



TREEBY PARK
SIMPLE BY NATURE

ANNEXURE B – RESTRICTIVE COVENANT

TREVALLEY INVESTMENTS PTY LTD
ACN 107 834 506

AND

WELL HOLDINGS PTY LTD
ACN 009 463 745
"Developer"

SECTION 136D DEED OF RESTRICTIVE COVENANT
TREEBY PARK STAGE 1 – TREEBY ROAD, ANKETELL



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Ref: 170387

Buyer's Initials _____

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Buyer's Initials _____

THIS DEED OF RESTRICTIVE COVENANT is made the _____ day of October 2017.

PARTY:

TREVALLEY INVESTMENTS PTY LTD ACN 107 834 506 of 48 Wickham Street, East Perth, Western Australia (Trevalley)

AND

WELL HOLDINGS PTY LTD ACN 009 463 745 of PO Box 312, Floreat, Western Australia (Well Holdings)

(Trevalley and Well Holdings together are the Developer)

BACKGROUND:

- A. The Developer is the registered proprietor of Portion of Cockburn Sound Location 16 and being part of the land coloured blue and marked drain on Plan 4746 being the whole of the land contained in Certificate of Title Volume 2229 Folio 915 (Lot 13).
- B. Lot 13 is subject to the encumbrances referred to in the Schedule.
- C. The Developer intends to subdivide Lot 13 into the lots shown on Deposited Plan 407966 (Subdivision Plan).
- D. Pursuant to section 136D of the Transfer of Land Act 1893 (WA), the Developer wishes to create restrictive covenants as set out in this deed on lots 72 – 118 on the Subdivision Plan (Lot or Lots, as the context requires) for the benefit of the Lots.

NOW THE PARTIES AGREE AS FOLLOWS:

1. CREATION OF RESTRICTION

Pursuant to section 136D of the Transfer of Land Act 1893 (WA), the Developer hereby creates restrictive covenants on all Lots, unless otherwise specified, in the following terms:

A registered proprietor shall not:

Compliance

- (a) Develop a Lot or construct upon a Lot a dwelling unless such development or construction is in compliance with the requirements of the Residential Design Codes, the Town Planning Scheme, the approved Detailed Area Plan (as amended and may apply) and all relevant by-laws and policies of the relevant Shire or council.

Minimum Street Front Elevation

- (b) Except in the case of Lots 88, 89, 91 or 118, if a Lot has a street frontage width of greater than fifteen (15) metres, construct a dwelling with a street front elevation width of less than eighty percent (80%) of the street frontage width of the Lot. For the purpose of a corner lot, the street frontage relates to the primary street frontage only and for the purpose of measuring the street frontage width, any truncation is ignored and the measurement is taken along the side of the Lot abutting the primary street; and
- (c) if a Lot has a street frontage width of less than fifteen (15) metres, construct a dwelling with a street front elevation width of less than seventy-five percent (75%) of the street frontage width of the Lot. For the purpose of a corner lot, the street frontage relates to the primary street frontage only and for the purpose of measuring the street frontage width, any truncation is ignored and the measurement is taken along the side of the Lot abutting the primary street.

External Finish

- (d) Construct a dwelling with external wall materials not primarily made of stone, face brick or painted or coloured cement render;
- (e) construct a dwelling without incorporating either a portico, gable or feature wall into the street front elevation of the dwelling;
- (f) construct a dwelling unless each street facing facade is made up of at least two (2) different colours or textures with each such colour or texture (as applicable) making up at

- (g) least ten percent (10%) of the total surface area of the relevant facade. For the purpose of this clause the term "facade" does not include the roof, gutters, downpipes, windows or doors; and
- (h) construct a dwelling with roofing materials other than concrete or clay tiles or colourbond sheeting (Zincalume is not permitted) and with a pitch of less than twenty-four degrees (24°).

Carpports

- (i) Construct a dwelling without a carport or garage capable of housing at least two (2) motor vehicles parked side by side. Such garage shall not be constructed other than in a manner which complements the dwelling in respect to roof pitch, materials used, design, colour and external appearance; and
- (j) construct out buildings greater than 15m² and/or higher than 3m unless they are constructed from materials that compliment the dwelling in appearance.

Driveways

- (k) Construct a dwelling, unless a driveway and cross-over between the road and the parking area on the Lot are constructed and completed at the same time as or prior to occupation of the dwelling. Any driveway or crossover constructed shall not be less than three metres (3m) wide and no greater than six metres (6m) wide or constructed from anything other than brick pavers, coloured concrete or similar.

Solar Heaters

- (l) Install solar heaters and air conditioners on that part of a roof facing a street and the solar heaters and air conditioners shall not be painted (or consist of coloured materials) of any colours that do not match the roof colour.

Commercial Vehicles

- (m) Park commercial vehicles including trucks, buses and tractors at the dwelling or on a verge abutting the dwelling unless screened from public view at all times or unless parked during the normal course of business by a visiting tradesman.

Repairs

- (n) Repair, restore or maintain any motor vehicle, motor cycle, boat, trailer or any other vehicle unless carried out behind the building line and screened from public view at all times.

Fences

- (o) Construct side and rear boundary fencing using anything other than "River Sand" or similar coloured "Colourbond" fence panels or sheets with "Slate Grey" or similar coloured capping, posts and rails to a maximum height of one and eight tenths of a metre (1.8m) measured from the ground level up;
- (p) construct fencing between the dwelling and the side boundary of the Lot or forward of the dwelling along the side and front boundaries, that is visible from the street, from any materials other than the materials of the dwelling, which match the appearance of the dwelling;
- (q) complete construction of fencing to the dwelling any later than twenty-one (21) days from either the date of builder's handover or the date of occupation of the dwelling, whichever occurs first; or
- (r) construct a dwelling unless the area between the front building line and the kerb is reticulated and landscaped within sixty (60) days of occupancy.

2. BURDEN TO RUN WITH LAND

The burden of the covenants and restrictions contained in this deed shall run and bind each of the Lots and bind the registered proprietors and their successors in title, transferees and assigns and shall endure for the benefit and be enforceable by each and every other registered proprietor of the Lots, and their successors in title, transferees and assigns.