

WESTERN



AUSTRALIA

## TITLE NUMBER

Volume

2795

Folio

419

# 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

**LAND DESCRIPTION:**

LOT 571 ON DEPOSITED PLAN 71031

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

(T P628031 ) REGISTERED 18/7/2023

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

1. L296393 MEMORIAL. CONTAMINATED SITES ACT 2003 AS TO PORTION ONLY - SEE SKETCH ON DEPOSITED PLAN 71031. REGISTERED 23/4/2010.
2. L333026 MEMORIAL. CONTAMINATED SITES ACT 2003 AS TO PORTION ONLY - SEE SKETCH ON DEPOSITED PLAN 71031. REGISTERED 1/6/2010.
3. RESTRICTIVE COVENANT BENEFIT - SEE DEPOSITED PLAN 71031 AND INSTRUMENT L975976.
4. RESTRICTIVE COVENANT BURDEN - SEE DEPOSITED PLAN 71031 AND INSTRUMENT L975976.

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-----

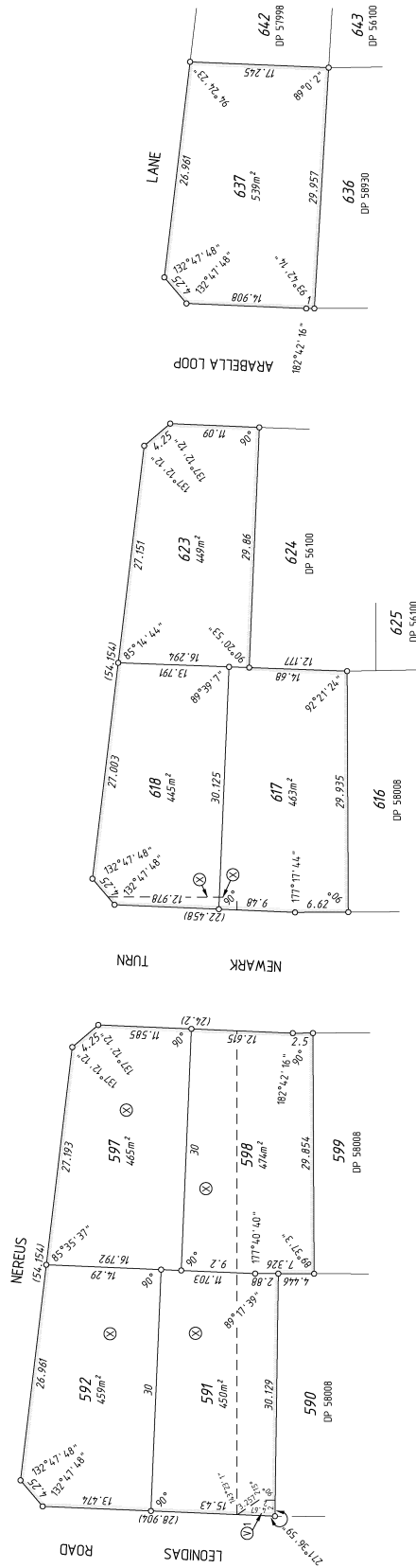
**STATEMENTS:**

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: DP71031  
PREVIOUS TITLE: 2787-238, 2787-239  
PROPERTY STREET ADDRESS: 13 LEONIDAS RD, NORTH COOGEE.  
LOCAL GOVERNMENT AUTHORITY: CITY OF COCKBURN

HELD BY LANDGATE  
IN DIGITAL FORM ONLY.

HELD BY LANDGATE  
IN DIGITAL FORM ONLY.



10 0 30  
SCALE 1:400 @ A2  
ALL DISTANCES ARE IN METRES

FOR HEADING SEE SHEET 1  
FOR INTERESTS AND NOTIFICATIONS  
SEE SHEET 1

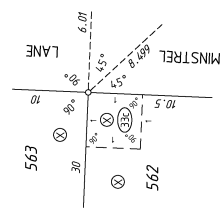
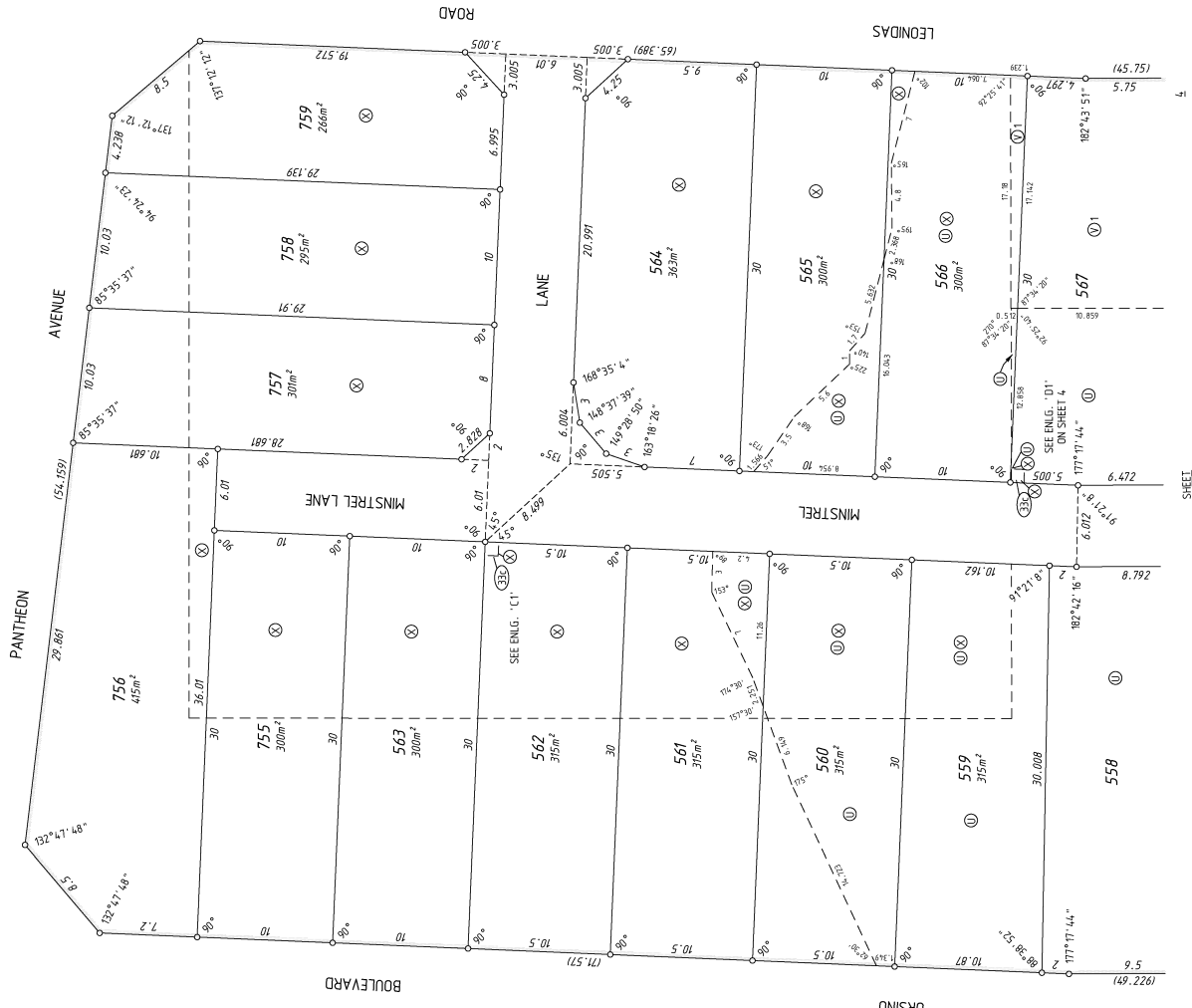
 Landgate Western Australian Land Information Authority	 McMULLEN NOLAN GROUP Surveying & Valuation PAC Ref: 06276-2506 - Stage 2, pt2 - DP1901 CSO	DEPOSITED PLAN <b>71031</b>	
		SCALE 1:400 at A2	SHEET 2 OF 6 SHEETS VERSION 3

SURVEY CARRIED OUT UNDER REG 26A  
SPECIAL SURVEY AREA GUIDELINES  
ALL BOUNDARY / CORNER SURVEY MARKS  
SHOWN ON THIS SHEET ARE INDICATIVE ONLY  
USE THE FINAL POSITION AND TYPE OF ALL SURVEY  
MARKS PLACED PERTAINING TO THIS PLAN

HELD BY LANDGATE  
IN DIGITAL FORM ONLY.





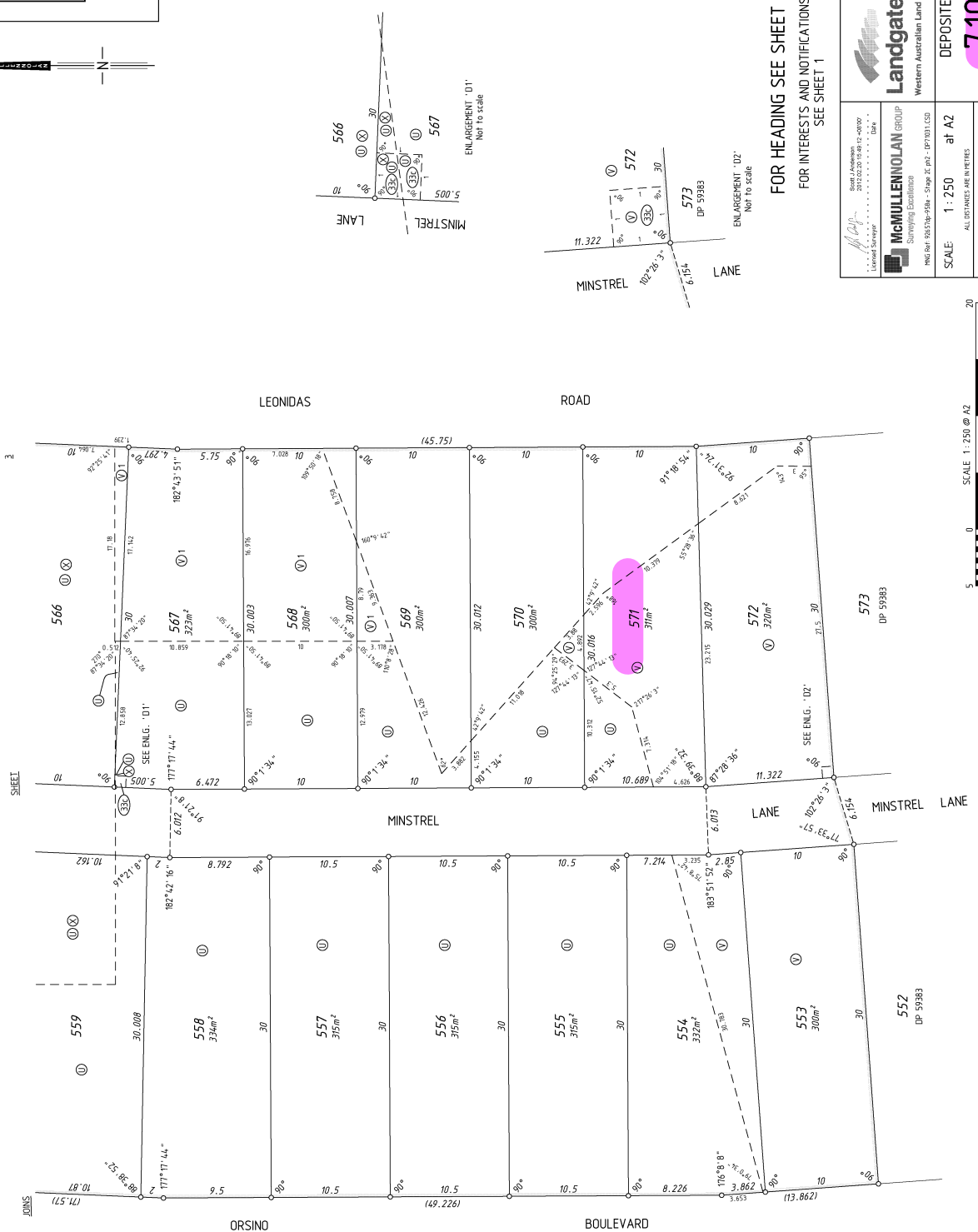
SURVEY CARRIED OUT UNDER REG 26A  
SPECIAL SURVEY AREA GUIDELINES  
ALL BOUNDARY / CORNER SURVEY MARKS  
SHOWN ON THIS SHEET ARE INDICATIVE ONLY.  
USE ONLY THE SURVEY SHEET/S WHEN DETERMINING  
THE TRUE HORIZONTAL AND VERTICAL SURVEY  
MARKS PLACED PERTAINING TO THIS PLAN.



ENLARGEMENT 'C1'  
NOT TO SCALE

FOR HEADING SEE SHEET 1  
FOR INTERESTS AND NOTIFICATIONS  
SEE SHEET 1

 <b>Landgate</b> Western Australian Land Information Authority	 <b>McMULLEN NOLAN GROUP</b> Surveying Excellence PAC Ref: 00576-5646 - Stage 2, p2 - DP1901 (G3)
DEPOSITED PLAN <b>71031</b>	SCALE: 1:250 at A2 ALL DISTANCES ARE IN METRES SHEET 3 OF 6 SHEETS VERSION 3

HELD BY LANDGATE  
IN DIGITAL FORM ONLY.

**SURVEY CARRIED OUT UNDER REG 26A  
SPECIAL SURVEY AREA GUIDELINES**

ALL BOUNDARY / CORNER SURVEY MARKS  
SHOWN ON THIS SHEET ARE INDICATIVE ONLY.  
USE ONLY THE SURVEY SHEET/S WHEN DETERMINING  
THE TRUE FINAL POSITION AND TYPE OF ALL SURVEY  
MARKS PLACED PERTAINING TO THIS PLAN.


**McMULLENNOLAN GROUP**  
 Surveying Excellence  
 Western Australian Land Information Authority  
 2012.02.20 15:49:12 +0000  
 Scott J Anderson  
 2012.02.20 15:49:12 +0000  
 Licensed Surveyor

SCALE: 1 : 250 at A2 ALL DISTANCES ARE IN METRES	DEPOSITED PLAN <b>71031</b>
SHEET 4 OF 6 SHEETS VERSION 3	

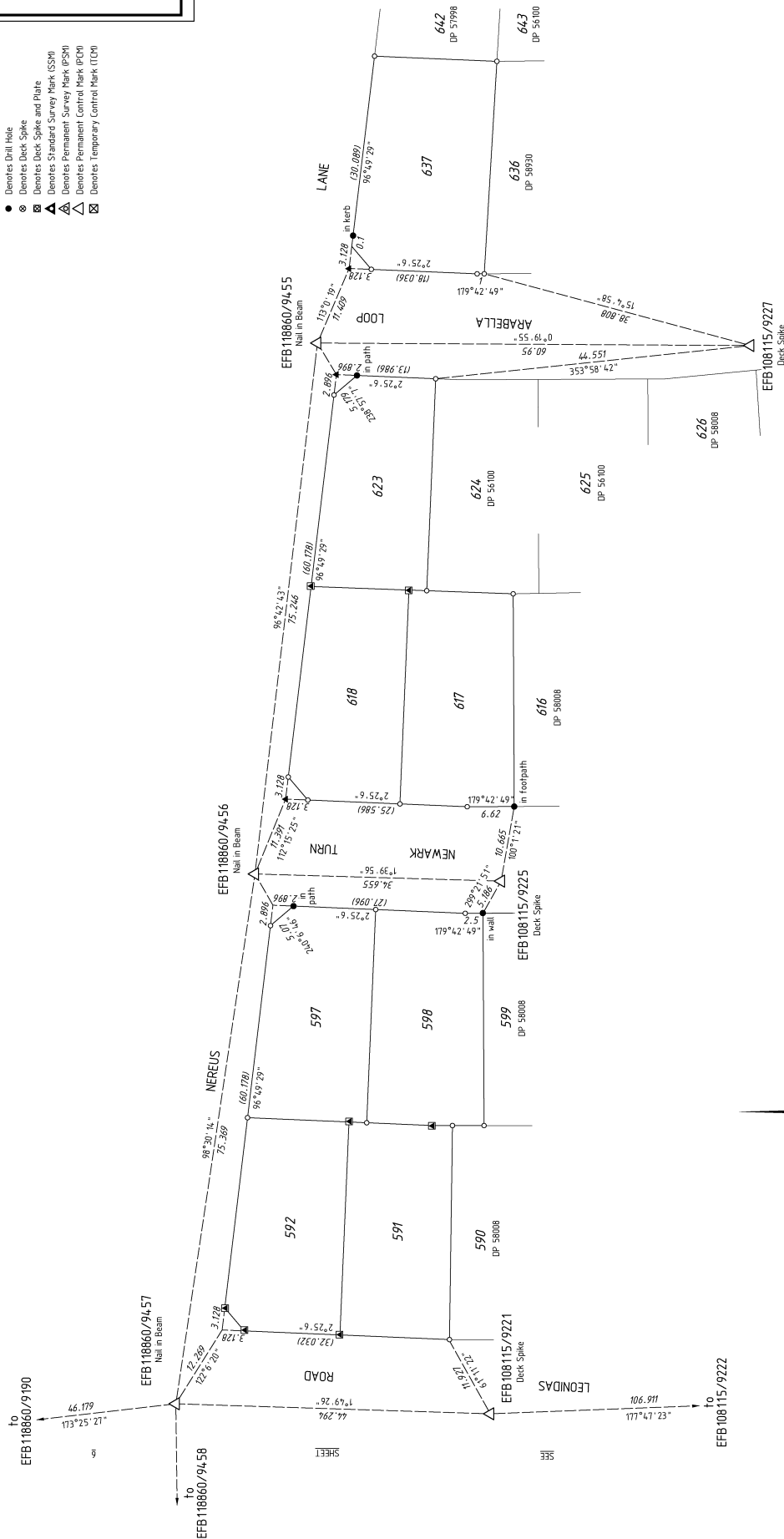
SCALE 1 : 250 @ A2

ALL DISTANCES ARE IN METRES

20

HELD BY LANDGATE  
IN DIGITAL FORM ONLY.

- LEGEND
- Denotes Peg unless stated otherwise
  - ▲ Denotes Nail in kerb
  - ✕ Denotes Nail and Plate in wall
  - Denotes Spike
  - ⊙ Denotes Drill Hole
  - ⊗ Denotes Deck Spike
  - ⊠ Denotes Deck Spike and Plate
  - △ Denotes Standard Survey Mark (SSM)
  - △ Denotes Permanent Survey Mark (PSM)
  - △ Denotes Permanent Control Mark (PCM)
  - △ Denotes Temporary Control Mark (TCM)



FOR HEADING SEE SHEET 1  
SURVEY INFORMATION ONLY  
SURVEY SHEET

SURVEY CARRIED OUT UNDER REG 26A  
SPECIAL SURVEY AREA GUIDELINES  
ALL BEARINGS AND DISTANCES ON THIS SHEET  
ARE THE RESULT OF LEAST SQUARES ADJUSTMENTS  
CARRIED OUT ON FIELD OBSERVATIONS  
GRID DATUM IS PCG94.

SURVEY SHEET AUDITED  
DATE: 10/10/2012 RJWB

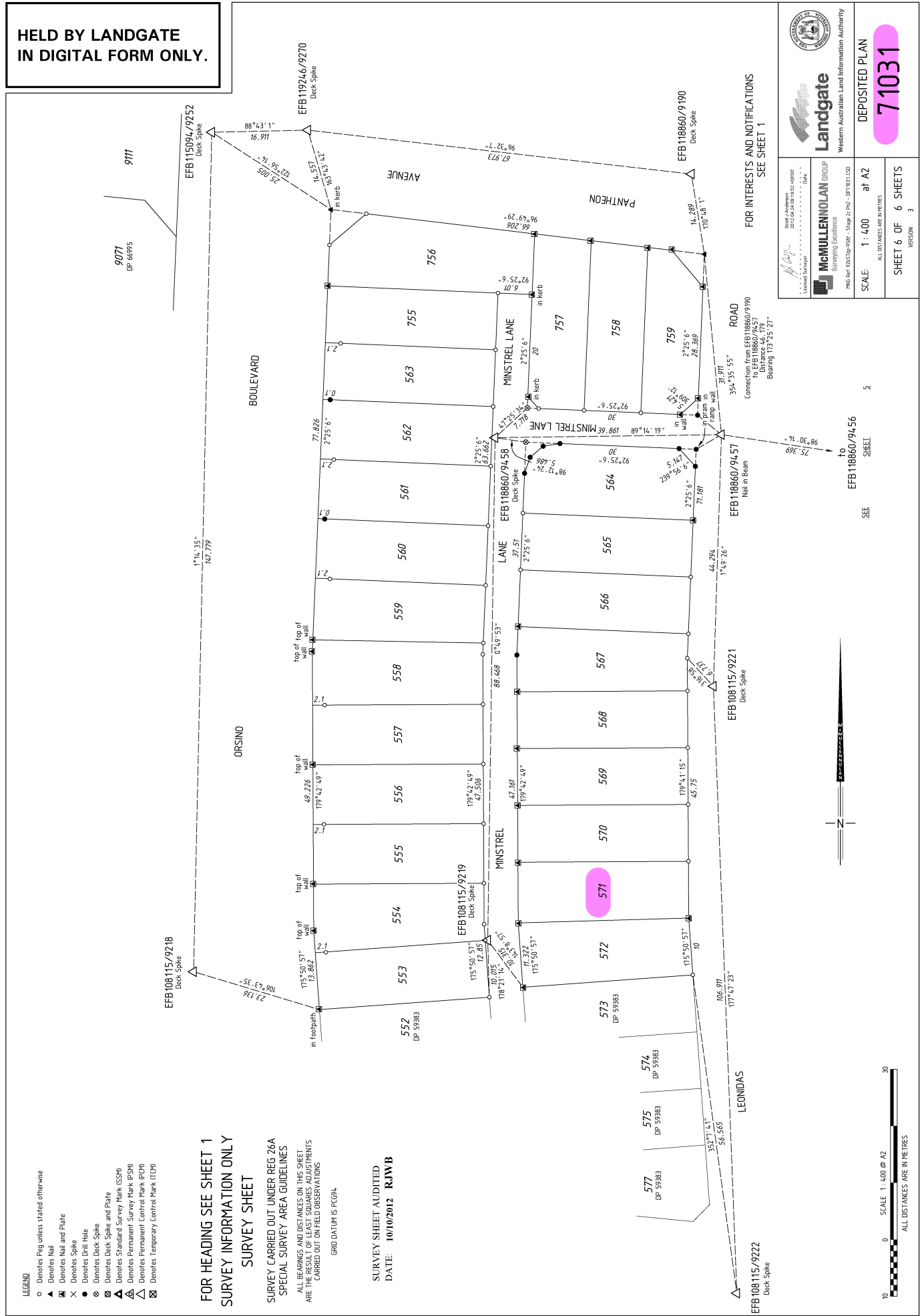
FOR INTERESTS AND NOTIFICATIONS  
SEE SHEET 1



DEPOSITED PLAN  
71031

SCALE 1:400 at A2  
ALL DISTANCES ARE IN METRES  
SHEET 5 OF 6 SHEETS  
VERSION 3

**HELD BY LANDGATE  
IN DIGITAL FORM ONLY.**



### INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet Form 81, should be used with appropriate headings. The boxed sections should only contain the words "see page...."
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. 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 initiated by the persons signing this document and their witnesses.

### NOTES

1. **DESCRIPTION OF LAND**  
Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.  
Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated. If this document relates to only part of the land comprised in the Certificate of Title further narrative or graphic description may be necessary. The volume and folio number to be stated.
2. **REGISTERED PROPRIETOR**  
State full name and address of the Registered Proprietors as shown on the Certificate of Title and the address / addresses to which future notices can be sent.
3. **INFORMATION CONCERNING SITE CLASSIFICATION**  
Include information concerning site classification as either: contaminated - restricted use, contamination - remediation required, remediated for restricted use or possibly contaminated - investigation required.
4. **CHIEF EXECUTIVE OFFICER'S ATTESTATION**  
This document must be signed by or on behalf of the Chief Executive Officer, Department of Environment and Conservation under Section 91 of Contaminated Sites Act 2003. An Adult Person should witness this signature. The address and occupation of the witness must be stated.

EXAMINED

L333026 ML

01 Jun 2010 15:54:43 Perth



REG \$ 110.00

## MEMORIAL CONTAMINATED SITES ACT 2003

### LODGED BY

Department of Environment and Conservation

### ADDRESS

Level 4, 168 St Georges Terrace  
Perth, WA 6842

PHONE No. 1300 762 982

FAX No. (08) 9333 7575

REFERENCE No. 27019

ISSUING BOX No. 888V

### PREPARED BY

Contaminated Sites Section  
Department of Environment and Conservation

### ADDRESS

Level 4, 168 St Georges Terrace  
Perth, WA 6842

PHONE No. 1300 762 982 FAX No. (08) 9333 7575

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



TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

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

Received Items

Nos. 1. - /

Receiving  
Clerk

Lodged 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.





APPROVAL NUMBER

DEPARTMENT OF ENVIRONMENT AND  
CONSERVATION

Client ID 4652

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

## MEMORIAL

L333026.

## CONTAMINATED SITES ACT 2003

## SECTION 58(1) (a) (i) (I) (II) (III) (IV)

## DESCRIPTION OF LAND (Note 1)

LOT 551 ON DEPOSITED PLAN 59383

That portion of LOT 9521 ON DEPOSITED PLAN 58899 as shown as SUBJECT A ON  
DEPOSITED PLAN 65865That portion of LOT 9040 ON DEPOSITED PLAN 55463 as shown as SUBJECT B ON  
DEPOSITED PLAN 65869That portion of LOT 9070 ON DEPOSITED PLAN 62826 as shown as SUBJECT A ON  
DEPOSITED PLAN 65862That portion of LOT 9049 ON DEPOSITED PLAN 62825 as shown as SUBJECT A ON  
DEPOSITED PLAN 65860That portion of LOT 9520 ON DEPOSITED PLAN 58899 as shown as SUBJECT A ON  
DEPOSITED PLAN 65864That portion of LOT 9520 ON DEPOSITED PLAN 58899 as shown as SUBJECT B ON  
DEPOSITED PLAN 65864

## EXTENT

## VOLUME

## FOLIO

Whole

2694

140

Part

2704

648

Part

2653

65

Part

2739

196

Part

2737

545

Part

2704

647

Part

2704

647

## REGISTERED PROPRIETOR (Note 2)

PORT CATHERINE DEVELOPMENTS PTY LTD OF LEVEL 3, 1C HOMEBUSH BAY DRIVE, RHODES, NEW SOUTH WALES

## INFORMATION CONCERNING SITE CLASSIFICATION (Note 3)

Under the Contaminated Sites Act 2003, this Site has been classified as "Remediated for restricted use". For further information on the  
contamination status of this Site, please contact the Contaminated Sites section of the Department of Environment & Conservation.

Dated this

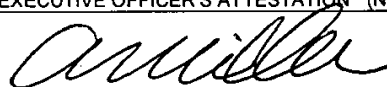
Thirty-first

day of

May

Year 2010

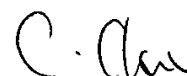
## CHIEF EXECUTIVE OFFICER'S ATTESTATION (Note 4)

**Andrew Miller**  
SECTION MANAGERDELEGATE OF THE CHIEF EXECUTIVE OFFICER  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
UNDER SECTION 91 OF THE  
CONTAMINATED SITES ACT 2003

FULL NAME:

ADDRESS:

OCCUPATION:



SIGNATURE OF WITNESS

Christopher Chau

168 St Georges Tce PERTH WA 6000

Data Management Officer



Department of  
Environment and Conservation



The Atrium  
Level 4, 168 St Georges Terrace  
Perth Western Australia 6000  
Locked Bag 104 Bentley Delivery Centre Western Australia 6983  
Telephone (08) 6364 6500 Facsimile (08) 6364 6520  
TTY 1800 555 630  
Email [info@dec.wa.gov.au](mailto:info@dec.wa.gov.au)  
[www.dec.wa.gov.au](http://www.dec.wa.gov.au)

## FACSIMILE TRANSMISSION

To:	Landgate	Date:	2 Jul 2010
Attention:	Van	Fax No:	9273 7270
From:	Christopher Chau	Phone No:	9333 7556
Total pages:	1	Direct Fax No:	9333 7575
Subject:	Memorial Removal		

### UNINTENDED RECIPIENTS

The contents of this facsimile (including attachments) are confidential. Copying, dissemination, publication or other use of the contents is prohibited. If you are not the addressee, please telephone immediately and then destroy the document. Reverse charges for the telephone call will be accepted.  
**THANK YOU.**

### Message:

DEC Reference: Client ID 4652  
Document Number: L333026

I, Christopher Chau, am authorised by the Department of Environment and Conservation (DEC) to ~~delete~~ → withdraw the *Contaminated Sites Act 2003* memorial described as 'That portion of Lot 9010 ON DEPOSITED PLAN 55483 as shown as SUBJECT B ON DEPOSITED PLAN 65859' from Part of certificate of title 2653/65 as SUBJECTS A & B have now been amalgamated.

Regards,

Christopher Chau  
Contaminated Sites Branch

Christopher Chau  
168 St Georges Tce PERTH WA 6000  
Data Management Officer

## Ross List

---

**From:** Plan Reg  
**Sent:** Friday, 18 June 2010 11:20 AM  
**To:** Ross List; Ewa Milewska  
**Subject:** FW: REVISED DPs 65861, 65863, 65866, 65862 & 65859

Good morning,

I've already taken the lodgement files for DP 68136 out of the email so that it can be lodged on Monday.

Nick McMahon  
Spatial Development Officer  
Plan Lodgement  
Landgate  
Ph: 9273 7869 | Fax: 9274 6258

-----Original Message-----

**From:** Marianne Blood [mailto:marianne.blood@mapsurvey.com.au]  
**Posted At:** Friday, 18 June 2010 10:19 AM  
**Posted To:** Plan Reg  
**Conversation:** REVISED DPs 65861, 65863, 65866, 65862 & 65859 and NEW DP 68136  
**Subject:** REVISED DPs 65861, 65863, 65866, 65862 & 65859 and NEW DP 68136

Please find attached revised versions of DPs 65861, 65863, 65866, 65862 & 65859. The amendments to these plans were to update the parent lot.

Also attached are documents relating to the lodgement of new DP 68136. DP 65861 has now been split to be created on two plans, with the second being new 68136.

These changes are being made as requested by Christopher Chau from the Contaminated Sites Branch from DEC. He can be contacted on [CHRISTOPHER.CHAU@dec.wa.gov.au](mailto:CHRISTOPHER.CHAU@dec.wa.gov.au) should you have any queries.

Thanks,  
Marianne

**Marianne Blood**  
Project Assistant

**MAPS Ref: 92657**

**McMullen Nolan and Partners Surveyors Pty Ltd**  
Level 1, 2 Sabre Crescent, Jandakot WA 6164  
PO Box 3526, Success WA 6964  
Ph: (08) 6436 1599 Fax: (08) 6436 1500  
Email: [marianne.blood@mapsurvey.com.au](mailto:marianne.blood@mapsurvey.com.au)  
Website: [www.mapsurvey.com.au](http://www.mapsurvey.com.au)

### Disclaimer

This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. Although every effort has been made to ensure the correctness and integrity of attachments that may be included in this email, this can only apply to the unaltered/uncorrupted form. A copy of the original attachment is available from our office should you require it. Alternatively, if further verification is required please request a hard copy version.  
McMullen Nolan And Partners Surveyors Pty Ltd  
Level 1, 2 Sabre Crescent, JANDAKOT WA 6164  
[www.mapsurvey.com.au](http://www.mapsurvey.com.au)

2/07/2010

### INSTRUCTIONS

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3. **INFORMATION CONCERNING SITE CLASSIFICATION**  
Include information concerning site classification as either: contaminated - restricted use, contamination - remediation required, remediated for restricted use or possibly contaminated - investigation required.
4. **CHIEF EXECUTIVE OFFICER'S ATTESTATION**  
This document must be signed by or on behalf of the Chief Executive Officer, Department of Environment and Conservation under Section 91 of Contaminated Sites Act 2003. An Adult Person should witness this signature. The address and occupation of the witness must be stated.

EXAMINED

L296393 ML

23 Apr 2010 15:48:06 Perth



REG \$ 110.00

## MEMORIAL CONTAMINATED SITES ACT 2003

### LODGED BY

Department of Environment and Conservation

### ADDRESS

Level 4, 168 St Georges Terrace  
Perth, WA 6842

PHONE No. 1300 762 982

FAX No. (08) 6467 5532

REFERENCE No. 31841

ISSUING BOX No. 888V

### PREPARED BY

Contaminated Sites Section  
Department of Environment and Conservation

### ADDRESS

Level 4, 168 St Georges Terrace  
Perth, WA 6842

PHONE No. 1300 762 982 FAX No. (08) 6467 5532

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



TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. _____		Received Items
2. _____		Nos. 0
3. _____		
4. _____		
5. _____		
6. _____		Receiving Clerk

Lodged 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.



Christophers Chan  
168 St Georges Terrace  
Perth WA 6000  
Land Management Officer

APPROVAL NUMBER

DEPARTMENT OF ENVIRONMENT AND  
CONSERVATION

Client ID 38

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED**MEMORIAL****CONTAMINATED SITES ACT 2003****SECTION 58(1) (a) (i) (I) (II) (III) (IV)****DESCRIPTION OF LAND (Note 1)**That portion of LOT 9950 ON DEPOSITED PLAN 54901 as shown as SUBJECT A ON  
DEPOSITED PLAN 65867That portion of LOT 9950 ON DEPOSITED PLAN 54901 as shown as SUBJECT B ON  
DEPOSITED PLAN 65867**EXTENT****VOLUME****FOLIO**

Part

2654

662

Part

2654

662

**REGISTERED PROPRIETOR (Note 2)**PORT CATHERINE DEVELOPMENTS PTY LTD  
OF LEVEL 3, 1C HOMEBUSH BAY DRIVE, RHODES, NEW SOUTH WALES**INFORMATION CONCERNING SITE CLASSIFICATION (Note 3)**Under the Contaminated Sites Act 2003, this Site has been classified as "Remediated for restricted use". For further information on the  
contamination status of this Site, please contact the Contaminated Sites section of the Department of Environment & Conservation.

Dated this

Nineteenth

day of April

Year 2010

**CHIEF EXECUTIVE OFFICER'S ATTESTATION (Note 4)****Andrew Miller**  
**SECTION MANAGER**DELEGATE OF THE CHIEF EXECUTIVE OFFICER  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
UNDER SECTION 91 OF THE  
CONTAMINATED SITES ACT 2003

SIGNATURE OF WITNESS

FULL NAME:

**Christopher Chau**  
168 St Georges Tce PERTH WA 6000  
Data Management Officer

ADDRESS:

OCCUPATION:

### 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 there is insufficient space 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 full name, address and occupation of the witness must be stated.

EXAMINED

ME\_99121082\_1 (W2007)

L975976 RC

27 Jun 2012 18:09:11 Perth



REG \$ 150.00

## RESTRICTIVE COVENANT

LODGED BY MINTER ELLISON

ADDRESS ALLENDALE SQUARE, 77 ST GEORGES TERRACE, PERTH

PHONE NO. 6189 7878

FAX NO. 6189 7978

REFERENCE PYW:45-7252407

ISSUING BOX NO. 214D

PREPARED BY: MINTER ELLISON

ADDRESS: ALLENDALE SQUARE, 77 ST GEORGES TERRACE, PERTH

PHONE No. 08 6189 7800 FAX No. 08 6189 7999

REF: PYW: 45-7252407

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

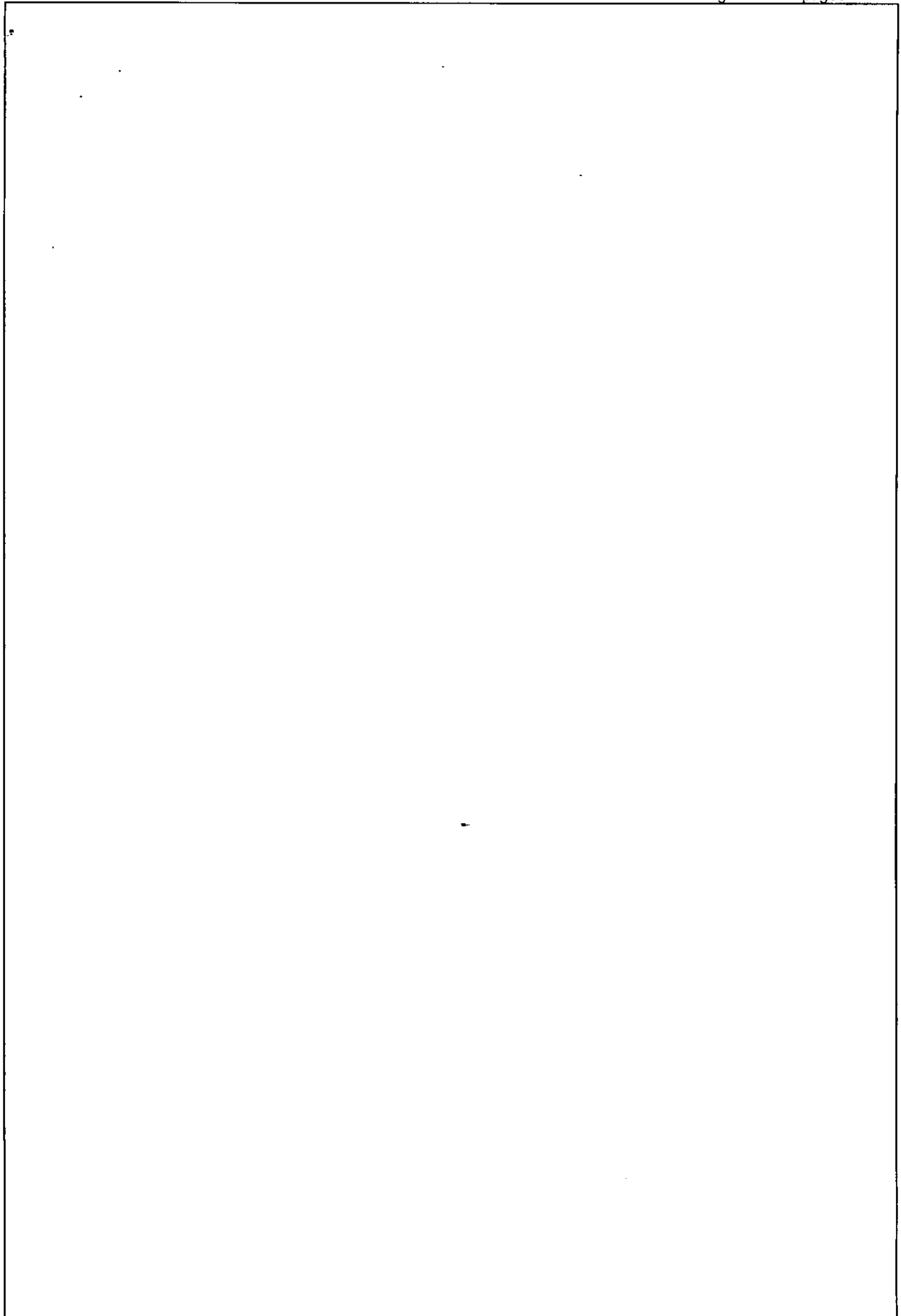
3/3

TITLES, LEASES, DECLARATIONS ETC LODGED HERewith

1. <u>PEED</u>	Received items
2. _____	
3. _____	Nos. <u>10</u>
4. _____	
5. _____	
6. _____	Receiving Clerk <u>[Signature]</u>

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.



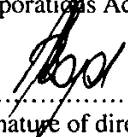


ME\_99121082\_1 (W2007)

**Section 136D Deed of Restrictive Covenant -  
Port Coogee: Stage 2C - DP 71031**  
Signing page

DATED: 11 May 2012

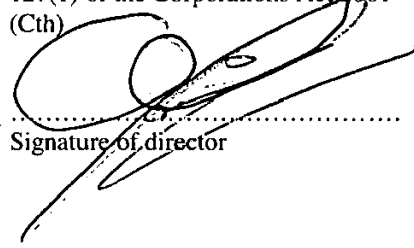
EXECUTED by PORT )  
CATHERINE DEVELOPMENTS )  
PTY LTD ACN 070 096 927 in )  
accordance with section 127(1) of the )  
Corporations Act 2001 (Cth) )

  
.....  
Signature of director )

Anthony Boyd )  
.....

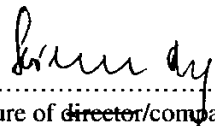
Full name of director (block letters) )

EXECUTED by EUREKA 1 )  
PROJECT 3 PTY LTD ACN 110 )  
817 528 in accordance with section )  
127(1) of the Corporations Act 2001 )  
(Cth) )


  
.....  
Signature of director )

GAVIN NORRIS )  
.....

Full name of director (block letters) )

  
.....  
Signature of director/company )  
secretary\* )  
\*delete whichever is not applicable )

SERENA NG )  
.....  
Full name of director/company )  
secretary (block letters)\* )  
\*delete whichever is not applicable )

  
.....  
Signature of director/company )  
secretary\* )  
\*delete whichever is not applicable )

Selliah Kalyanakumar )  
.....

Full name of director/company )  
secretary (block letters)\* )  
\*delete whichever is not applicable )



### 3.2 Expiry of certain Restrictive Covenants

The covenants in subclause 2.2 expire on a date 10 years from the date of registration of the application for new certificates of title for the land in the Deposited Plan.

---

## 4 Consents under s136E of the Transfer of Land Act

The Registered Proprietor will obtain any consents required under section 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.

---

## 5 Encumbrances

Mortgage K374086

Mortgage L682717

Memorial L296393

Mortgage L727118

Memorial L273768

Memorial L333026

**EXECUTED** as a deed

- (iii) with air conditioning units visible from the primary street;
- (v) construct on the front boundary of the Lot a wall or fence other than a masonry or rendered finish wall not greater in height than 0.5 metres above the natural ground surface (except for any vertical support pillars, which may be not greater in height than 1.8 metres above the natural ground surface) which masonry or rendered finish wall must return along the side boundary of the Lot to the building set back and incorporate any letterbox and home number;
- (w) in respect of any fence on the top of any retaining wall which was constructed by the Registered Proprietor:
  - (i) fail to maintain the retaining wall fence in good condition;
  - (ii) where the retaining wall fence requires repair or replacement, use materials other than those which are substantially identical with those used in its original construction; or
  - (iii) build any other fence in front of or immediately behind the retaining wall fence;
- (x) subject to covenant 2.2(w) above, construct a fence on the boundary of the Lot adjacent to a side street or public park space side of an adjacent Lot unless the fence is a 1.8 metre high semi permeable screen fence which is at least 70% permeable using timber or aluminium horizontal battens or louvres;
- (y) subject to covenant 2.2(w) above, construct any fence on any boundary of the Lot unless the fence is constructed from masonry or has a rendered finish;
- (z) construct any residence, or alter the structure, integrity or finish of a completed residence, except in accordance with plans and specifications that comply with the Design Guidelines and Detailed Area Plan and have received the prior approval or consent of the local authority and any statutory authority having jurisdiction; or
- (aa) construct any residence, or alter the structure, integrity or finish of a completed residence, except in accordance with plans and specifications that comply with the Quiet House Design Guidelines.

### 3 Benefit and Burden

#### 3.1 Binding of Registered Proprietor and successors etc

The burden of the covenants in clause 2 is appurtenant to and will run with the Lot for the benefit of every other Lot to the intent that the covenants will bind the Registered Proprietor and the registered proprietor from time to time of the Lots and will be for the benefit of the Registered Proprietor and any other registered proprietor from time to time of every other Lot but not so as to render the Registered Proprietor personally liable in respect of any Lot after the Registered Proprietor has parted with all interest in that Lot.

- (ii) the fence or wall is constructed from materials predominantly rendered brick or Colorbond material;
- (l) allow any boundary fence to fall into a state of disrepair;
- (m) allow any building materials or rubbish to remain at the front of the dwelling constructed on the Lot or otherwise in a place visible from the street or public open space for longer than one (1) month after the dwelling has become available for occupation by residents;
- (n) leave any vacant area or the front of the Lot in an unlandscaped condition for longer than three (3) months after the dwelling has become available for occupation by residents. For the purpose of this covenant "unlandscaped condition" means that the unlandscaped portion of the Lot is not grassed, planted with vegetation or otherwise beautified by natural or artificial means;
- (o) display any advertising or business sign on the Lot or in any window of or on the walls of the dwelling on the Lot except for a temporarily placed professionally produced real estate sign associated with the proposed sale of the Lot;
- (p) erect a "For Sale" sign on the Lot before a dwelling has been constructed on the Lot prior to the third anniversary of the date of registration of the application for new certificates of title for the land in the Deposited Plan;
- (q) carry out or allow the carrying out of repairs to any vehicle, motorcycle, trailer, boat or caravan on the Lot unless in a position not visible from any street, waterway or any lot adjacent to the Lot;
- (r) park or store (or allow to be parked or stored) any vehicle of a commercial nature, such as a truck or utility, or any caravan, trailer, boat or any mobile machinery (except for commercial vehicles in use by non-resident tradesperson during the normal course of business) unless any such vehicle or item is housed or contained wholly within a garage or other fully enclosed storage area on the Lot;
- (s) store any rubbish disposal container in any place within the Lot which is visible from any street (other than at times when the container is put out for street collection when it will be removed as soon as possible after collection);
- (t) construct any dwelling on the Lot without, at the same time, constructing a letter box at the street frontage in the same material and finish as the walls of the dwelling;
- (u) construct any dwelling on the Lot:
  - (i) without two (2) or more clearly defined wall materials neither of which is greater than 80% of the front elevation (not including windows);
  - (ii) which has eaves, except where nil lot boundaries with less than 450mm overhang; and

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## 2 Covenants

### 2.1 Creation of Restrictive Covenants under s 136D

The Registered Proprietor pursuant to section 136D of the Transfer of Land Act 1893 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 Restrictive Covenants

The Registered Proprietor (which expression includes the transferees, assigns and successors of the Registered Proprietor) covenants that the Registered Proprietor will not:

- (a) construct a dwelling on a Lot which is transportable or otherwise not of a permanent nature;
- (b) construct a car port;
- (c) construct a garage with a roof of any material other than the material used for the roof of the dwelling;
- (d) use any roof materials in connection with any dwelling on the Lot other than concrete tiles, clay tiles, slate, Colorbond or zincalume which has been painted or otherwise coated with a non-reflective surface;
- (e) install any solar hot water heater which does not fit the roof profile of the dwelling or which is elevated at an angle to the roof profile or which does not otherwise match or complement the dwelling;
- (f) install any solar hot water heater tanks which are visible from outside the Lot;
- (g) erect any satellite dishes or antennas of any kind on the front facades of any building on the Lot or forward of the building line;
- (h) erect any radio, television, telecommunication or other tower on the Lot;
- (i) construct any outbuilding on the Lot between a dwelling and primary street unless it is not visible from the street in front of the dwelling or unless, if visible from any other street, it is constructed of material predominantly brick or Colorbond and in the same colour scheme as the dwelling constructed on the Lot;
- (j) install a clothes line or rain water tank which is visible from any street;
- (k) construct any fence or wall from the dwelling on the Lot to the boundary of an adjoining Lot unless:
  - (i) the wall or fence is not visible from any street and is behind the building line; or

# Section 136D Deed of Restrictive Covenant - Port Coogee: Stage 2C - DP 71031

## General terms

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### 1 Definitions

In this Deed:

**Deposited Plan** means the deposited plan referred to in the Details of this deed;

**Detailed Area Plan** means the plan entitled “Detailed Area Plan” that is in the form approved or adopted by the City of Cockburn from time to time;

**Design Guidelines** means the document and appendices described as “Design Guidelines” that are in the form approved or adopted by Port Catherine Developments Pty Ltd from time to time;

**Land** means the land described in the Details of this deed;

**Lot** means the lots referred to in the Details of this deed and “Lots” has a corresponding meaning;

**Quiet House Design Guidelines** means the document and appendices described as “Quiet House Design Guidelines” that are in the form approved or adopted by Port Catherine Developments Pty Ltd from time to time.

#### 1.2 General interpretation

Unless the contrary intention appears a reference in this deed to:

- (a) **(clauses, annexures and schedules)** a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this deed;
- (b) **(reference to statutes)** a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them; and
- (c) **(meaning not limited)** the words “include”, “including”, “for example” or “such as” are not used as, nor is it to be interpreted as, a word of limitation and when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.

#### 1.3 Headings

Headings are inserted for convenience and do not affect the interpretation of this deed.

C Pursuant to section 136D of the Transfer of Land Act 1893 the Registered Proprietor wishes to register restrictive covenants in respect of the Lots so that those covenants will benefit and burden those Lots.

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**Governing law** Western Australia

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**Date of deed** See Signing page

# Section 136D Deed of Restrictive Covenant - Port Coogee: Stage 2C - DP 71031 Details

Parties	Registered Proprietor	
Registered Proprietor	Name	Port Catherine Developments Pty Ltd
	ACN	070 096 927
	Address	care of Level 2 115 Cambridge Street WEST LEEDERVILLE WA 6007
	Name	Eureka 1 Project 3 Pty Limited
	ACN	110 817 528
	Address	Level 9 225 George Street SYDNEY NSW 2000
Deposited Plan	71031	
Land	<p>Part of Lot 9105 on Deposited Plan 71029 being the whole of the land in Certificate of Title Volume 2787 Folio 237; and</p> <p>Part of Lot 9106 on Deposited Plan 71029 being the whole of the land in Certificate of Title Volume 2787 Folio 238; and</p> <p>Part of Lot 9112 on Deposited Plan 71029 being the whole of the land in Certificate of Title Volume 2787 Folio 239.</p>	
Lots	<p>Lots 555 to 565 (inclusive), Lot 592, Lot 597, Lot 618, Lot 755, Lot 553, Lot 572, Lot 554, Lots 566 to 571 (inclusive), Lot 591, Lot 598, Lot 623, Lot 637, Lots 756 to 759 (inclusive) and Lot 617 on the Deposited Plan.</p>	
Recitals	A	The Registered Proprietor is the registered proprietor of an estate in fee simple of the whole of the Land.
	B	The Registered Proprietor is subdividing the Land by the registration of the Deposited Plan.

# Section 136D Deed of Restrictive Covenant - Port Coogee: Stage 2C - DP 71031

## Contents

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MALLESONS STEPHEN JAQUES

# Section 136D Deed of Restrictive Covenant - Port Coogee: Stage 2C - DP 71031

Dated

**Port Catherine Developments Pty Ltd** (ACN 070 096 927) and **Eureka  
1 Project 3 Pty Limited** (ACN 110 817 528) (**Registered Proprietor**)

**Mallesons Stephen Jaques**

Level 10

Central Park

152 St George's Terrace

Perth WA 6000

Australia

T +61 8 9269 7000

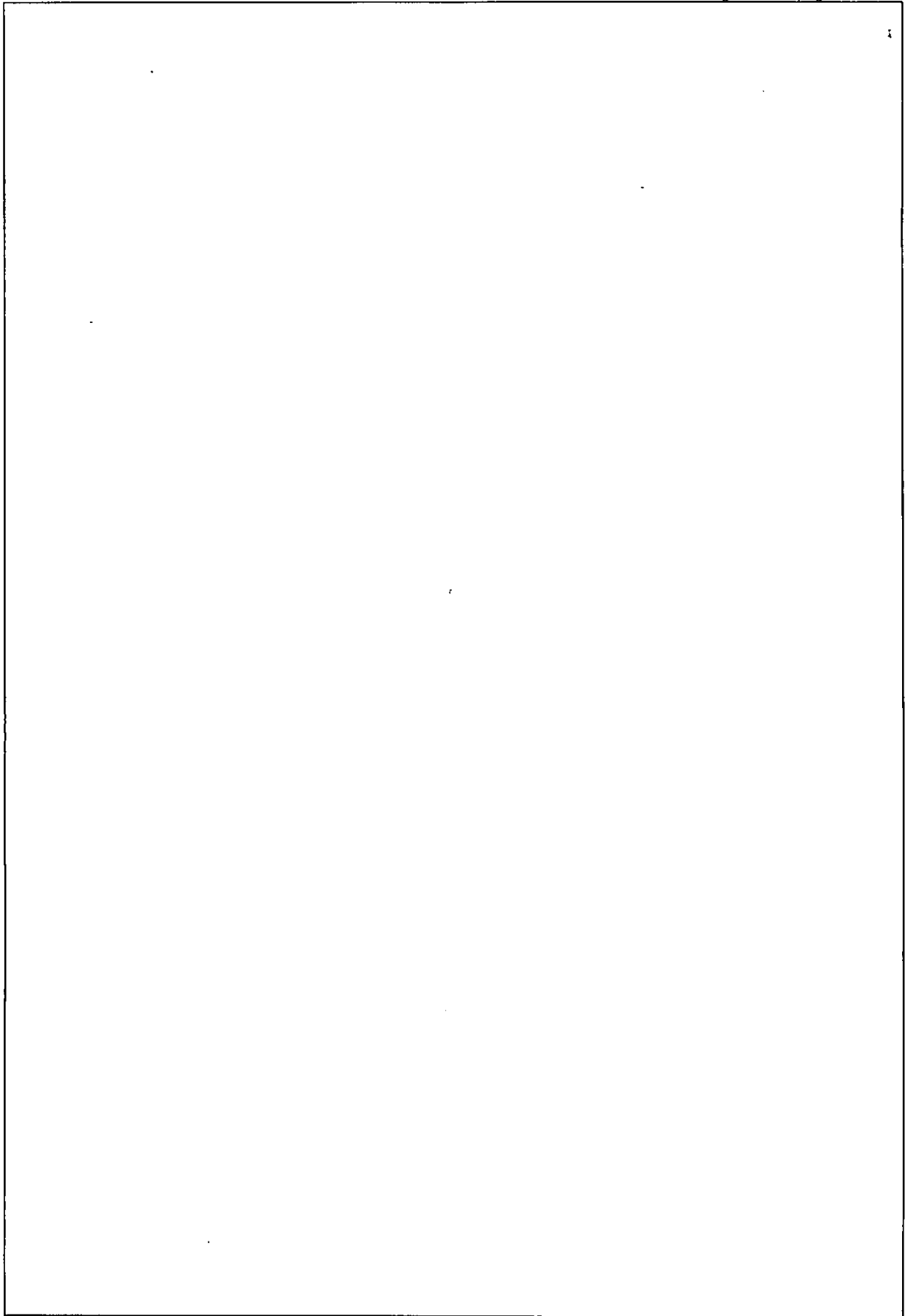
F +61 8 9269 7999

DX 210 Perth

[www.mallesons.com](http://www.mallesons.com)

LMI:KH 09-0055-6793

ME\_97589789\_1 (W2003x)



ME\_99121082\_1 (W/2007)

FORM B2

FORM APPROVAL  
No. B7557

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

## BLANK INSTRUMENT FORM

RESTRICTIVE COVENANT

(Note 1)

Page 1 of 14 pages

Date:

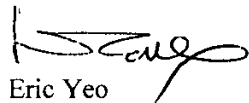
ME\_99121082\_1 (W2007)

- (c) an application by PCD and Eureka for the issue of new titles off the Deposited Plan; and
- (d) a restrictive covenant burdening Lots 555-565 (inclusive), 592, 597, 618, 755, 553, 572, 554, 566-571 (inclusive), 591, 598, 623, 637, 756-759 (inclusive) and 617 on the Deposited Plan.

Further, UOB acknowledges that, as a result of the approval of the Deposited Plan:

- (i) Mortgage L727118 will remain as an encumbrance over a portion only of one or more of the lots on the Deposited Plan being Lots 554, 566-571, 591, 598, 617, 623, 637 and 756-759 (**Affected Lots**); and
- (ii) the ability of UOB to exercise a power of sale over the Affected Lots is restricted.

Yours sincerely



Eric Yeo

General Manager - Operations



**UNITED OVERSEAS BANK**  
大華銀行

United Overseas Bank Limited  
**SYDNEY BRANCH**  
Level 9, 32 Martin Place  
Sydney NSW 2000 Australia  
Tel: (61)02 9221-1924 Fax: (61)02 9221-1541  
Swift: UOVBAU2S  
Web: uobgroup.com  
ABN: 56 060 785 284

11 July 2012

The Registrar of Titles  
Landgate  
PO BOX 2222  
MIDLAND WA 6936

Dear Sir

**Deposited Plan 71031 – Port Coogee Stage 2C**  
**Mortgagee's Consent**

United Overseas Bank Ltd (UOB) is the mortgagee under the following registered mortgages:

1. Mortgage L682717 registered against the following titles:
  - (a) Lot 9105 on Deposited Plan 71029 being the whole of the land contained in Certificate of Title Volume 2787 Folio 237 (**Lot 9105**);
  - (b) Lot 9106 on Deposited Plan 71029 being the whole of the land contained in Certificate of Title Volume 2787 Folio 238 (**Lot 9106**); and
  - (c) Lot 9112 on Deposited Plan 71029 being the whole of the land contained in Certificate of Title Volume 2787 Folio 239 (**Lot 9112**).
2. Mortgage L727118 registered against Lot 9106.

UOB consents to the lodgement and registration of the following dealings:

- (a) a transfer by Port Catherine Developments Pty Ltd (**PCD**) to PCD and Eureka 1 Project 3 Pty Ltd (**Eureka**) of:
  - (i) that portion of Lot 9105 that will, upon Deposited Plan 71031 (**Deposited Plan**) being in order for dealing, be comprised in Lots 617, 623, 637 and 756-759 (inclusive) on the Deposited Plan; and
  - (ii) that portion of Lot 9112 that will, upon the Deposited Plan being in order for dealing, be comprised in Lots 553, 554, 566-571 (inclusive), 572, 591, 598 and 617 on the Deposited Plan;
- (b) the Deposited Plan;

SINGAPORE CHINA INDONESIA MALAYSIA PHILIPPINES THAILAND AUSTRALIA BRUNEI CANADA FRANCE  
HONG KONG INDIA JAPAN MYANMAR SOUTH KOREA TAIWAN UNITED KINGDOM USA VIETNAM

# DIAGRAM

of sub.<sup>an</sup> of Narrogin Town Lots 110 & 111

Scale: 1:792  
1 inch = 792 feet

F.B.3557

W.E.C. Moss : Surveyor

On Index Plan 2067

BUCHANAN 2000 11/36

Passed: 8.5.5

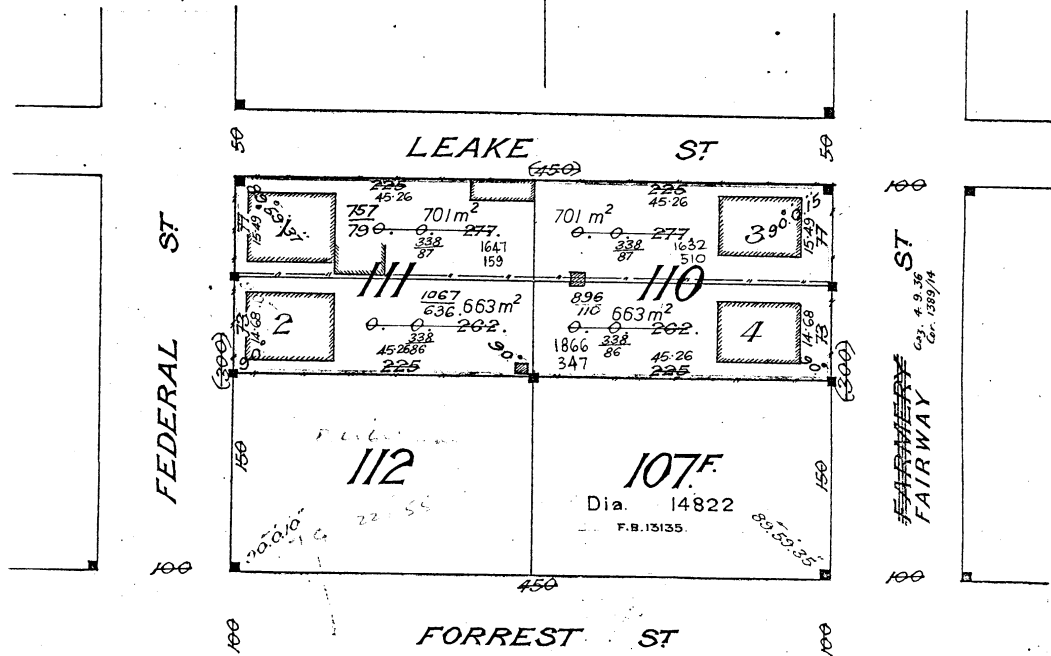
Depth Limit 1 Metres

DEPTH 609.6 METRES

c/r 292/17

Index Plan 3722

ORIG GRANT  
T. 21/778



DIA 2260



DUPLICATE 2260

## Diagram 2260

Lot	Certificate of Title	Lot Status	Part Lot
1	1647/159	Registered	
2	1067/636 (Cancelled)	Retired	
3	1632/510	Registered	
4	1866/347	Registered	

# Deposited Plan 71031

Lot	Certificate of Title	Lot Status	Part Lot
553	2795/401	Registered	
554	2795/402	Registered	
555	2795/403	Registered	
556	2795/404	Registered	
557	2795/405	Registered	
558	2795/406	Registered	
559	2795/407	Registered	
560	2795/408	Registered	
561	2795/409	Registered	
562	2795/410	Registered	
563	2795/411	Registered	
564	2795/412	Registered	
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566	2795/414	Registered	
567	2795/415	Registered	
568	2795/416	Registered	
569	2795/417	Registered	
570	2795/418	Registered	
571	2795/419	Registered	
572	2795/420	Registered	
591	2795/421	Registered	
592	2795/422	Registered	
597	2795/423	Registered	
598	2795/424	Registered	
617	2795/425	Registered	
618	2795/426	Registered	
623	2795/427	Registered	
637	2795/428	Registered	
755	2795/429	Registered	
756	2795/430	Registered	
757	2795/431	Registered	
758	2795/432	Registered	
759	2795/433	Registered	
9111	2795/434 (Cancelled)	Retired	
0	N/A	Registered	
0	N/A	Retired	