occupiable improvement other than:

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

APR 30 04 2 07E A7D
WESTERN AUSTRALIA STATE GOVT
REG. & TRANSFER DIVISION
REF: 27/75/04 11.55 0013386-007
TO: 1 MAY 2004 10:15 AM AEST

Date:

27 May

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.

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.

Lot 720 means lot 720 on Deposited Plan 40189.

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.

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PERTH/7339445_1

Dated *27 May* 2004

**Deed of Restrictive
Covenant
Riverslea Estate
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
Dx 91049 Perth
Ref: JJ:LI:09 0091 8997