

Appendix 1

Certificate of Title

Landgate



REGISTER NUMBER 2495/DP49069	
DUPLICATE EDITION 3	DATE DUPLICATE ISSUED 7/8/2012

RECORD OF CERTIFICATE OF TITLE UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 2708 FOLIO 980

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.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 2495 ON DEPOSITED PLAN 49069

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

A.P. MARSHALL INVESTMENTS PTY LTD OF 5 SHELTON STREET, WAIKIKI (T L990168) REGISTERED 11/7/2012

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

- 1. *K580533 CAVEAT BY WOOLWORTHS LTD AS TO PORTION ONLY. LODGED 30/4/2008.
2. K833915 RESTRICTIVE COVENANT TO CITY OF WANNEROO REGISTERED 23/1/2009.
3. *L335564 CAVEAT BY CHOOKS FRESH & TASTY (FRANCHISING) PTY LTD AS TO PORTION ONLY. LODGED 3/6/2010.
4. L422951 LEASE TO WOOLWORTHS LTD OF 1 WOOLWORTHS WAY, BELLA VISTA, NEW SOUTH WALES EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 8/9/2010. *N405463 EXTENSION OF LEASE L422951. REGISTERED 10/8/2016.
5. *L877412 CAVEAT BY GREGORY RAYMOND HUNT, DAVID JOHN TOMAZIN AS TO PORTION ONLY LODGED 9/3/2012.
6. *L877419 CAVEAT BY GREGORY RAYMOND HUNT, DAVID JOHN TOMAZIN AS TO PORTION ONLY LODGED 9/3/2012.
7. *L877456 CAVEAT BY GREGORY RAYMOND HUNT, DAVID JOHN TOMAZIN AS TO PORTION ONLY LODGED 9/3/2012.
8. *N207553 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 18/12/2015.
9. *N409293 CAVEAT BY BAKERS DELIGHT HOLDINGS LTD. AS TO PORTION ONLY LODGED 15/8/2016.
10. *N497067 LEASE TO VODAFONE NETWORK PTY LIMITED OF LEVEL 7 40 MOUNT STREET NORTH SYDNEY NSW 2060 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 30/11/2016.

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. * Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title. 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

END OF PAGE 1 - CONTINUED OVER

RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: 2495/DP49069

VOLUME/FOLIO: 2708-980

PAGE 2

and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP49069
PREVIOUS TITLE: 2603-835
PROPERTY STREET ADDRESS: 7 CHERITON DR, CARRAMAR.
LOCAL GOVERNMENT AUTHORITY: CITY OF WANNEROO

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING
M928984

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, Approval No B1191, 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.

EXAMINED

K833915 RC

23 Jan 2009 13:48:19 Perth



REG \$ 105.00

Envoy Settlement Agency

PO Box 193
WEST PERTH WA 6872
Phone: 6311 1222 Fax: 6311 1233
LTO Box 920

WITHDRAWN FROM REGISTRATION K75/252 (Document No.)
 CASE NO. K75/251

REGISTRAR OF TITLES WA 27-11-08

PREPARED BY Minter Ellison
ADDRESS Level 49 Central Park
 152-158 St George's Terrace
 PERTH WA 6000
PHONE NO. 9429 7444 **FAX NO.** 9429 7666
REFERENCE: JLP 60-1375077
 amended restrictive covenant.doc

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

2/2

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1.	<u>Letter of</u>	Received items
2.	<u>consent.</u>	
3.	_____	Nos.
4.	_____	
5.	_____	
6.	_____	Receiving Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.



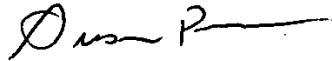
REQUIRED CONSENT

Consent by Persons having registered
Interests Mortgage Number K 735885

Executed by BANK OF WESTERN AUSTRALIA
LTD A.C.N. 050 494 464 by its Attorney:

STEPHEN JOHN NAGLE
its duly constituted Attorney under Power of
Attorney No. H994310 and dated 22 January
2002 who at the date hereof had no notice of
revocation of such Power of Attorney in the
presence of:

BANK OF WESTERN AUSTRALIA
by its Attorney:



.....
An Officer of the Bank



.....
DIRECTOR PROPERTY FINANCE

Susannah Mary Palmer
Relationship Manager
Property Finance Unit

EXECUTED as a DEED

Signed by (2 signatures required):

Warwick Donald Hemsley _____
 Anthony James Lennon _____
 Peter Michael Lynch _____
 Domenico Scatella _____
 Rodney Raymond Lane _____
 Brendon David Gore _____
 Scott Christopher Grant _____
 Laurie James McGill _____
 George Nelson Hinchcliff _____
 Daniel John Mulder _____
 Anthony Wayne Lennon _____
 Bruce James Young _____

as attorneys under registered Power of Attorney No. K289782 for

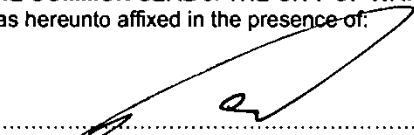
Witness Signature: 

Witness Name (Print): Amanda Moyle

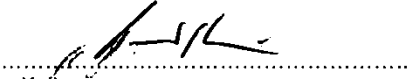
Witness Address: 57 San Lorenzo Blvd, Ellenbrook, Perth WA 6069.

Witness Occupation: Administration.

THE COMMON SEAL of THE CITY OF WANNEROO was hereunto affixed in the presence of:



Chief Executive Officer



Jon Kelly
Mayor



WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

BLANK INSTRUMENT FORM

DEED OF RESTRICTIVE COVENANT - ACCESS
(Deposited Plan 49069)

(Note 1)

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

Wanneroo City Council

THIS DEED is made the 20 day of OCTOBER

BETWEEN

1. **PEET LIMITED (formerly PEET & CO LTD) ACN 008 665 834** of 200 St George's Terrace Perth, Western Australia (Peet)

AND

2. **CITY OF WANNEROO** of 23 Dundee Road, Wanneroo, Western Australia (the City)

RECITALS

- A. Peet is registered or is entitled to be registered as proprietor in fee simple of Lot 2495 and Lot 2497 on Deposited Plan 49069 being the land in Certificates of Title Volume 2708 Folios 980 & 981 (the restricted lots)
- B. The restricted lots are subject to the encumbrances mentioned in the Schedule.
- C. The restricted lots are located within the district of the City.
- D. Peet has received approval to subdivide the land of which the restricted lots form part provided that Peet restricts vehicular access from the restricted lots as set out in this Deed and as shown on Deposited Plan 49069.

1. OPERATIVE PART

Peet for itself and its successors in title hereby covenants with the City under and by virtue of the provisions of Section 129BA of the *Transfer of Land Act 1893* (the Act) not to use or permit the use of the restricted lots for vehicular access from the restricted lots as follows:

Restricted Lots	Restriction
Lot 2495	No vehicular access to Rawlinna Parkway or Joondalup Drive between points S to T as shown on Deposited Plan 49069.
Lot 2497	No vehicular access to Millendon Street or Cheriton Drive between points U to V as shown on Deposited Plan 49069.
Lot 2497	No vehicular access to Cheriton Drive or Rawlinna Parkway between points W to X as shown on Deposited Plan 49069.

2. TERM OF RESTRICTIVE COVENANT

The restrictive covenant shall continue indefinitely unless discharged or modified in accordance with Sections 129BB or 129C of the Act.

Schedule - Encumbrances

Caveat K580533, As to portion only

MORTGAGE K735885

WOOLWORTHS LIMITED

A.B.N. 88 000 014 675

21 ~~X~~ January 2009

The Registrar of Titles
Landgate
PO Box 2222
MIDLAND WA 6936

Dear Sir

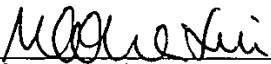
Restrictive covenant - restriction of vehicular access Carramar Village Shopping Centre - Woolworths Limited - Caveat K580533

Woolworths Limited ACN 000 014 675 is the Caveator under Caveat K580533 registered over portion of the land currently known as Lot 9516 on Deposited Plan 43214 in Certificate of Title Volume 2603 Folio 835.

Woolworths Limited, as Caveator, hereby consents to the creation and registration of the restrictive covenants set out in Deposited Plan 49069 (version 2) and the instrument dated 20 October 2008 made between Peet Limited ACN 008 665 834 and the City of Wanneroo.

Yours faithfully

WOOLWORTHS LIMITED ACN 000 014 675 by its duly authorised attorney:
PETER JOHN HORTON
under power of attorney dated
12 December 2006 bearing registration
No K41251 in the presence of:



Signature of Witness

MARIA LIU

Name of Witness
1 Woolworths Way
Bella Vista NSW 2153

Solicitor

Occupation of Witness



By executing this document the Attorney states that the attorney has received no notice of revocation of the power of attorney



G:\kg2\Carramar, WA\Letter - Caveator consent to restrictive cov 07.01.09.DOC

1 Woolworths Way, Bella Vista, NSW 2153 PO Box 8000, Baulkham Hills, NSW 2153 Australia
Telephone: 02 8885 0000 Facsimile: 02 8888 0001