WESTERN AUSTRALIA

TITLE NUMBER	
Volume	Folio
2537	**801**

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts

REGISTRAR OF TITLES

REGISTRAR OF TITLES WESTERN AUSTRALIA

LAND DESCRIPTION:

LOT 30 ON DEPOSITED PLAN 34757

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

BOTH OF 1 MONROE TURN, SUCCESS

AS JOINT TENANTS

(T I644956) REGISTERED 1/10/2003

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. RESTRICTIVE COVENANT BENEFIT - SEE DEPOSITED PLAN 34757 AND INSTRUMENT I328399
2. RESTRICTIVE COVENANT BURDEN - SEE DEPOSITED PLAN 34757 AND INSTRUMENT I328399
3. K547134 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD REGISTERED 27/3/2008.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

----------END OF CERTIFICATE OF TITLE----------

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	DP34757
PREVIOUS TITLE:	2211-597
PROPERTY STREET ADDRESS:	1 MONROE TURN, SUCCESS.
LOCAL GOVERNMENT AUTHORITY:	CITY OF COCKBURN

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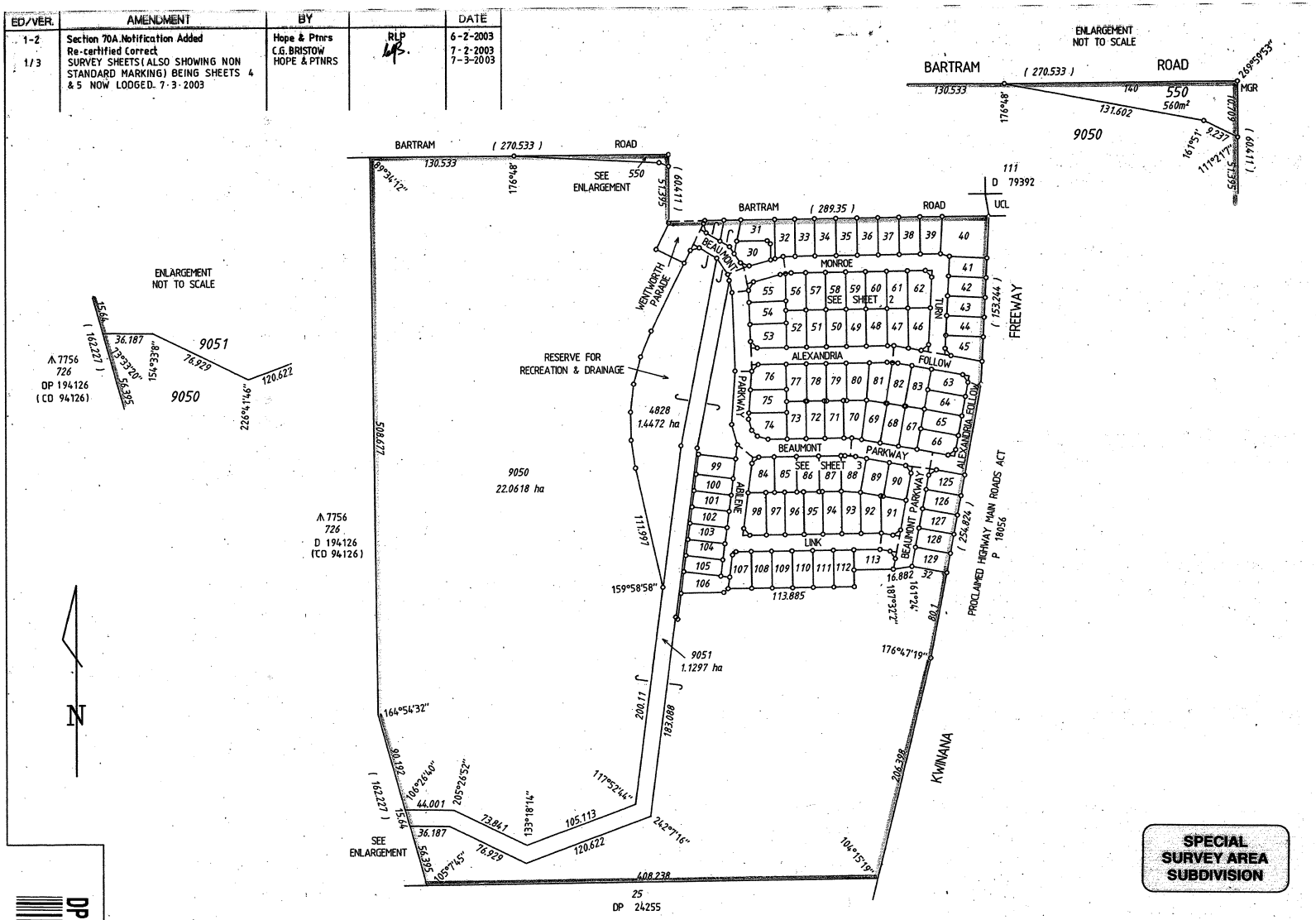
ED/VER.	AMENDMENT	BY		DATE
1-2	Section 70A Notification Added	Hope & Ptnrs	RLP	6-2-2003
1/3	Re-certified Correct	C.G. BRISTOW		7-2-2003
	SURVEY SHEETS (ALSO SHOWING NON STANDARD MARKING) BEING SHEETS 4 & 5 NOW LODGED. 7-3-2003	HOPE & PTNRS		7-3-2003



INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
	RESTRICTIVE COVENANT	SECTION 136D OF THE T.L.A.	DOC (I328399) & THIS PLAN	LOTS 30-113 & 125-129	LOTS 30-113 & 125-129	EXPIRING 1-6-2012
(A) TO (B) SHEET 2	RESTRICTIVE COVENANT	SECTION 129BA OF T.L.A.	DOC I 465675	LOTS 31-40	CITY OF COCKBURN	RESTRICTION OF ACCESS
LOT 4828	RESERVE FOR RECREATION & DRAINAGE	VEST IN CROWN UNDER SEC 20A OF THE T P & D ACT	THIS PLAN			
	NOTIFICATION	SECTION 70A OF THE T L A.	DOC I 465676	LOTS 40-45, 63-66 & 125-129		MAIN ROADS WA

SURVEY CARRIED OUT UNDER REGULATION 26A SPECIAL SURVEY AREA GUIDELINES

LOT	FORMER PI/TENURE	ON PLAN / DIAGRAM	TITLE
30-113, 125-129, 550, 4828 & 9050	LOT 24	P 24255	2211 - 597
9051	LOT 13	D 52722	1521 - 191

DP 34757 (01)

TYPE: FREEHOLD
PURPOSE: SUBDIVISION

PLAN OF

LOTS 30-113, 125-129, 550, 4828, 9050, 9051, ROADS AND RESTRICTIVE COVENANTS

DISTRICT: COCKBURN SOUND
TOWNSITE:
DOLA FILE:
LOCAL AUTHORITY: CITY OF COCKBURN
LOCALITY: SUCCESS
ON INDEX: BG34(5) 05.01, 05.02, 06.01, 06.02
PUBLIC: BG34(2) 13.03

EARLY ISSUE YES / NO
FORMER TENURE: SEE TABLE
FIELD BOOK: 88153

SCALE 1 : 2500
ALL DISTANCES ARE IN METRES 0 100

SURVEYOR'S CERTIFICATE - Reg 54

I J D LUTEY hereby certify that this is a correct representation of the survey and / or calculations from measurements recorded in the field book lodged for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.

Licensed Surveyor J. D. Lutey Date 12-11-02

SURVEY FIRM
P G S HOPE & PARTNERS PTY LTD
11/24 THOROGOOD STREET
VICTORIA PARK WA 6100
Ph: 9470 1229 Fax: 9470 1290
Email: pgs@iinet.net.au

LODGED	TYPE OF VALIDATION	APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION
DATE 13.11.02	FULL AUDIT	
FEE PAID $ 4303	LEGAL COMPONENT	FILE 118281
	DOCKET PLAN / DIAGRAM 33664	
ASSESS No. 364246	CERTIFIED CORRECT 24.1.03	DELEGATED UNDER S.20 WAPC ACT 1985
	F.S.C. 90-2003	DATE 24-3-03

IN ORDER FOR DEALINGS

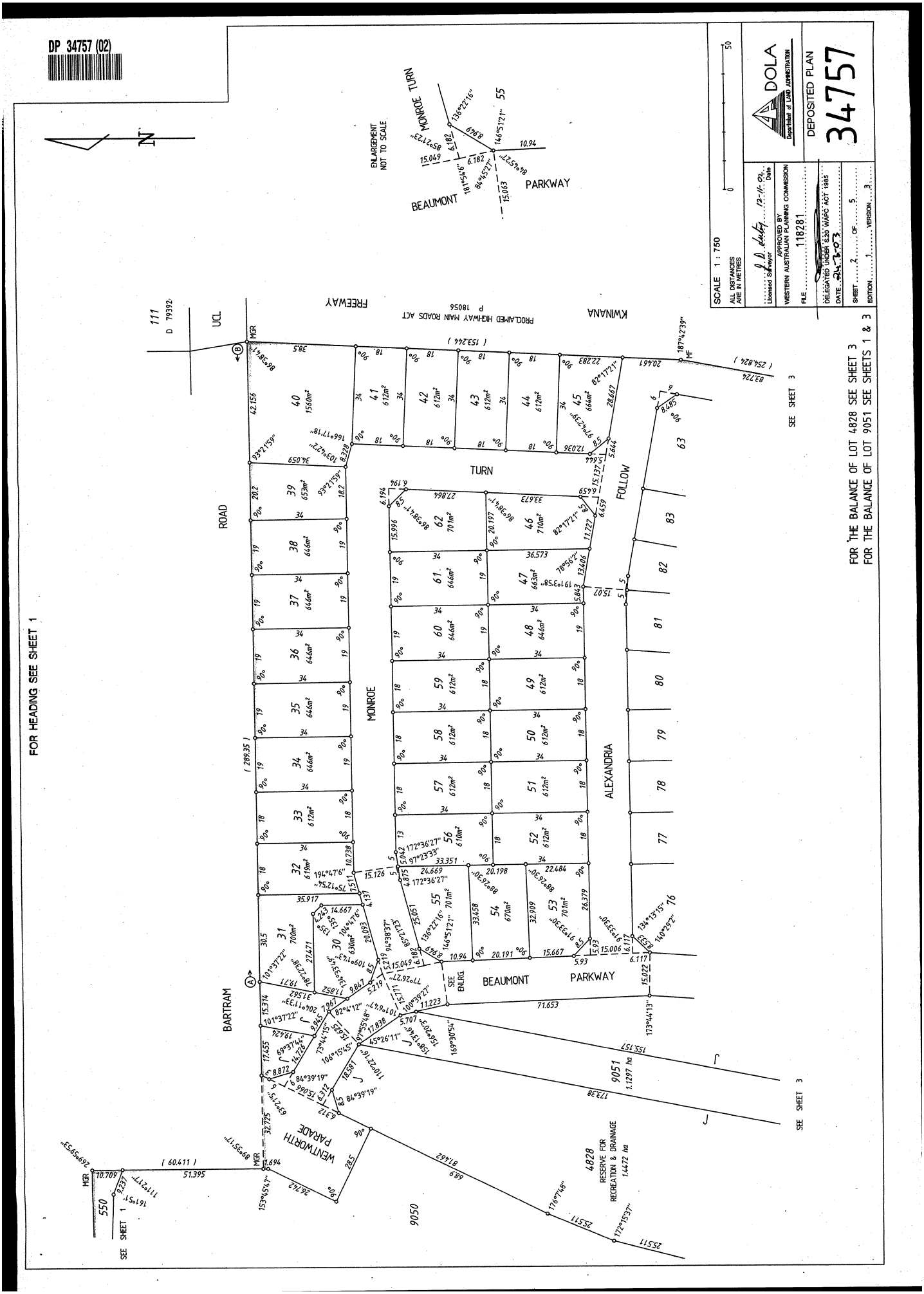
SUBJECT TO
Two Owners, Sec 205(5) of LGA, Sec 20A of T.P.& D. Act, Sec 70A, Sec 129BA & Sec 136D of TLA.

J. Ghesnowski 25.3.03
FOR INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER DATE

APPROVED REG 26A (4)
APPROVED 01-05-2003
INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER DATE

DOLA
Department of LAND ADMINISTRATION

DEPOSITED PLAN
34757
SHEET 1 OF 5
EDITION 1 VERSION 3



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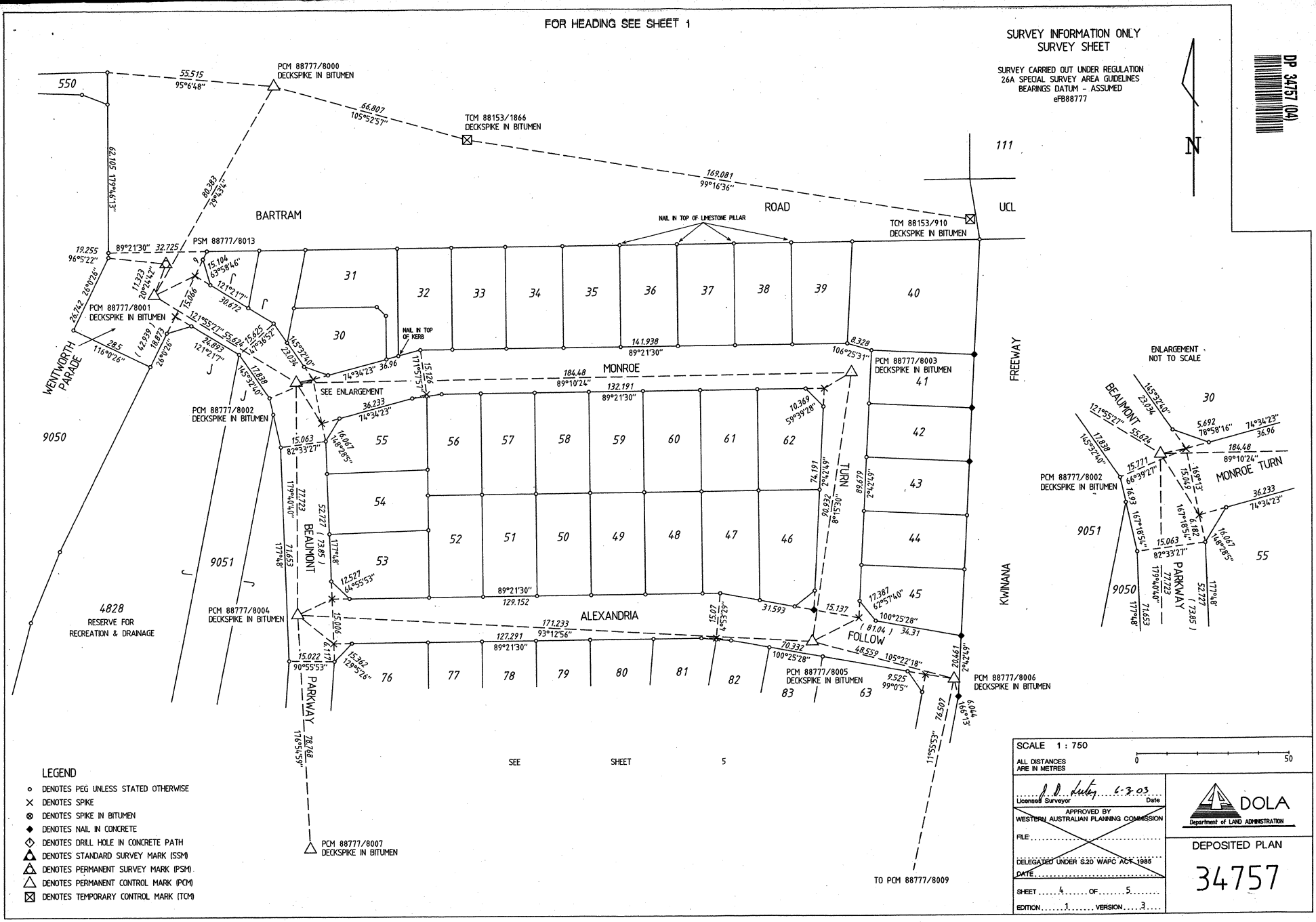

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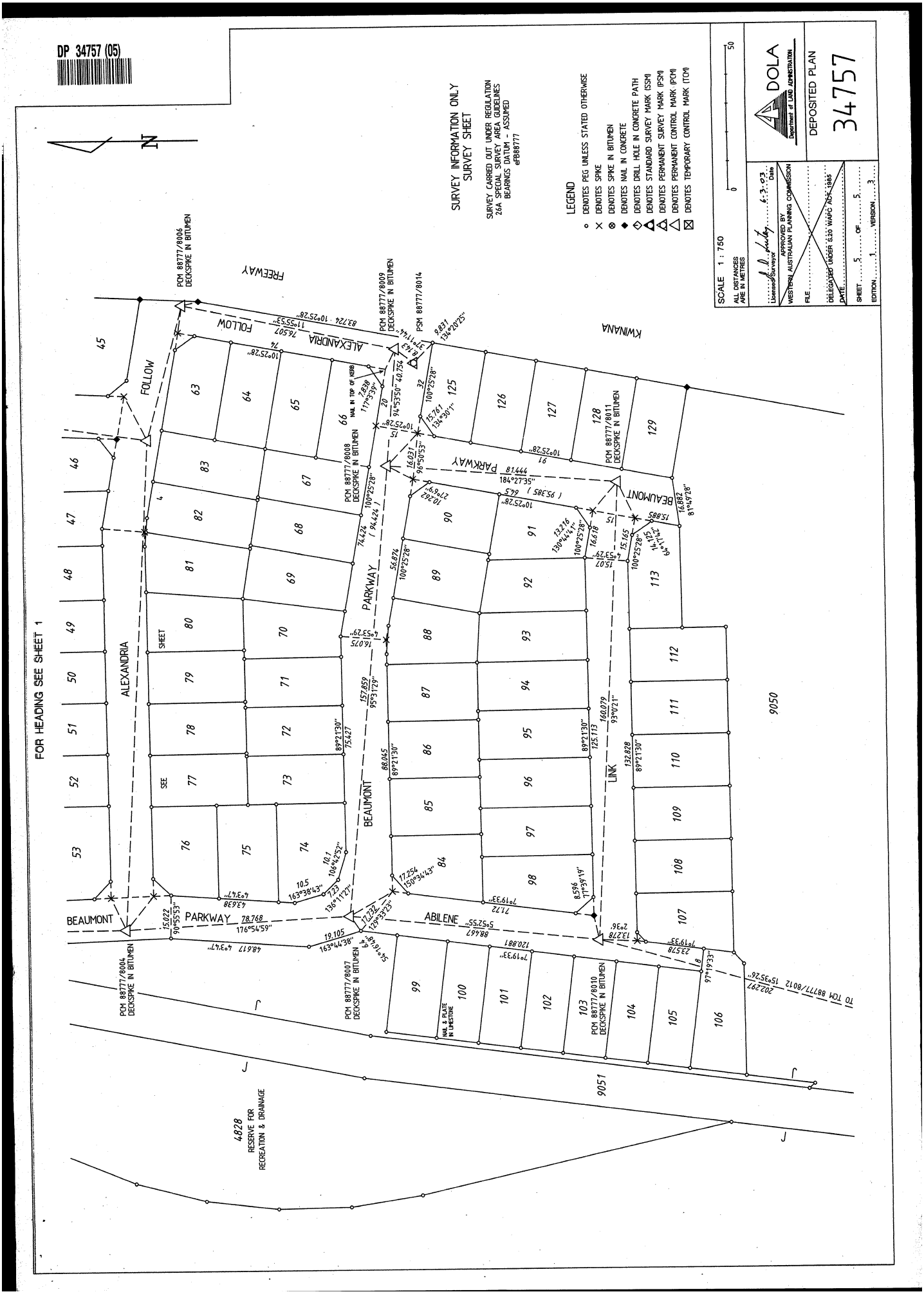

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Deposited Plan 34757

Lot	Certificate of Title	Lot Status	Part Lot
30	2537/801	Registered	
31	2537/802	Registered	
32	2537/803	Registered	
33	2537/804	Registered	
34	2537/805	Registered	
35	2537/806	Registered	
36	2537/807	Registered	
37	2537/808	Registered	
38	2537/809	Registered	
39	2537/810	Registered	
40	2537/811 (Cancelled)	Strata'd	
40	SP48892	Strata'd	
41	2537/812	Registered	
42	2537/813	Registered	
43	2537/814	Registered	
44	2537/815	Registered	
45	2537/816	Registered	
46	2537/817	Registered	
47	2537/818	Registered	
48	2537/819	Registered	
49	2537/820	Registered	
50	2537/821	Registered	
51	2537/822	Registered	
52	2537/823	Registered	
53	2537/824	Registered	
54	2537/825	Registered	
55	2537/826	Registered	
56	2537/827	Registered	
57	2537/828	Registered	
58	2537/829	Registered	
59	2537/830	Registered	
60	2537/831	Registered	
61	2537/832	Registered	
62	2537/833	Registered	
63	2537/834	Registered	
64	2537/835	Registered	
65	2537/836	Registered	
66	2537/837	Registered	
67	2537/838	Registered	
68	2537/839	Registered	
69	2537/840	Registered	
70	2537/841	Registered	
71	2537/842	Registered	
72	2537/843	Registered	
73	2537/844	Registered	

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Deposited Plan 34757

Lot	Certificate of Title	Lot Status	Part Lot
74	2537/845	Registered	
75	2537/846	Registered	
76	2537/847	Registered	
77	2537/848	Registered	
78	2537/849	Registered	
79	2537/850	Registered	
80	2537/851	Registered	
81	2537/852	Registered	
82	2537/853	Registered	
83	2537/854	Registered	
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91	2537/862	Registered	
92	2537/863	Registered	
93	2537/864	Registered	
94	2537/865	Registered	
95	2537/866	Registered	
96	2537/867	Registered	
97	2537/868	Registered	
98	2537/869	Registered	
99	2537/870	Registered	
100	2537/871	Registered	
101	2537/872	Registered	
102	2537/873	Registered	
103	2537/874	Registered	
104	2537/875	Registered	
105	2537/876	Registered	
106	2537/877	Registered	
107	2537/878	Registered	
108	2537/879	Registered	
109	2537/880	Registered	
110	2537/881	Registered	
111	2537/882	Registered	
112	2537/883	Registered	
113	2537/884	Registered	
125	2537/885	Registered	
126	2537/886	Registered	
127	2537/887	Registered	
128	2537/888	Registered	
129	2537/889	Registered	

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Deposited Plan 34757

Lot	Certificate of Title	Lot Status	Part Lot
550	2537/890	Registered	
4828	2537/891 (Cancelled)	Registered	
4828	LR3129/981	Registered	
9050	2537/892 (Cancelled)	Retired	
9051	2537/893 (Cancelled)	Retired	
0	N/A	Registered	
0	N/A	Registered	
0	N/A	Registered	
0	N/A	Registered	
0	N/A	Registered	

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INSTRUCTIONS

1. This form may be used only 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.

I 328399 RC
16 Dec, 2002 14:49:39 Perth
REG. $ 75.00

LODGED BY

ADDRESS
CORRS CHAMBERS WESTGARTH
Commonwealth Bank Building
150 St Georges Terrace
PHONE No. **PERTH, W.A. 6000**
Tel No: 321 8531
FAX No. **Issuing Box 95**

REFERENCE No.

ISSUING BOX No.

PREPARED BY	Corrs Chambers Westgarth
ADDRESS	150 St George's Terrace PERTH WA 6000
REFERENCE No.	P/132956/4 AHC/SM/GOLD/1006980
PHONE No. (08) 9321 8531	FAX No. (08) 9322 6953

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

1

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

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

Received Items
Nos.
1
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.

REGISTRAR OF TITLES WESTERN AUSTRALIA

EXAMINED

P/132956/4

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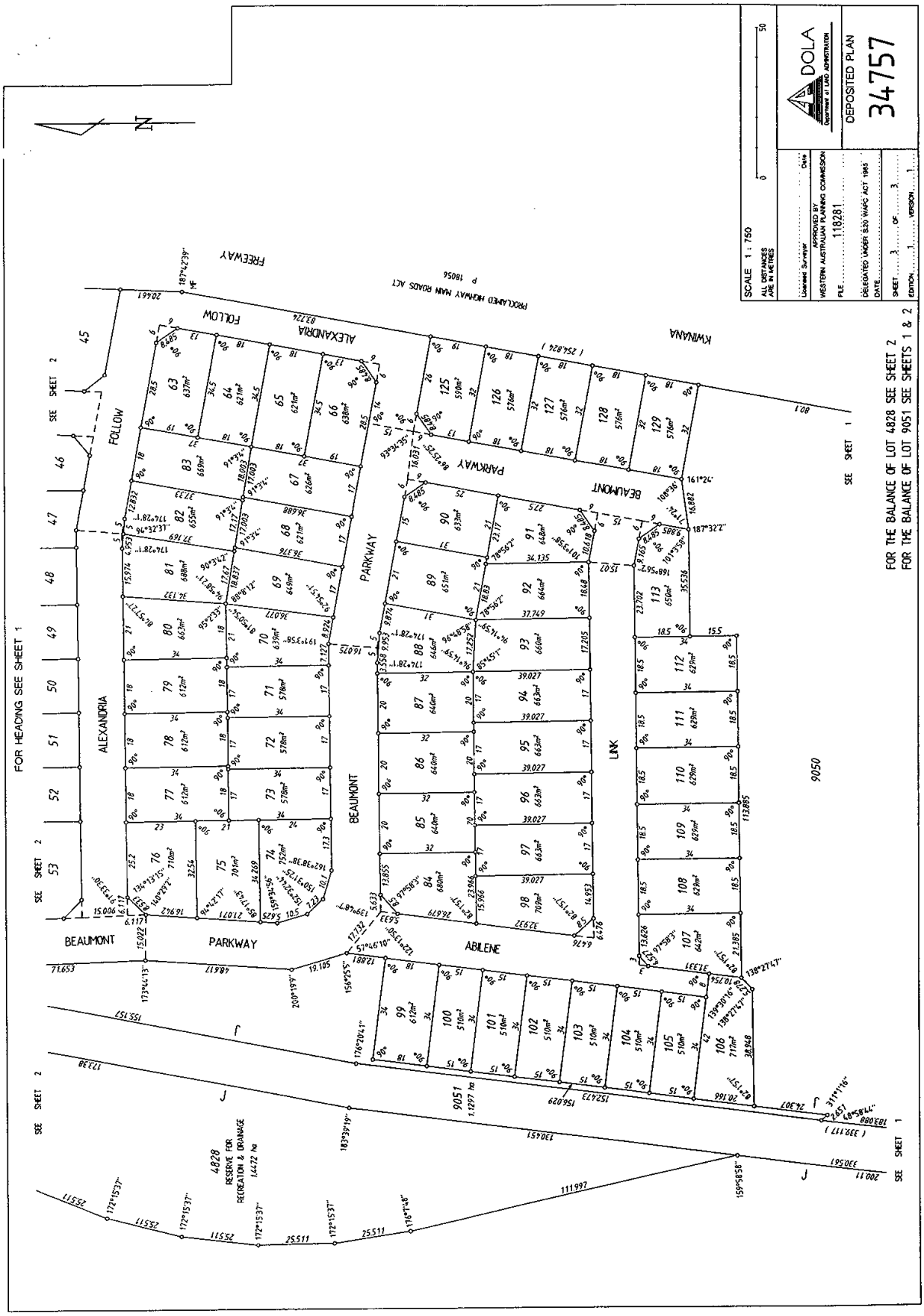

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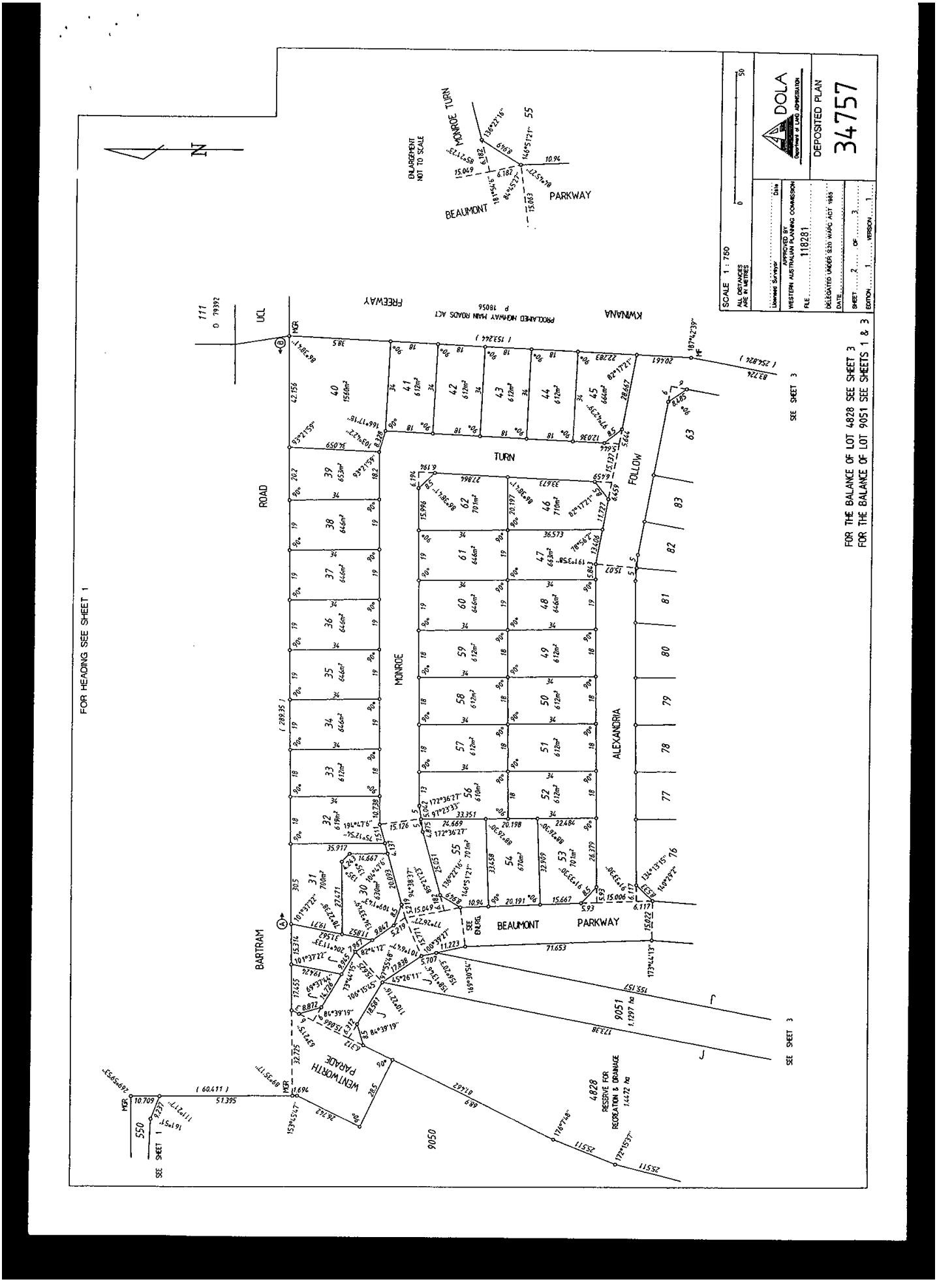

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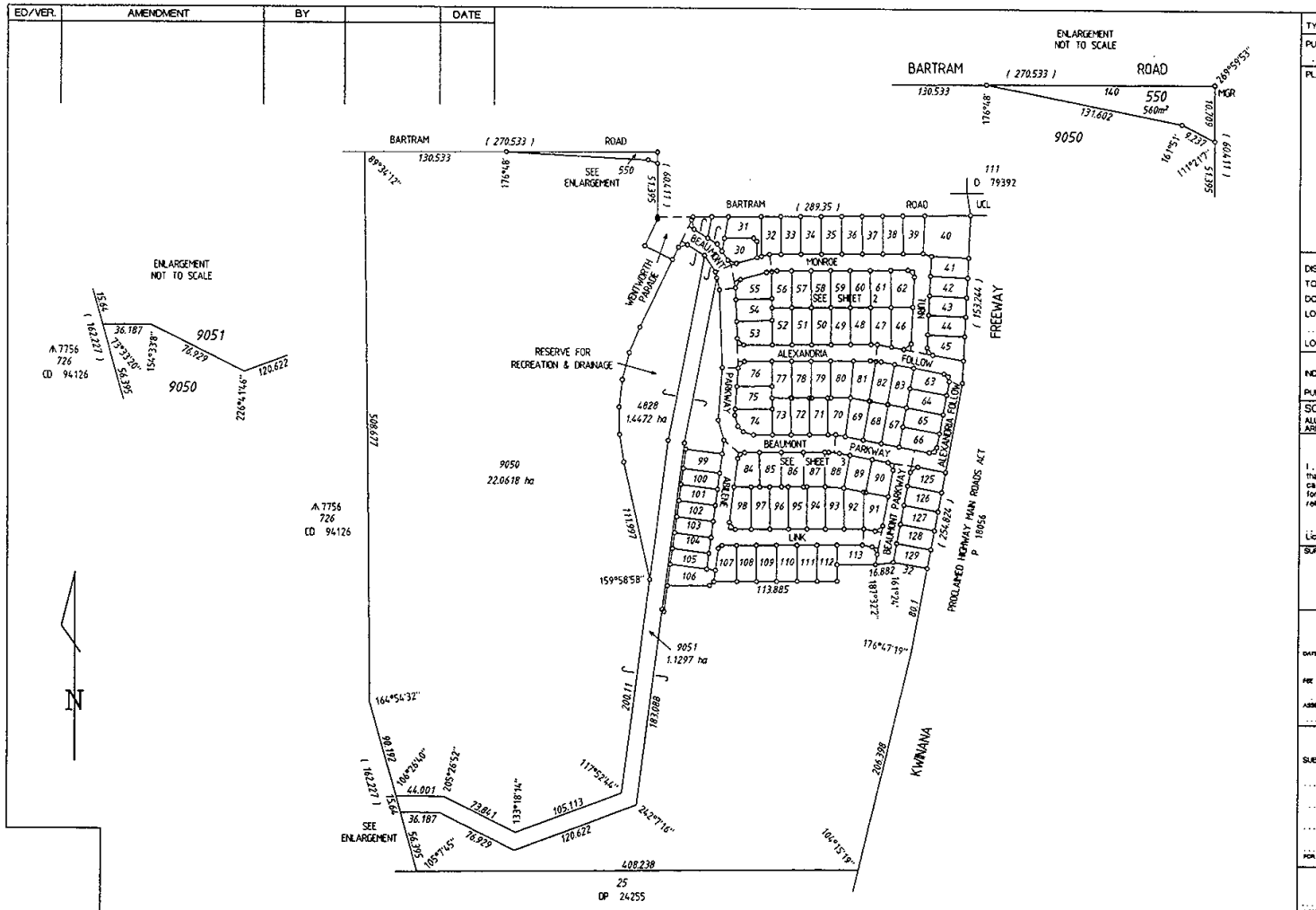
ED/VER.	AMENDMENT	BY		DATE



INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
	RESTRICTIVE COVENANT	SECTION 136D OF THE T.L.A.	DOC I & THIS PLAN	LOTS 30-113 & 125-129	LOTS 30-113 & 125-129	EXPIRING 1-6-2012
(A) TO (B) SHEET 2	RESTRICTIVE COVENANT	SECTION 129BA OF T.L.A.	DOC I & THIS PLAN	LOTS 31-40	CITY OF COCKBURN	RESTRICTION OF ACCESS
LOT 4828	RESERVE FOR RECREATION & DRAINAGE	VEST IN CROWN UNDER SEC 20A OF THE T P & D ACT	THIS PLAN			

SURVEY CARRIED OUT UNDER REGULATION 26A SPECIAL SURVEY AREA GUIDELINES

LOT	FORMER PI/TENURE	ON PLAN / DIAGRAM	TITLE
30-113, 125-129, 550, 4828 & 9050	LOT 24	DP 24255	2211 - 597
9051	LOT 13	D 52722	1521 - 191

TYPE: FEHOLD
PURPOSE: SUBDIVISION

PLAN OF

LOTS 30-113, 125-129, 550, 4828, 9050, 9051, ROADS AND RESTRICTIVE COVENANTS

DISTRICT: COCKBURN SOUND
TOWNSITE:
DOLA FILE:
LOCAL AUTHORITY: CITY OF COCKBURN
LOCALITY: SUCCESS
EARLY ISSUE: YES / NO
FORMER TENURE: SEE TABLE
ON INDEX: BG3415) 05.01, 05.02, 06.01, 06.02
PUBLIC: BG3412I 13.03
FIELD BOOK: 88153
SCALE 1 : 2500
ALL DISTANCES ARE IN METRES 0 100

SURVEYOR'S CERTIFICATE - Reg 54

I J D LUTEY hereby certify that this is a correct representation of the survey and / or calculations from measurements recorded in the field book lodged for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.

Licensed Surveyor Date

SURVEY FIRM
P G S HOPE & PARTNERS PTY LTD
11/24 THOROGOOD STREET
VICTORIA PARK WA 6100
Ph 9470 1229 Fax 9470 1290
Email pgs@iinet.net.au

LODGED	TYPE OF VALIDATION	APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION
DATE	FULL AUDIT / LEGAL DOCUMENT / DOCKET PLAN / DIAGRAM / CERTIFIED CORRECT / F&G	FILE 118281
FEE PAID		DELEGATED UNDER S.20 WAPC ACT 1985
ASSESS No.		DATE

IN ORDER FOR DEALINGS

SUBJECT TO

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
34757

SHEET 1 OF 3
EDITION 1 VERSION 1

(17) NOT to permit or allow all garden areas which may be viewed from the street to be poorly maintained or fall into a state of disrepair;

(18) NOT to permit the Property to be used for display purposes or as a display home without the prior approval of the City of Cockburn;

(19) NOT to permit the general level of the land to be altered and in particular not to permit the finished site level of the land to be raised by more than 30 centimetres;

(20) NOT to permit any form of construction on the land (including patios, garages and other outbuildings) other than where the total area of all construction on the land is less than 50% of the total area of the land; and

(21) NOT to breach or cause to be breached the Magnolia Gardens Estate Stage 1 Development Conditions and Building Guidelines relating to the Property ("**Guidelines**") which has been supplied by the registered proprietor and which any successive registered proprietor acknowledges having received (provided that, if there is any inconsistency between the Guidelines and the terms of this document, the terms of this document shall prevail).

2. TERM OF RESTRICTIVE COVENANTS

The covenants herein contained shall operate and be enforceable until 1 June 2012, when such covenants will cease to have any further effect.

3. RESTRICTIVE COVENANTS

Gold Estates intends that the burden of the restrictive covenants is to:

(a) run with the Property for the benefit of each and every other registered proprietor of the Encumbered Lots on the Deposited Plan; and

(b) be enforceable against the registered proprietor of each of the Encumbered Lots on the Deposited Plan by Gold Estates and every subsequent registered proprietor of each and every Encumbered Lot.

4. NO RESPONSIBILITY FOR ENFORCEMENT

During the period that Gold Estates is the registered proprietor of any of the Encumbered Lots on the Deposited Plan it accepts no responsibility, at law or at equity, for enforcement of the restrictive covenants.

EXECUTED AS A DEED

Signed by **GOLD ESTATES OF AUSTRALIA (1903) LIMITED** ACN 009 473 036 in accordance with section 127(1) of the Corporations Act.)

Director

Michael Bregg
Name of Director (Print)

Director

PETER BIRD
Name of Director (Print)

SCHEDULE

Item 1: All of that Land in Deposited Plan 34757.

Item 2: Lots numbered 30 to 113 and 125 to 129.

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(6) NOT allow the front elevation of the Residence:

(a) in the case of Lots 30 or 31, to be any other orientation other than facing west;

(b) in the case of Lots 99 to 106 (inclusive), to be any other orientation other than facing towards the public open space; and

(c) in the case of all other Lots, to be any other direction other than facing the main street on which the frontage of the Lot is situated.

(7) NOT allow the postal address to be:

(a) in the case of Lots 30 or 31, on any other street other than Monroe Turn;

(b) in the case of Lots 99 to 106 (inclusive), on any other street other than Abilene Link; or

(c) in the case of all other Lots, on any other street other than the main street on which the frontage of the Lot is situated.

(8) NOT, in the case of Lots 99 to 106 (inclusive):

(a) allow any vehicle access to the Property other than from Abilene Link; or

(b) construct any garage or carport on the Property at an orientation other than facing towards Abilene Link;

(9) NOT to subdivide or attempt to further subdivide, including subdivision pursuant to the Strata Titles Act, the Property or any part thereof, except for Lot 40;

(10) NOT to amalgamate the Property or attempt to amalgamate the Property or any part thereof with any other land without the prior written consent of Gold Estates and then only for minor boundary adjustments;

(11) NOT to park, keep or store or permit to be parked, kept or stored on the Property or on the road or on any other Property near or next to the Property, any commercial vehicles (being vehicles which have an aggregate weight greater than 3.5 tonnes or a height greater than 2.0 metres), caravans, trailers, mobile homes, buses boats or any other mobile machinery unless the above are housed or contained wholly within a carport or garage on the Property or are otherwise screened from public view and, in the case of commercial vehicles, without the prior approval of the City of Cockburn;

(12) NOT to conduct or permit to be conducted any repairs or restorations of any motor vehicle, boat, trailer, aircraft or any other vehicle on the Property other than wholly within a garage on the Property, or any part thereof;

(13) That where retaining walls or fences have been erected on any of the boundaries of the Property by Gold Estates, NOT to alter or remove any or the retaining walls or fences, NOT to allow or permit the retaining walls or fences to fall into a state of disrepair, and NOT to repair or renew such retaining walls or fences except in the same style and colour as the existing retaining walls and fences;

(14) NOT to accumulate or keep or permit to accumulate or keep rubbish, trash, garbage or other waste material whatsoever on the Property except in appropriate permanent or temporary containers specially constructed for that purpose and placed in appropriate areas screened from view;

(15) NOT to erect or display or cause to be erected or displayed on the Property any sign hoarding or advertising of any description whatsoever other than a sign erected by a builder of the Residence in accordance with the Builders Registration Act during the period of construction of the Residence or a "FOR SALE" or "FOR LEASE" sign which may be erected after completion of a Residence on the Property;

(16) NOT to raise, breed or keep or permit to be raised, kept or bred any animals, on the Property, other than domestic pets;

INITIALS..... INITIALS.....

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(b) a carport or garage, which, if not located under the main roof of the Residence:

(i) is not made of the same materials as the Residence;

(ii) in the opinion of Gold Estates, does not match or complement the Residence, in respect of the pitch of the roof, materials used, the design and external appearance including colour and the quality of construction; and

(c) any structure or appendage with walls and a roof exceeding ten square metres (10m²) in area or which exceeds two (2) metres in height, which has a flat roof or which does not match or complement the Residence in respect of materials used, and the design and external appearance, including colour and the quality of construction;

(d) any structure or appendage with walls and a roof of less than ten square metres (10m²) in area or which is less than two (2) metres in height which is constructed of zincalume or other reflective materials or which does not match or complement the Residence in respect of materials used, and the design and external appearance, including colour and quality of construction;

(e) a Residence, unless a driveway and the crossover between the road and the parking area on the Property are constructed and completed prior to occupation of the Residence;

(f) a driveway, which is wider than 6 metres at the street boundary of the Property, is less than 0.6 metres from any side boundary of the Property, that is not constructed of brick paving;

(g) a crossover, which is wider than 6 metres at the street boundary of the Property, that is not constructed of brick paving;

(h) subject as herein after provided, any fence that is not comprised of 1800 millimetres colourbond both sides;

(i) any fence which is less than 1800 millimetres in height, does not match or complement the Residence, or, which extends forward beyond the building frontage set back line, or in the case of Lots 99 to 106 (inclusive), to be anything other than blue stone coloured metal posts and metal sheet infill;

(j) a letterbox, which is not located adjacent to the driveway, is not clearly numbered or does not match or complement the Residence;

(k) an air-conditioner or evaporative cooler, unless:

(i) contained wholly within the Residence; or

(ii) contained within the roof space between the ceilings of the Residence and the underside of the roof of the Residence; or

(iii) where not adhering to (i) or (ii) is:

A. screened from public view from the street at the front of the Residence;

B. positioned to minimise noise impact to neighbouring residences; and

C. if installed on the roof, is installed below the ridge line of the roof and of similar colour to the roof;

(l) a solar hot water heater, unless it is screened from public view, fits the roof profile, is not elevated at an angle to the roof profile and otherwise matches or complements the Residence;

(m) a clothesline or rainwater tank except in accordance with the manufacturers instructions and if screened from public view;

(n) a television and/or radio antenna or satellite dish unless contained wholly within the Residence or within the roof space between the ceilings of the Residence and the underside of the roof of the Residence;

(o) a gate to be anything other than blue stone coloured metal posts and metal sheet infill for Lots 99 to 106 (inclusive).

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(d) a Residence with a roof pitch of less than 25° or, in the case of a curved roof, a roof with an equivalent roof height at its highest point, of less than a roof with a pitch of not less than 25° at its highest point;

(e) a Residence that is not two storeys in the case of Lots 30, 31, 53 to 55, 74 to 76, 84 or 99 to 106.

(2) NOT setback the construction of any improvements on the land other than in accordance with the table below:

Standard Allotments – Lots 30 to 98, 107 to 113 and 125 to 129:

Front Boundary Setback (Ground and Upper Floors)	Minimum setback of **3 metres** with an average of **6 metres** to the ground floor, first floor and above in accordance with the requirements of the Residential Planning Codes. Minimum of 4.5 metres for garages and carports.
Rear Setback	As per the Residential Planning Codes of Western Australia.
Side Setback	As per the Residential Planning Codes of Western Australia, except that first floor parapets are restricted to a maximum of one third the length of the boundary.
Secondary Street Setback	Minimum of 1.5 metres, except for Lot 30 in which case the minimum setback must be a minimum of 3 metres from Monroe Turn.
Visual Truncation	A visual truncation measuring 6 metres x 6 metres is required for corner lots. A 2 x 2 metre truncation is required for accessways/driveways.

Laneway Allotments - Lots 99 to 106 (inclusive):

Front Boundary Setback Ground Floor	Minimum setback of 4 metres with an average of 5 metres.
Front Boundary Setback Upper Floor	Minimum setback of 5 metres with an average of 6 metres.
Rear (Laneway) Setback	As per the Residential Planning Codes of Western Australia for Residences. Minimum of 1 metre for garages and carports. If fencing abuts, a 45° truncation is required
Side Setback	As per the Residential Planning Codes of Western Australia.
Secondary Street Setback	Minimum of 1.5 metres.

(3) NOT begin construction of the Residence more than twelve (12) months from the date of settlement of purchase of the Property;

(4) NOT complete construction of the Residence more than twelve (12) months from the date of approval from Gold Estates, pursuant to sub-clause (1) above, unless written consent from Gold Estates has first been obtained;

(5) NOT construct, erect, externally renovate or install or permit to be constructed, erected, externally renovated or installed on the Property:

(a) a Residence or any alteration, or addition to a Residence using:

(i) wall materials which are not either predominantly concrete, clay bricks, stone, limestone or other similar materials in face brickwork or render;

(ii) more than 50% of any wall materials comprising mini-orb, weatherboard, timber or compressed board products of any one elevation;

(iii) roof materials, which are not concrete or clay tiles, zincalume or colourbond metal;

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FORM B2
FORM APPROVAL
NO. B1975

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED.

BLANK INSTRUMENT FORM

RESTRICTIVE COVENANTS (Note 1)

ABN 46 012 878 629
WESTERN AUSTRALIA STAMP DUTY
DEE 27/11/02 11:38 001890406-001
FEE $ ##########0
SD $ #####20.00 PEN ########.00

MAGNOLIA GARDENS ESTATE– STAGE 1

Deed of Restrictive Covenant
(Pursuant to section 136D of the Transfer of Land Act)

Date: day of 2002

Parties: GOLD ESTATES OF AUSTRALIA (1903) LIMITED (ACN 009 473 036) of 10th Floor, Mount Newman House, 200 St George's Tce, PERTH in the State of Western Australia ("**Gold Estates**")

Recitals:

A. Gold Estates owns the land described in item 1 on the **Schedule** hereto ("**the Deposited Plan**") a copy of which is annexed.

B. Gold Estates is subdividing part of the Deposited Plan ("**Subdivision**") and has lodged the Deposited Plan with DOLA to effect the creation and registration of new titles the subject of the Subdivision.

C. In accordance with section 136D of the Transfer of Land Act Gold Estates requires each of the lots referred to in item 2 of the **Schedule** ("**Encumbered Lots**") to be encumbered by the restrictive covenants set out in this document, so that the restrictive covenants will be noted against the Encumbered Lots on the Deposited Plan and when separate Certificates of Title issue for the lots the burden and the benefit of each of the restrictive covenants is to be noted on the Certificate of Title of each of the Encumbered Lots.

IT IS AGREED

1. The registered proprietor (which expression includes the transferees assigns and successors of the registered proprietor) covenants it will:

(1) NOT construct, erect, externally renovate or install or permit to be constructed, erected, externally renovated or installed on the Encumbered Lot against which these restrictive covenants are registered ("**Property**"):

(a) any structure or appendage (including but not limited to dwellings, 'granny flats', garages, outbuildings, swimming pools, tennis courts) on the Property without prior to commencement, submitting plans and specifications, showing the nature, location, materials and height of the proposed structure or appendage to Gold Estates for approval;

(b) more than one permanent non-transportable structure for the purposes of a private single dwelling house ("**Residence**");

(c) a Residence with a total floor area of less than:

(i) 300 square metres in the case of Lots 30, 31, 53 to 55, 74 to 76 and 84;

(ii) 200 square metres in the case of Lots 99 to 106 (inclusive); or

(iii) 160 square metres in the case of all other Lots,

inclusive of external walls but exclusive of porches, carports, garages, verandahs and other unenclosed areas;

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CORRS
CHAMBERS
WESTGARTH

LAWYERS

16 December 2002

Contact
Susan Nicholson (08) 9460 1644

Partner
Alan Churley (08) 9460 1660
Email: Alan_Churley@corrs.com.au

Our reference
AHC/SN/GOLD2220-1006980

BY HAND DELIVERY

The Registrar of Titles
Department of Land Administration
Perth Branch Offie
Mt Newman House
200 St George's Terrace
PERTH WA 6000

Dear Sir

DEPOSITED PLAN 34757 (DEPOSITED PLAN) - REGISTRATION OF RESTRICTIVE COVENANTS OVER PROSPECTIVE CERTIFICATES OF TITLE

We are the solicitors for Gold Estates of Australia (1903) Ltd (**Gold Estates**), the registered proprietor of the land the subject of the Deposited Plan.

We **enclose** a deed of restrictive covenant in registrable form to be registered against a number of lots on the Deposited Plan. The particular lots against which the restrictive covenants are to be registered is noted on the 'Interests and Notifications' section of the Deposited Plan.

In our opinion, each of the restrictive covenants created in the deed is a restrictive covenant.

Gold Estates' settlement agent will contact DOLA shortly to apply for the issuing of Certificates of Title pursuant to the Deposited Plan.

If you have any queries, please contact Susan Nicholson on (08) 9426 1644.

Yours faithfully
CORRS CHAMBERS WESTGARTH

Alan Churley
Partner
Encl
copy: David Gibbons, Richard Noble & Co. (by email – letter only)

OUR LIABILITY IS LIMITED BY THE SOLICITORS SCHEME, APPROVED UNDER THE PROFESSIONAL STANDARDS ACT 1994 (NSW).
THIS LIMITATION OF LIABILITY APPLIES TO CLAIMS THE PROPER LAW OF WHICH IS THE LAW OF NEW SOUTH WALES.

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Stopped Document Disposal Instructions

Fees to be Refunded	Document Type	Fee $

Form 10 No.:

Date:

To:

Address: .....
.....

Parties: .....
.....

Reference: .....
.....

Document Numbers:

Computer Records Adjusted:
Mainframe - WDR/MTF/DPA/BKC
SMR – WFR or REJECT

Documents to be Rejected:

Documents to be Withdrawn:

Documents for Registration: ✓

Caveats to be made Null & Void:

Authorised by: 5/5.

Examiner's notes:

Stopped Case:328399

Original Cs/T:
1521-191, 2211-597

DP 34757

Notice Sent: 30/4/2003

Action:

Examination Instructions

Allocate New C/T
Complete Nom. Index
Pass to
Other

Group 1

Examiner: DML, Examiner

Supervisor: Chris Lowrie, Team Leader

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DOLA
Department of LAND ADMINISTRATION

Requisition Notice

Document Nos: I328399, I456613, I456614, I456615, I456616

Section 192 of the Transfer of Land Act

First and Final

Your Ref: Gold Estates of Australlia (1903) Ltd

Our Ref: Darryl Lawrence Ph: 92737323 Fax: 92737668

Date: 30 April 2003

Lodging Party:
CORRS CHAMBERS WESTGARTH
(REF:AHC/SM/GOLD/1006980)
JAN SIMPSON SETTLEMENTS
MCLEOD & COMPANY (Ref: M11 11408 FG)

Other Parties Contacted:

Registration of the above documents cannot be effected until all requisitions listed below are complied with and the fee payable is received.
A time limit of 14 days applies from the date stated above.

Requisitions

Doc. No	Description	Req. Fee
I456615	Deposited Plan 34757 indicates that a Sec.129BA restrictive covenant and a Sec. 70 Notification are to be registered. These documents have not yet been lodged for registration. The Application for new titles can not proceed until the documents are received.	50.00

Requisition Sub Total $	50.00
Additional Fee $	0.00
TOTAL FEE Payable $	50.00

I 465675
676

paid
Acc. 121668.

Ian Hyde
Registrar of Titles

Requisitions may be attended to by ;
1. fax direct to the Examiner referred to above.
2. personal attendance DOLA, Midland Square. (all documents held at Midland Office)
3. the lodging of evidence at DOLA's Perth Branch Office, Mt Newman House, 200 St. Georges Terrace, Perth or Bunbury Regional Office 61 Victoria St, Bunbury (note: no advice/discussions re: requisitions)
4. Post to P O Box 2222, Midland WA 6936 or DX95

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. Upon notification of such rejection half the registration fees paid are forfeitable. Documents may be withdrawn from registration, for which a withdrawal fee of $37.50 per document is payable. 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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