FORM B4

OFFICE USE ONLY

I 447828 RC
14 Apr, 2003 16:11:38 Perth

REG. $ 75.00

LODGED BY Bankwest Conveyancing

ADDRESS

PHONE No.

FAX No.

REFERENCE No.

ISSUING BOX No. 162V

PREPARED BY

ADDRESS

PHONE No.
FAX No.

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

3
1/9

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1.
2.
3.
4.
5.
6.

Received Items
Nos.

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

LANDGATE COPY OF ORIGINAL NOT TO SCALE 22/07/2026 12:03 PM Request number: 70146352

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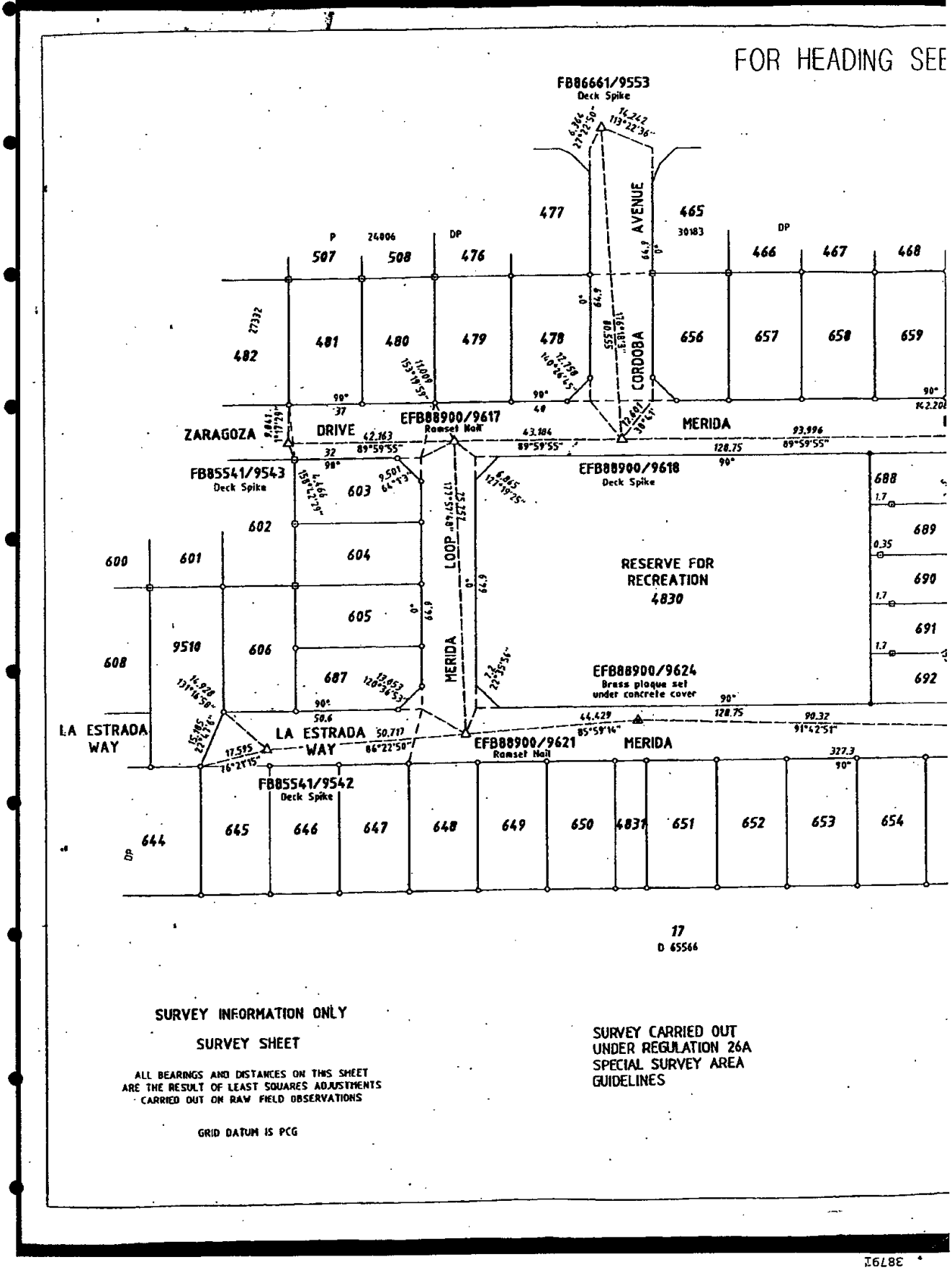
26/03 '03 WED 08:47 [TX/RX NO 6714]
DOLA COPY OF ORIGINAL NOT TO SCALE Wed Mar 26 08:50:50 2003 JOB 713479



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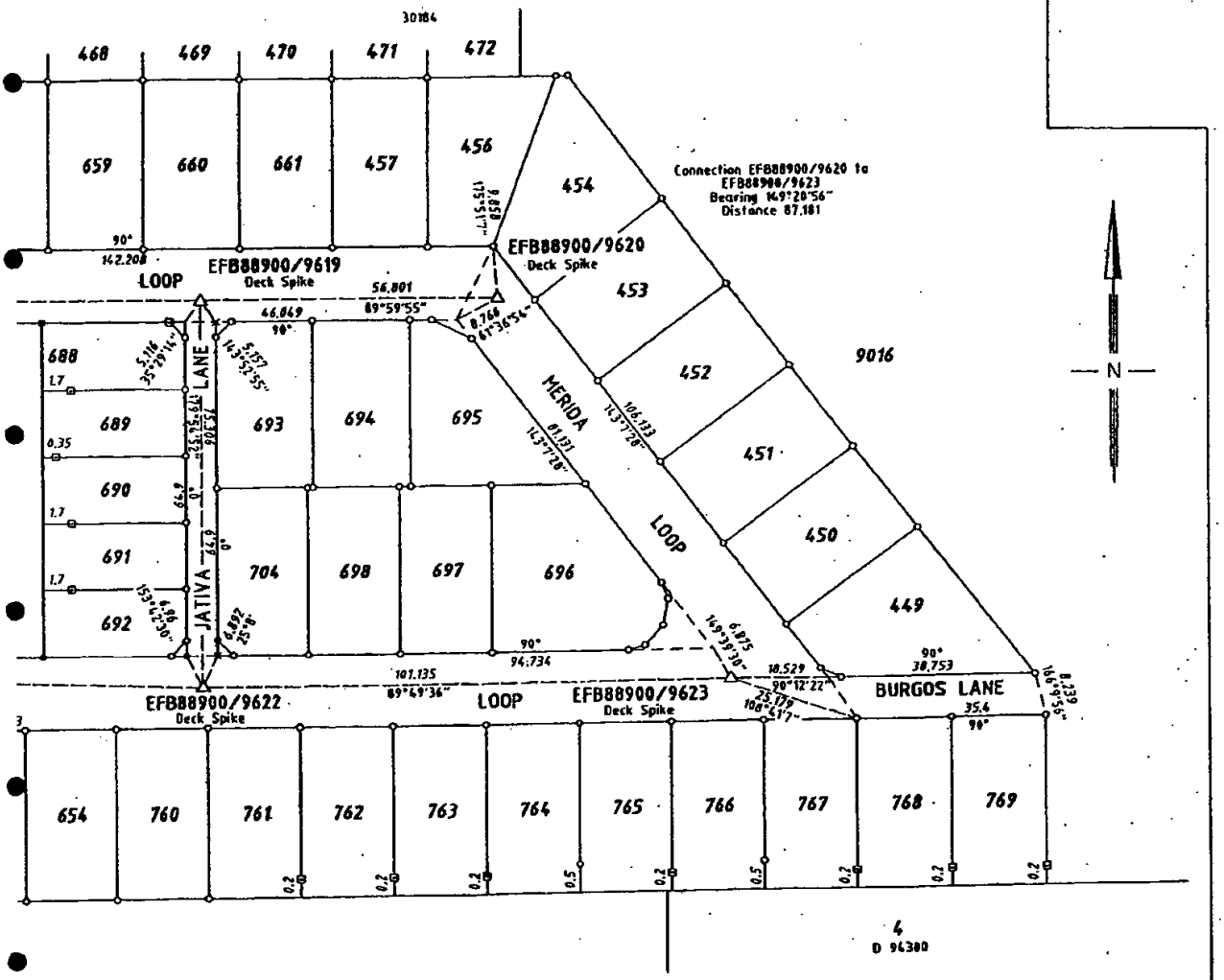
26/03 '03 WED 08:47 [TX/RX NO 6714]

)ING SEE SHEET 1

- o Denotes Peg unless stated otherwise
- • Denotes Nail
- ⊡ Denotes Nail and Plate
- × Denotes Spike
- ⊠ Denotes Drill Hole
- ▲ Denotes Standard Survey Mark (SSM)
- ▲ Denotes Permanent Survey Mark (PSM)
- △ Denotes Permanent Control Mark (PCM)
- ■ Denotes Temporary Control Mark (TCM)

DP 34697 (2)



FOR ALL INTERESTS AND NOTIFICATIONS
SEE SHEET 1 OF 2

SCALE 1:750
20 0 60
ALL DISTANCES ARE IN METRES

SCALE: 1 : 750
ALL DISTANCES ARE IN METRES

MAPS Ref : 92080dp-117A
EFB88900.CSD

28.2.03
Date

APPROVED BY
WESTERN AUSTRALIAN
PLANNING COMMISSION
FILE
DATE

DOLA
Department of LAND ADMINISTRATION

DEPOSITED PLAN
34697

SHEET 2 OF 2 SHEETS
EDITION 1 VERSION 3

4
D 96380

38790

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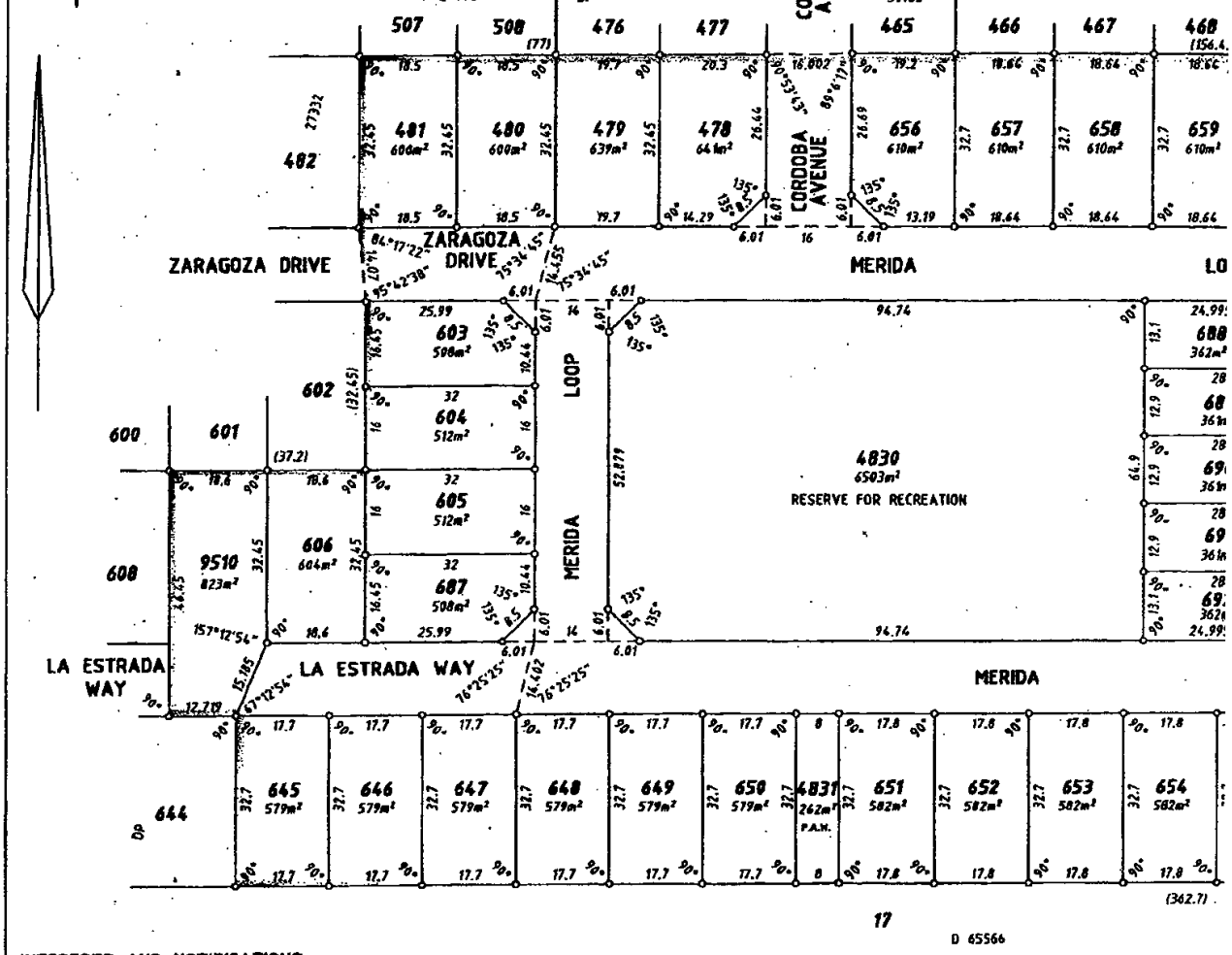
26/03 '03 WED 08:47 [TX/RX NO 6714]

AMENDMENTS TABLE

ED/VER	AMENDMENT	BY	SIGNATURE	DATE
1/2	Remove lots 4830-4831 from notification	MAPS	[signature]	4/12/02
1/3	SURVEY SHEET (ALSO SHOWING NON STANDARD MARKING) BEING SHEET 2 NOW LODGED	MAPS		6/3/03



INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED
	NOTIFICATION	Sec 12A of the T.P. & D. Act	Doc	ALL LOTS EXCEPT 9510
	MEMORIAL	Sec 67B of the WATER AGENCIES (POWERS) ACT	THIS PLAN	ALL LOTS EXCEPT 4830, 4831 & 9510
	RESTRICTIVE COVENANT	Sec 136D OF THE T.L.A.	THIS PLAN	ALL LOTS EXCEPT 4830, 4831 & 9510
LOT 4831	PEDESTRIAN ACCESSWAY	VEST IN THE CROWN UNDER Sec 20A of the T.P. & D. Act	Doc THIS PLAN	
LOT 4830	RESERVE FOR RECREATION	VEST IN THE CROWN UNDER Sec 20A of the T.P. & D. Act	THIS PLAN	

TYPE FREEHOLD
PURPOSE SUBDIVISION

PLAN OF LOTS 449 - 454 (inc.), 456, 457, 478 - 481 (inc.), 603 - 606 (inc.), 645 - 654 (inc.), 656 - 661 (inc.), 687 - 698 (inc.), 704, 760 - 769 (inc.), 4830, 4831, 9510 ROADS AND RESTRICTIVE COVENANT

EARLY ISSUE YES

DISTRICT COCKBURN SOUND
TOWNSITE
DOLA FILE
LOCALITY PORT KENNEDY
LOCAL AUTHORITY CITY OF ROCKINGHAM

ON
INDEX BG33 (2) 08.19

FORMER TENURE
LOT 9507
DP 34696
CT

FIELD BOOK
76683

SCALE: 1 : 750
ALL DISTANCES ARE IN METRES

McMullen Nolan
PO Box 117, South Perth WA 6951
Telephone: (08) 9474 1099
Facsimile: (08) 9474 1093
Email: maps@mapsurvey.com.au

MAPS Ref: 92080DP-117b
DPSTG14A.CSD
CC: 30202

SURVEYOR'S CERTI
Reg 54
William GUEST
hereby certify that this plan is a representation of the survey and/ calculations from measurements in the field book lodged for the this plan and that it complies with written law(s) in relation to which

Licensed Surveyor ..... [signature]
..... 8/11/02

GR/RF

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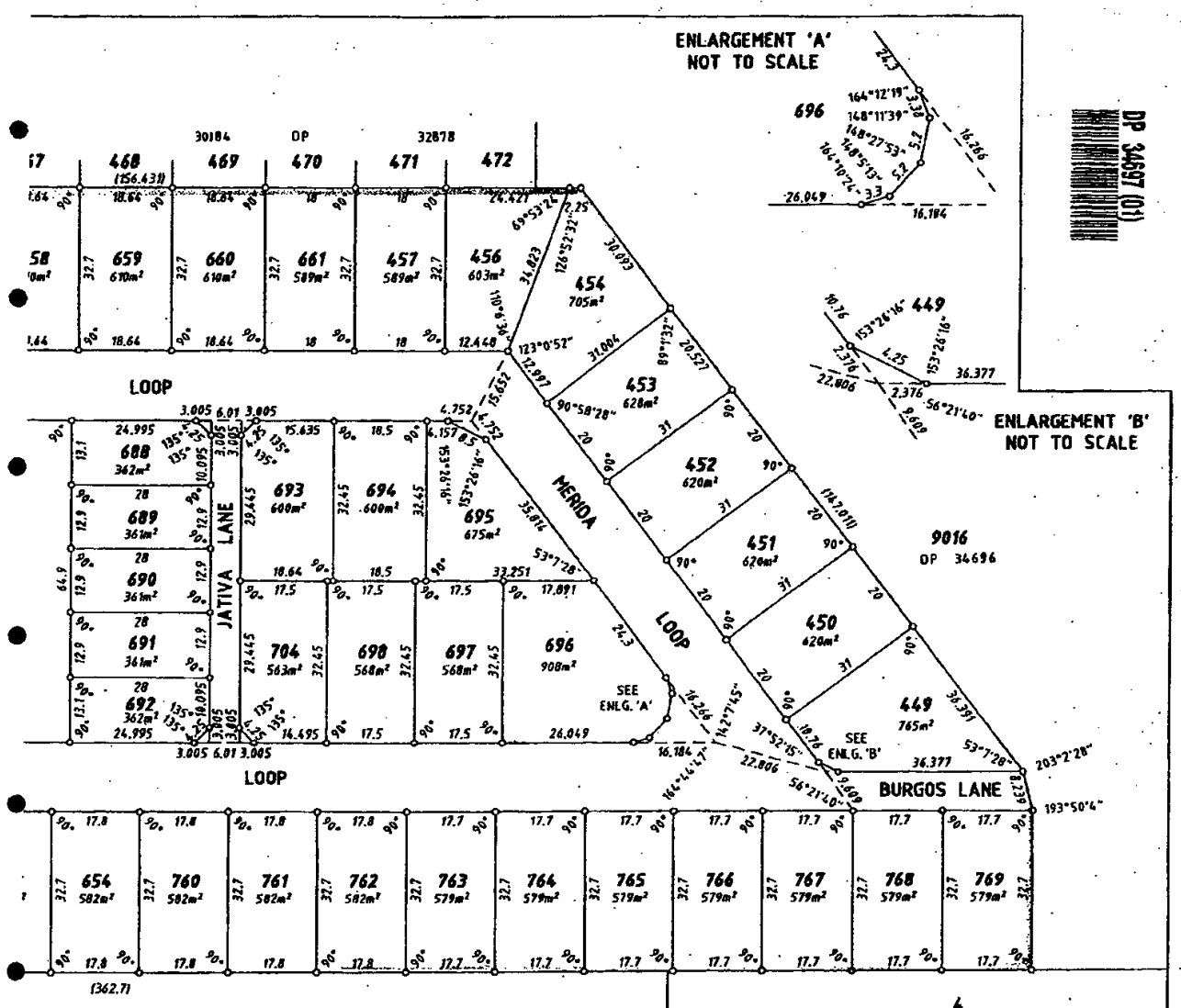
26/03 '03 WED 08:47 [TX/RX NO 6714]

DP 34697 (01)



ENED	BENEFIT TO	COMMENTS
0, 4831 & 9510	WATER CORPORATION	
0, 4831 & 9510	ALL LOTS EXCEPT 4830, 4831 & 9510	

SURVEY CARRIED OUT UNDER REGULATION 26A SPECIAL SURVEY AREA GUIDELINES

LIMITED IN DEPTH TO 60.96 METRES

20 0 SCALE 1:750 60

ALL DISTANCES ARE IN METRES

VEYOR'S CERTIFICATE
Reg 54
William GUEST
certify that this plan is a correct ...tation of the survey and/or ...ion from measurements recorded ...ield book lodged for the purposes of ...n and that it complies with the relevant ...ies(s) in relation to which it is lodged.

Surveyor [signature]
8/11/02 Date

LODGED
DATE 11.11.02
FEE PAID MEM. $75
$2728
ASSESS No. 363917

TYPE OF VALIDATION
FULL AUDIT
LEGAL COMPONENT ✓
COCKET PLAN/DIMENSIONS 32800
CERTIFIED CORRECT [signature] 20-11-02
F.S.C. 84-2003

APPROVED BY
WESTERN AUSTRALIAN PLANNING COMMISSION
FILE 118040
Delegated under Sec 20 WAPC Act 1985
DATE 26-2-03

IN ORDER FOR DEALINGS
SUBJECT TO
DEALING ON DP 34696,
SEC. 293(5) OF THE LOCAL GOVT. ACT,
SEC.S 12A AND 20A OF THE T.P.&D. ACT,
SEC. 136D OF THE T.L.A. AND
SEC. 67B OF THE W.A.P. ACT
[signature] 7.3.2003
For INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER DATE

APPROVED REG 26A(4)
INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER DATE

DOLA
Department of LAND ADMINISTRATION

DEPOSITED PLAN
34697
SHEET 1 OF 2 SHEETS
EDITION 1 VERSION 3

88/88

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1.1.14 Permit rear and side boundaries (behind the building line) to remain unfenced after 2 months of occupation of any house on the lot.

2. The above restrictive covenants 1.1.1 – 1.1.10 (inclusive) shall expire and cease to have effect from and including 31 December 2006.

3. The burden of the covenants and restrictions contained in the preceding clause 1, hereof or otherwise implied hereunder shall run and being each Lot on the Subdivision Plan and bind the registered proprietor and its successors in title, Transferees and assigns and shall ensure for the benefit and be enforceable by each and every other registered proprietor of every other Lot on the Subdivision Plan and their successors in title and assigns.

4. When at any time two or more persons or corporations own a joint interest in any Lot the subject of the Subdivision Plan, their liability hereunder will be joint and several. Any person who becomes, is or was a registered proprietor of a Lot on the Subdivision Plan will be liable for any breach of the restrictive covenant affecting that Lot which occurs while that person or corporation was the (or one of the) registered proprietor(s) of that Lot.

5. A person who becomes a registered proprietor of a Lot on the Subdivision Plan may, whilst that person is the registered proprietor, enforce or take action in respect of the breach of the restrictive covenants created by this Deed while the person is a registered proprietor of that Lot notwithstanding the breach complained of in respect of another Lot on the Subdivision Plan may have occurred prior to the registered proprietor of a Lot on the Subdivision Plan.

Executed as a Deed the day and year first hereinbefore written.

The Common Seal of)
PEET KENNEDY GARDENS LAND)
SYNDICATE LTD)
ACN 078 383 865)
was hereunto affixed in accordance)
with its Articles of Association)
in the presence of:)

PEET KENNEDY GARDENS LAND SYNDICATE LIMITED A.C.N. 078 383 865 COMMON SEAL

Director

Director/Secretary

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(d) A minimum floor area (measured over the external walls but excluding the area of any carport or garage) of not less than 145 square metres.

(e) At least one roofed carport or garage capable of accommodating a minimum of two passenger vehicles side by side, not tandem.

(f) At least one single driveway and crossover of brick or concrete construction completed prior to or not later than the construction of the house on the Lot.

1.1.3 Commence carry out erect construct or alter any development on the Lot without plans and specifications (including finishes schedules) therefore being first prepared submitted to and approved by Peet nor except in compliance with any condition (consistent with the covenants herein) imposed by Peet in respect of that approval.

1.1.4 Construct or permit to be constructed or bring on to the Lot any:-

(a) Outbuilding (including any detached garage, workshop, garden shed, storage shed or other outbuilding) which exceeds 20 square metres in floor area unless constructed in the same materials as the house referred to in Clauses 1.1.1 and 1.1.2.

(b) Fencing abutting any public open space or public reserve or road reserve unless such fencing is constructed of Timberlap or masonry or Stratco style colourbond finished metal fencing or painted and capped Hardifence fibro-cement fencing;

(c) Fencing forward of the building line unless such fencing is constructed of masonry or rendered brick or the same brick as either house on the Lot or Timberlap or painted and capped Hardifence, fibro-cement fencing painted "Taubmans" Roman Green or equivalent colour or other paint brands;

1.1.5 Permit any rubbish disposal containers on the Lot to be visible from any public street or thoroughfare except on days allocated by the relevant local authority for rubbish collection from the Lot.

1.1.6 Construct bring onto or use an incinerator on the Lot.

1.1.7 Permit garden areas on the Lot and within public view to remain un-landscaped after three months of occupation of any house.

1.1.8 Carry out or permit to be carried out on the Lot any repairs or restorations of any motor vehicle boat trailer or any other vehicle or any aircraft unless screened from public view at all times.

1.1.9 Park commercial vehicles including trucks, buses and tractors on the Lot unless within a garage or when used during the normal course of business by a visiting tradesperson.

1.1.10 Take or permit any action to be taken to remove alter mark or deface a wall or fence constructed by Peet on or about any of the boundaries of the Lot and not permit such wall or fence to become damaged or unsafe nor permit any roots or any tree or plant or any building or other thing on the Lot to cause such wall or fence to become structurally unsound.

1.1.11 Undertake any excavation on the Lot without taking due care and in any event not to undertake any excavation below a depth of one metre without extreme caution;

1.1.12 Touch, move or deal with any unexploded ordnance found or uncovered on the Lot;

1.1.13 Agree to transfer any share estate or interest in the Lot or accept any offer to acquire any such share estate or interest in the Lot without Peet first providing to the proposed Transferee or offer or before any contract for sale or other transfer or disposition thereof or such offer is accepted a copy of the statement issued by the Department of Defence in August 1986 entitled, "Warnbro Western Australia – search for unexploded ordnance".

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THIS DEED is made the 9th day of April 2003

BY:

PEET KENNEDY GARDENS LAND SYNDICATE LTD (ACN 078 383 865) of Lot 7, Floor 200 St George's Terrace, Perth in the State of Western Australia ("Peet").

ABN 66 012 878 629
WESTERN AUSTRALIA STAMP DUTY
DEE 09/04/03 16:07 002053487-001
FEE $ ***********0
SD $ *****20.00 PEN $********.00

RECITALS:

A. Peet is the registered proprietor of an estate in fee simple of the whole of the land described as Lot 9507 on Deposited Plan 34696 being the whole of the land contained in Certificate of Title Volume 2536 Folio 177 ("the Land").

B. Peet has made an application to register Deposited Plan 34697 in relation to the Land, copies of which are annexed hereto. ("Subdivision Plan").

C. Pursuant to section 136D of the Transfer of Land Act 1893, Peet wishes to create a restrictive covenant on each Lot the subject of the Subdivision Plan (other than Lots 688 - 692 inclusive, 4830, 4831, and 9510 on Deposited Plan 34697) ("Excluded Land") for the benefit of every other such Lot shown on the Subdivision Plan (all Lots on the Subdivision Plan which are not Excluded Land are hereinafter referred to as "Lot" or "Lots").

BY THIS DEED, PEET HEREBY COVENANTS AND AGREES AND DECLARES as follows:

Pursuant to section 136D of the Transfer of Land Act 1893, Peet HEREBY CREATES restrictive covenants on each Lot the subject of the Subdivision Pan in the following terms:

RESTRICTIVE COVENANTS

1.1 A registered proprietor shall not:

1.1.1 Use a Lot or permit the Lot to be used other than for the construction and occupation of one permanent non-transportable single residential dwelling house ("the house") together with the usual appurtenances excluding Lot 696 which is a duplex Lot and may have constructed on it two permanent non-transportable single residential dwelling houses together with the usual appurtenances.

1.1.2 Construct or permit to be constructed on the Lot any house other than a house having:-

(a) All external walls (excluding windows) constructed with bricks, masonry or limestone finished in face work or render or up to 50% of the façade constructed in an alternative material such as weatherboard;

(b) All Gable ends and Dutch Gable ends which are incorporated as part of the roof framing constructed of coloured timber or fibro-cement or a combination thereof;

(c) Roofs covered either with:

(i) Clay or concrete tiles; or

(ii) Metal sheeting or zincalume having its exterior surface painted or otherwise coated, sealed or treated so as not to have highly light-reflective qualities;

(iii) Colourbond metal sheeting; or

(iv) A combination of such tiles or sheeting;

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PEET KENNEDY GARDENS LAND SYNDICATE LTD

(ACN 078 383 865)

[Stage 14 – Single Lot]

DEED

◆ MONY DE KERLOY ◆

BARRISTERS & SOLICITORS

LEVEL 6, ST MARTINS TOWER, 44 ST GEORGE'S TERRACE, PERTH WA 6000

TEL:(08) 9221 5326 ◆ FAX:(08) 9221 5402

EMAIL : mdk@bekkers.com.au

REF:mrdstage143

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MONY DE KERLOY

BARRISTERS & SOLICITORS

Department of Land Administration
1 Midland Square
MIDLAND WA 6956

Dear Sir

RESTRICTIVE COVENANT

We advise that the intention of the restrictive covenant contained in the attached Deed of Restrictive Covenant is to bind all of the Lots created on Deposited Plan 34697 excluding Lots 688-692 inclusive, 4830, 4831 and 9510 on Deposited Plan 34697 and is for the benefit of each and every other Lot created on the said Deposited Plan.

We further advise that in our opinion the covenants contained in the attached Deed of Restrictive Covenant are restrictive covenants.

Yours faithfully

MONY DE KERLOY
27 March 2003
MRDFUL3

LEVEL 6, ST MARTINS TOWER 44 ST GEORGE'S TCE PERTH WA 6000 TELEPHONE: (08) 9221 5326 FACSIMILE: (08) 9221 5402
P.O. BOX Z5267 PERTH WA 6831 EMAIL: mdk@bekkers.com.au

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