

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.

OFFICE USE ONLY

M842788 E

28 Nov 2014 08:30:00 Midland



REG \$ 160.00



Lodged By

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Prepared By

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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.

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



(f) Sewerage purposes:

ETBS ETAS

The right of every person who, for the time being, is entitled to an estate or interest in possession in the land indicated as the Dominant Tenement or any part of the land with which the right is capable of enjoyment the right for that person and the person's employees and agents, at any time, to break the surface of, dig, open up and use the Easement Area for the purpose of laying down, fixing, taking up, repairing, re-laying, replacing or examining pipes for sewerage purposes and to enter that land at any time (if necessary with vehicles and equipment) for any of those purposes.

2. Each person who for the time being owns the land indicated as the Servient Tenement in the above table shall bear the responsibility and cost of the repair and maintenance of the Easement herein granted.

- (b) Drainage purposes: ETBD : ET40

The right of every person, who for the time being, is entitled to an estate or interest in possession in the land indicated as the Dominant Tenement or any part of the land with which the right is capable of enjoyment the right for that person and the person's employees and agents, at any time, to break the surface of, dig, open up and use the Easement Area for the purpose of laying down, fixing, taking up, repairing, re-laying, replacing or examining drains or drainage pipes and of using and maintaining those drains and drainage pipes for drainage purposes and to enter that land at any time (if necessary with vehicles and equipment) for any of those purposes.

- (c) Gas supply purposes: ETBG ETAG ✓

The right of every person, who for the time being, is entitled to an estate or interest in possession in the land indicated as the Dominant Tenement or any part of the land with which the right is capable of enjoyment the right for that person and the person's employees and agents, at any time, to break the surface of, dig, open up and use the Easement Area for the purpose of laying down, fixing, taking up, repairing, re-laying, replacing or examining pipes and of using and maintaining those pipes for the purpose of supplying gas and to enter that land at any time (if necessary with vehicles and equipment) for any of those purposes.

- (d) Transmission of electricity by underground cable: ETBZ ✓ ETAZ ✓

The right of every person, who for the time being, is entitled to an estate or interest in possession in the land indicated as the Dominant Tenement or any part of the land with which the right is capable of enjoyment the right for that person and the person's employees and agents, at any time:

- (i) to lay under the surface of the Easement Area ducts, pipes and cables;
- (ii) to inspect, alter, maintain, repair and replace those ducts, pipes and cables;
- (iii) to use the cables for the purpose of transmitting electricity;
- (iv) to break the surface of , dig, open up and use the land for any of the purposes referred to in paragraph (i), (ii) or (iii); and
- (v) to enter the land at any time (if necessary with vehicles and equipment) for any of the purposes referred to in paragraph (i), (ii), (iii) or (iv).

- (e) Transmission of television signals by underground cable: ETBT ✓ ETAT ✓

The right of every person, who for the time being, is entitled to an estate or interest in possession in the land indicated as the Dominant Tenement or any part of the land with which the right is capable of enjoyment the right for that person and the person's employees and agents, at any time:

- (i) to lay under the surface of the Easement Area ducts, pipes and cables;
- (ii) to inspect, alter, maintain, repair and replace those ducts, pipes and cables;
- (iii) to use the cables for the purpose of transmitting television signals;
- (iv) to break the surface of , dig, open up and use the land for any of the purposes referred to in paragraph (i), (ii) or (iii); and
- (v) to enter the land at any time (if necessary with vehicles and equipment) for any of the purposes referred to in paragraph (i), (ii), (iii) or (iv).

ANNEXURE A

Easement(s) for the proposed development of Lot 12 Westralia Gardens, Rockingham for the benefited lots set out below to be placed on the certificate(s) of title of the proposed lot(s) specifying rights with respect to the provision of services across or through the Easement Area for the benefit of the Dominant Tenement. Notice of this easement(s) is to be included on the diagram or plan of survey (deposited plan). The easement(s) are to state as follows:

Burdened Lot "Servient Tenement"	Benefited Lot "Dominant Tenement"	Easement Area
Lot 900 on the Plan	Lots 901, 902, 903, 904, 905, 906 and 907	Area marked A on the Plan within Lot 900; and Area marked E on the Plan within Lot 900 up to a height of 7.15m (AHD) 7.10
Lot 901 on the Plan	Lots 900, 902, 903, 904, 905, 906 and 907	Areas marked A & C on the Plan within Lot 901; and Area marked D on the Plan within Lot 901 up to a height of 7.15m (AHD)
Lot 902 on the Plan	Lots 900, 901, 903, 904, 905, 906 and 907	Areas marked A & C on the Plan within Lot 902; and Area marked D on the Plan within Lot 902 up to a height of 7.15m (AHD)
Lot 903 on the Plan	Lots 900, 901, 902, 904, 905, 906 and 907	Areas marked A, B & C on the Plan within Lot 903
Lot 904 on the Plan	Lots 900, 901, 902, 903, 905, 906 and 907	Areas marked A & C on the Plan within Lot 904
Lot 905 on the Plan	Lots 900, 901, 902, 903, 904, 906 and 907	Areas marked A, B & C on the Plan within Lot 905
Lot 906 on the Plan	Lots 900, 901, 902, 903, 904, 905 and 907	Areas marked A & C on the Plan within Lot 906
Lot 907 on the Plan	Lots 900, 901, 902, 903, 904, 905 and 906	Areas marked A & C on the Plan within Lot 907

1. Each person who for the time being owns or is entitled to an estate or interest in possession in the land indicated as a Servient Tenement in the above table hereby grants to the person who for the time being is the owner or is entitled to an estate or interest in possession in the land indicated as the corresponding Dominant Tenement the right with respect to the relevant Easement Area:

- (a) Water supply purposes:

ETBW ETAW

The right of every person, who for the time being, is entitled to an estate or interest in possession in the land indicated as the Dominant Tenement or any part of the land with which the right is capable of enjoyment the right for that person and the person's employees and agents, at any time, to break the surface of, dig, open up and use the Easement Area for the purpose of laying down, fixing, taking up, repairing, re-laying, replacing or examining pipes and of using and maintaining those pipes for water supply purposes and to enter that land at any time (if necessary with vehicles and equipment) for any of those purposes.

AUSTRALIAN AND NEW ZEALAND BANKING GROUP LTD being the Caveator under Caveat L376151 and Caveat L390437 hereby CONSENTS to this Deed and to the easement contained herein.

Dated: 24 day of NOVEMBER 2014

Executed for and on behalf of
Australia and New Zealand Banking
Group Limited ABN 11 005 357 522 under
Power of Attorney dated 29 April 2003 and
registered in Western Australia
I486779PA by.....MARK STEPHEN MURRELL
who certifies that he/she is a Manager
and that he/she has not received
notice of revocation of that Power

In the presence of:-

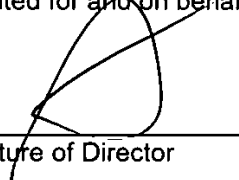
.....
An Officer of the said Bank

CONSENTS

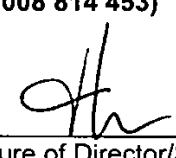
WALTHAMSTOW PTY LTD (ACN 008 814 453) being the Mortgagee under Mortgage K744788 and Mortgage L113056 CONSENTS to this Deed and to the easement contained herein.

Dated: 24th day of November 2014

Executed for and on behalf of **WALTHAMSTOW PTY LTD (ACN 008 814 453)**


Signature of Director

STEVEN MASEL
Print Name of Director


Signature of Director/Secretary

Tony MASEL
Print Name of Director/Secretary

Executed for and on behalf of
Australia and New Zealand Banking
Group Limited ABN 11 005 327 522 under
Power of Attorney dated 29 April 2003 and
registered in Western Australia
I 14867789A by
who certifies that he/she is a Manager
and that he/she has not received
notice of revocation of that Power

In the presence of:-

.....
An Officer of the said Bank

3. Separate and Distinct Easement

Each Easement is a separate and distinct Easement and if any Easement or its application to any personal circumstance is or becomes invalid or unenforceable then the remaining Easements will not be affected and each remaining Easement will be valid and enforceable to the fullest extent permitted by law.

SCHEDULE

The Land:

Lot 12 on Diagram 86777 and being the whole of the land described in Certificate of Title Volume 2009 Folio 854.

Encumbrances:

As to Lots 900 to 907:

- Easements pursuant to Section 136C as set out in Deposited Plan 402801;
- Mortgage K744788;
- Mortgage L113056;
- Caveat L376151; and
- Caveat L390437.

EXECUTED as a Deed:

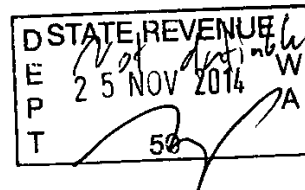
EXECUTED by **WALTHAMSTOW PTY LTD (ACN 008 814 453)** pursuant to section 127 of the Corporations Act 2001, as Attorney for **IULIANO HOLDINGS PTY LTD (ACN 009 102 112)** PA M757 665:

STEVEN ALICK MASEL
DIRECTOR

TONY MASEL
DIRECTOR

BLANK INSTRUMENT FORM**Deed of Easement**

(Note 1)

THIS DEED is made on 24 day of November 2014**BY:**

WALTHAMSTOW PTY LTD (ACN 008 814 453) as Attorney for IULIANO HOLDINGS PTY LTD (ACN 009 102 112)
of 90 Holland Street, Fremantle, Western Australia

BACKGROUND:

- A. The Owner is the registered proprietor of the land described in the Schedule of this Deed ("the Land") subject to the encumbrances referred to in the Schedule.
- B. The Owner has subdivided the Land and has lodged a plan of subdivision with the Western Australian Planning Commission which has been approved and is now known as Deposited Plan 402801 ("the Plan").
- C. In accordance with Section 136C of the Transfer of Land Act the Owner requires each of the Lots on the Plan to be encumbered by the benefit and burden of the easements set out in Annexure A hereto ("the Easements") so that the Easements will be noted on the Plan and on each Certificate of Title that issues for the Lots.

OPERATIVE PART:

This Deed witnesses as follows:

1. Certificates of Title

Each Certificate of Title which issues for a Lot on the Plan is to be encumbered by the benefit and the burden of the Easements which will run with the Land described in the Certificate of Title for the benefit of the other lots on the Plan.

2. Easements

The Owner intends that the burden of the Easements is to:

- (a) run with each Lot for the benefit of each and every other Lot on the Plan; and
- (b) be enforceable against the registered proprietor of a Lot by the Owner and every subsequent registered proprietor of the Lots on the Plan.

TAYLOR SMART
LAWYERS & NOTARIES

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AUSTRALIA

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www.taylorSMART.com.au

3 December 2014

Your Ref:
Our Ref: GBG:BG:34459
(69405_1.DOCX)
Contact: Glen Giles
Direct Email: ggiles@taylorSMART.com.au
Partner: Glen Giles

Landgate
PO Box 2222
MIDLAND WA 6936

Attention: Lawrence Fiorentino

By Facsimile: (08) 9273 7673

Dear Sir

Easement M842790 and M842788

We refer to the above Easements and confirm that we act on behalf of Walthamstow Pty Ltd (ACN 008 814 453) as Attorney for Iuliano Holdings Pty Ltd (ACN 009 102 112).


We confirm that we are duly authorised to make the following request for amendment.

We should appreciate if you could please amend Easement M842788 by amending the height restriction contained in the table for Annexure A from 7.15 metres (AHD) to 7.10 metres (AHD).

We should also appreciate if you could please amend the height restriction in Easement M842790 in Annexure A from 7.15 metres (AHD) to 7.10 metres (AHD).

We thank you for your assistance on this matter.

Yours faithfully


Glen B Giles
Taylor Smart



Taylor Smart is a member of MSI Global Alliance, an international association of independent professional firms.