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M989175 RC

05 May 2015 16:24:33 Perth

18 June 2015

**INSTRUCTIONS**

1. This form may only be used when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. 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**

1. Insert document type.
2. 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.

LODGED BY

ADDRESS

JACKSON McDONALD SERVICES PTY LTD
Level 17, 225 St Georges Terrace
PERTH WA 6000

PHONE No. Tel: 9426 6611

FAX No. Fax: 6267 8183

Landgate Box 152Y

REFERENCE No.

ISSUING BOX No.

PREPARED BY JACKSON McDONALD

ADDRESS Level 25, 140 St Georges Terrace
PERTH WA 6000
Ref:
avw 5214604_1
Whiteman Edge Stage 16 - DP 404320

PHONE No. (08) 9426 6611 FAX No. (08) 9481 8649

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

2B

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

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

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.

EXAMINED

REGISTRAR OF TITLES WESTERN AUSTRALIA

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EXECUTED by the Registered Proprietor as a Deed.

SIGNED by DAMIAN SHEPHARD )
as Attorney for **STOCKLAND** )
**DEVELOPMENT PTY LTD** )
**(ACN 000 064 835)** )
under Power of Attorney M120743 )
in the presence of: )

Attorney Signature

Witness Signature

ALIZANNE KELLY
Witness Name:

38 BAY RD CLAREMONT WA 6010
Witness Address:

PERSONAL ASSISTANT
Witness Occupation:

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## SCHEDULE

1. **Subdivision Land**

   Lot 9026 on Deposited Plan 404309 the whole of the land in Certificate of Title Volume

   Folio

2. **Burdened Lots**

   Lots 1297 – 1320, 1334 – 1338, 1345 – 1359 and 1408 – 1410 on Deposited Plan 404320.

3. **Benefited Lots**

   Lots 1297 – 1320, 1334 – 1338, 1345 – 1359 and 1408 – 1410 on Deposited Plan 404320.

4. **Encumbrances**

   Mineral Reservation T4286/1911.

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(iii) returns to the Residence less than 1.0 metre behind the front Façade;

(g) the front fencing on the Land is:

(i) more than 1.8 metres high;

(ii) at least 50% visually permeable above 1.2 metres high;

(iii) not Constructed in materials and colours consistent or complementary with the external wall finishes of the Primary Street elevation of the Residence;

(h) the Residence does not have a garage, or Carport, which has a roof and design features consistent with the form and materials of the Residence;

(i) the Residence has a garage:

(i) which protrudes more than 2.0 metres forward of the Main Building Line (excluding Laneway access lots); or

(ii) or Carport, which does not have a solid garage door prior to occupation;

(j) the Residence has a Carport located forward of the Main Building Line which has more than one solid wall;

(k) the driveway or crossover:

(i) is not completed before occupation of the Residence;

(ii) is Constructed from plain grey concrete; or

(iii) cuts through a public footpath;

(l) any roof mounted items are visible from the street or public space, are not minimal, including but not limited to satellite dishes, TV aerials, external hot water services, water tanks, air conditioning units and heating units etc, unless the roof mounted item is a solar panel or solar collector for hot water units and that panel or collector is oriented to maximise its effectiveness;

(m) any ground mounted services including but not limited to heating and cooling units, rubbish disposal containers, swimming pool equipment, rainwater tanks, clothes hoists and washing lines, are not screened from view from any street or public space; AND

(n) any shed or outbuilding Constructed on the Land is not within the Main Building Line and Secondary Street Building Line unless the shed or outbuilding is not visible from the adjacent street or public area.

3.2 It will not alter without consent, remove or allow to fall into disrepair any fence, retaining wall or entry statement installed by a Registered Proprietor on the Land.

4. **Separate and Distinct**

4.1 Each Restrictive Covenant is a separate and distinct Restrictive Covenant.

4.2 If any Restrictive Covenant or its application to any person or circumstance is or becomes invalid or unenforceable then the remaining Restrictive Covenants will not be affected and each remaining Restrictive Covenant will be valid and enforceable to the fullest extent permitted by law.

5. **Expiry of Restrictive Covenant**

5.1 The Registered Proprietor and the owner of each Burdened Lot covenant and agree that this Restrictive Covenant will expire on 1 May 2025.

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A. with gutters that are not concealed; or

B. that extends forward of the Main Building Line (excluding garages on the boundary);

(b) the Land is less than 13m wide, and:

(i) the Primary Street Façade does not have at least one window of a Habitable Room overlooking the street or Public Reserve;

(ii) the Residence has a double garage (excluding Laneway access homes) and does not have an entry feature or room located forward of the garage; or

(iii) more than two of the adjacent residences have been or are being Constructed by the Registered Proprietor and the Residence does not have an identifiably different Façade, excluding complementary materials and colour palettes;

(c) the Residence directly abuts a Public Reserve and if vehicle access is via a:

(i) Laneway and the Public Reserve elevation is not the primary Façade; or

(ii) Mews or street:

A. the mews or street elevation is not the primary Façade; or

B. the elevation abutting the Public Reserve:

1. does not have an Articulated Façade mirrored in the roof design; or

2. does not include at least one Architectural Feature visible from the Public Reserve;

(d) the Land is a Corner Lot and:

(i) the Residence does not address both streets through its design by extending the Primary Street elevation features, colours and materials onto the Secondary Street elevation forward of a Return Fence; or

(ii) the fencing adjacent to the Secondary Street is:

A. more than 1.8 metres high;

B. not Constructed of Colorbond colour Grey Ridge (unless otherwise approved by the Registered Proprietor); or

C. not set back 4.0 metres or more from the corner truncation;

(e) the roof to the Residence:

(i) does not have:

A. a minimum pitch of 24° for hipped and Gabled roofs;

B. a minimum pitch of 8° and a maximum pitch of 15° for skillion roofs; or

C. eaves or Window Overhangs to a minimum dimension of 400 millimetres on the primary and secondary elevations except secondary elevations facing south;

(ii) has any flat roofs which are not concealed from view from any Primary or Secondary Street or from any Public Reserve by a parapet wall;

(f) the side and rear boundary fencing on the Land:

(i) is more than 1.8 metres high;

(ii) is not constructed of Colorbond colour Grey Ridge; or

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(b) permitted to be constructed, erected, installed or carried out,

on the Land.

2.5 "Corner Lot" means a lot located at the junction of 2 streets, a street and mews or at the junction of a street and public reserve.

2.6 "Façade" means the face of the primary or front elevation of the Residence showing its most prominent Architectural Features.

2.7 "Gable" means a triangular top section of a wall on a building with a pitched roof.

2.8 "Gambrel" means a triangular feature within the roof structure most commonly finished with timber or weatherboard cladding.

2.9 "Habitable Room" includes all living rooms, kitchens and bedrooms, but not bathrooms, WCs or circulation space.

2.10 "Land" means the land specified in the Certificate of Title to each individual Burdened Lot.

2.11 "Laneway" means a narrow local street without a verge which is located along the rear or side boundary of a lot.

2.12 "Main Building Line" means the line measured from the front-most habitable room on the Primary Street elevation of the Residence not the projection of a feature.

2.13 "Mews" means a narrow local street without a verge located along the front boundary of a lot.

2.14 "Primary Street" means the road where the front elevation of the Residence will be situated according to the relevant Detailed Area Plan (if any) which includes the main entry to the Residence.

2.15 "Public Reserve" means any parkland, bushland or wetland designated as public open space within the residential community of which the Subdivision Land forms part.

2.16 "Registered Proprietor" means, as the case requires, the respective registered proprietor of the Subdivision Land identified in Item 1 of the Schedule.

2.17 "Residence" means the residence or residences to be Constructed on the Land.

2.18 "Return Fence" means a fence that extends from the Secondary Street fencing to the side of the Residence.

2.19 "Secondary Street" means the road which intersects or adjoins the primary street and does not include the main entry to the Residence.

2.20 "Secondary Street Building Line" means the line of the front face of the bricks of the side wall of the Residence facing the Secondary Street.

2.21 "Window Overhang" means a structure built into the Residence that shades windows as a substitute to eaves.

3. **Restrictive Covenants**

The owner, from time to time, of the Land covenants with the registered proprietor of each Benefitted Lot as follows:

3.1 It will not Construct a Residence if:

(a) the Primary Street elevation:

(i) does not have an Articulated Façade with at least one indentation or projection in the floor plan excluding the garage;

(ii) does not have a minimum of two materials and/or colours used in the primary street elevation (minimum 20% of primary street elevation, excludes windows and doors);

(iii) has bright or primary colours used as the dominant colour; or

(iv) has a parapet wall:

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FORM B2

Approval: B1592

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

# BLANK INSTRUMENT FORM

**S 136D DEED OF RESTRICTIVE COVENANT** (Note 1)

THIS DEED is made the 4 day of May 2015

BY:

**STOCKLAND DEVELOPMENT PTY LTD (ACN 000 064 835)** of Level 12, Durack Centre, 263 Adelaide Terrace, Perth ("Registered Proprietor")

**BACKGROUND:**

1. The Registered Proprietor is the registered proprietor in fee simple of the land described in Item 1 of the schedule ("Subdivision Land").

2. The Registered Proprietor intends to subdivide the Subdivision Land into the lots shown on Deposited Plan 404320 ("Plan").

3. In accordance with section 136D of the *Transfer of Land Act*, the Registered Proprietor requires the lots described in Item 2 of the Schedule ("Burdened Lots") to be encumbered with the restrictive covenants set out in this Deed ("Restrictive Covenants") so that the Restrictive Covenants will be noted on the Plan, and, when separate Certificates of Title issue for each Burdened Lot, the burden of the Restrictive Covenants together with the encumbrances set out in Item 4 of the Schedule, will be noted on each Certificate of Title for each Burdened Lot.

**OPERATIVE PART:**

1. **Certificate of Title**

1.1 Each Certificate of Title which issues for a Burdened Lot shall be encumbered by the Restrictive Covenants.

1.2 The Restrictive Covenants, on each Burdened Lot are for the benefit of those lots on the Plan as described in item 3 of the Schedule ("Benefited Lots").

1.3 The Restrictive Covenants will bind the successors in title and the registered proprietors from time to time of each Burdened Lot and the Restrictive Covenants will benefit the successors in title and the registered proprietors from time to time of each Benefited Lot.

2. **Definitions for Restrictive Covenants**

For the purposes of the Restrictive Covenants:

2.1 "Architectural Feature" includes:

(a) a Blade Wall;

(b) a roof feature such as a Gambrel or end Gable; and

(c) any other feature visible from the Public Reserve.

2.2 "Articulated Façade" means variations to the elevation through projections and indentations in the floor plan resulting in the creation of shadows and depth to add visual interest.

2.3 "Carport" means an open, self supporting structure or a structure under the main roof of the Residence supported by posts, pillars or piers.

2.4 "Constructed" means:

(a) constructed, erected, installed or carried out; and

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