

Realmark[®]



Buyers Guide

77 Bernborough Avenue, **Caversham**

Mandie Cubeddu



0411 880 053



mcubeddu@realmark.com.au



08 9246 0050



northcoastal.realmark.com.au



Follow us.

77 Bernborough Avenue, Caversham

Set Date Sale | Tuesday, 22nd September 2026 @ 9:00am

Property & Suburb Information

 5

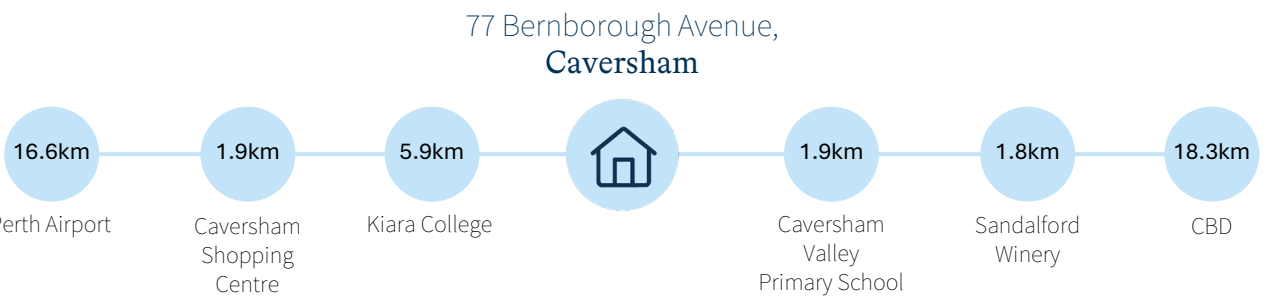
 2

 2

 520

 319

Year Built:	2025
Builder:	Residential Attitudes
Title:	Green Title
Council:	City of Swan
Local School Intake Areas:	Caversham Valley Primary School Kiara College
Attached:	Set Date Sale Buyers Guide Recent Sales Floor Plan Rental Assessment Certificate of Title



Realmark Set Date Sale Buyer Guide

Set Date Sale provides you the opportunity to consider this property and put forward your offer with the confidence that the agent is compelled to present it for the seller's formal consideration.

How does it work?

On the Set Date the seller will consider your offer and any others tabled at the time.

Informed with all the offers that have been received at the one time the seller may:

- Accept any one of these offers,
- Make a counter offer (for that buyer to accept, reject or counter back),
- Consult all buyers (through the agent) prior to dealing with any offer, or
- Choose to reject all offers.

How do I make my offer?

Simply have the Realmark agent complete a standard offer and acceptance contract with standard Set Date annexure. Your offer must provide a deposit which is payable within 2 business days of acceptance.

Do I have to make a cash (not subject to finance approval) unconditional offer?

No you can make the offer at your price offering and on the terms and conditions you want.

Can I negotiate on any offer?

Yes just as per normal practice you can on the Set Date, deal with one offer and make a seller's counter offer to the buyer.

Set Date Sale is about making it easier, fairer and more comfortable for you to make the offer you want to make (on price and conditions)...

So make your offer now it's that simple!

Will my offer actually be considered by the seller?

Yes the agent will inform the seller of all written offers as they are received. The seller reserves the right to accept an offer prior to the Set Date Sale without notice. The agent will not 'vet' or 'hold back' any offers.

When will I know if my offer has been accepted?

The seller will be presented all offers and the agent will respond to the successful buyer first and other buyers thereafter. All this will be done ASAP after the nominated Set Date. Should your offer not be accepted, you will receive a copy of the offer stating 'sighted and rejected' date, time, and sellers initials via post or email. (See special conditions on the property brochure).

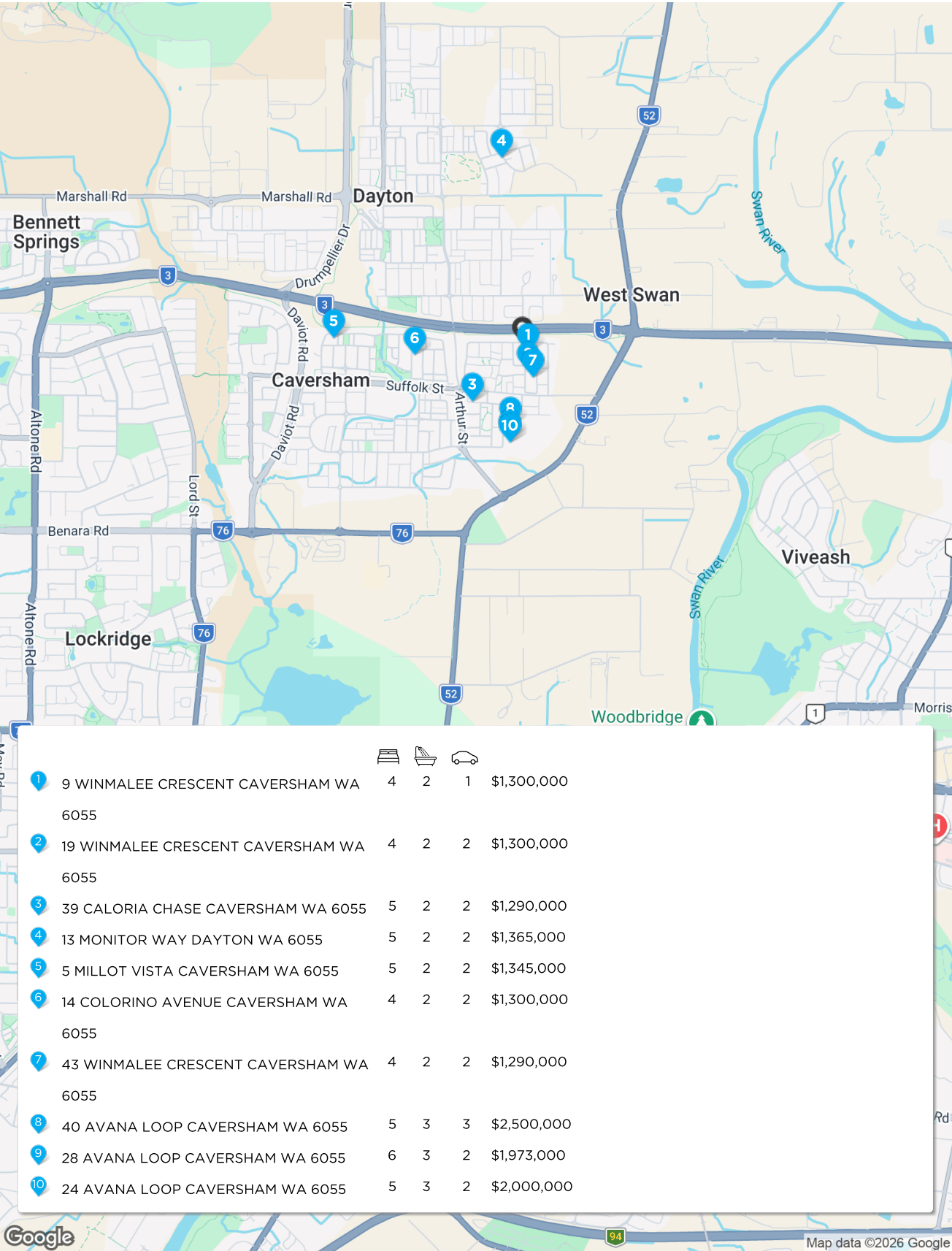
Do I have to wait until the Set Date to place my offer?

No, submit your offer now or at any time prior to the Set Date. Furthermore, if you wish to withdraw your offer prior to the Set Date you can do this at any time through the selling agent in writing. It's that easy.

For more information or if you require assistance refer to your Realmark representative.

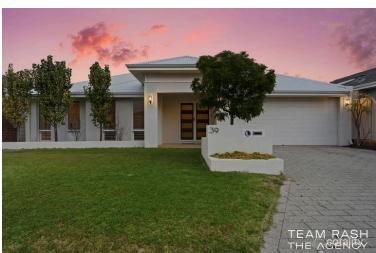
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Comparables Map: Sales



* This data point was edited by the author of this CMA and has not been verified by Cotality

Comparable Sales

1	9 WINMALEE CRESCENT CAVERSHAM WA 6055		Sold		\$1,300,000	
		 4  2  1  496m ²  245m ²	Year Built	2022	DOM	53
			Sold Date	08-Apr-26	Distance	0.08km
			First Listing	EXPRESSION OF INTEREST!!!		
			Last Listing	UNDER OFFER!!!		
2	19 WINMALEE CRESCENT CAVERSHAM WA 6055		Sold		\$1,300,000	
		 4  2  2  450m ²  225m ²	Year Built	2021	DOM	79
			Sold Date	16-Apr-26	Distance	0.2km
			First Listing	Offers Invited!		
			Last Listing	Under Offer Now From \$1,300,000		
3	39 CALORIA CHASE CAVERSHAM WA 6055		Sold		\$1,290,000	
		 5  2  2  548m ²  232m ²	Year Built	2016	DOM	8
			Sold Date	24-Jun-26	Distance	0.52km
			First Listing	Low to Mid \$1 Million		
			Last Listing	\$1,290,000.00		
4	13 MONITOR WAY DAYTON WA 6055		Sold		\$1,365,000	
		 5  2  2  777m ²  304m ²	Year Built	2013	DOM	8
			Sold Date	25-Feb-25	Distance	1.23km
			First Listing	Set Date Sale		
			Last Listing	OFFERS FROM \$1,290,000.		
5	5 MILLOT VISTA CAVERSHAM WA 6055		Sold		\$1,345,000	
		 5  2  2  540m ²  233m ²	Year Built	2012	DOM	29
			Sold Date	01-May-26	Distance	1.26km
			First Listing	Offers Invited!		
			Last Listing	Offers Invited!		

DOM = Days on market RS = Recent sale

UN = Undisclosed Sale

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Comparable Sales

6

14 COLORINO AVENUE CAVERSHAM WA 6055



4

2

2

591m²

250m²

Year Built

2013

DOM

28

Sold Date

27-Nov-24

Distance

0.72km

First Listing

Suit Buyers around \$1,190,000

Last Listing

UNDER OFFER!

Sold

\$1,300,000

7

43 WINMALEE CRESCENT CAVERSHAM WA 6055



4

2

2

509m²

244m²

Year Built

2023

DOM

21

Sold Date

17-Sep-25

Distance

0.25km

First Listing

Offers from \$1,299,000

Last Listing

Offers from \$1,299,000

Sold

\$1,290,000

8

40 AVANA LOOP CAVERSHAM WA 6055



5

3

3

2,214m²

367m²

Year Built

2016

DOM

102

Sold Date

04-Jul-25

Distance

0.56km

First Listing

EXPRESSION OF INTEREST!!! MID \$2 MILLIONS

Last Listing

Under Offer by First National Swans!!

Sold

\$2,500,000

9

28 AVANA LOOP CAVERSHAM WA 6055



6

3

2

2,569m²

398m²

Year Built

2016

DOM

72

Sold Date

12-Oct-24

Distance

0.65km

First Listing

From High \$1,000,000.s

Last Listing

UNDER OFFER!

Sold

\$1,973,000

10

24 AVANA LOOP CAVERSHAM WA 6055



5

3

2

2,325m²

311m²

Year Built

2016

DOM

10

Sold Date

13-Mar-25

Distance

0.68km

First Listing

Offers From \$1.89 Million

Last Listing

Offers From \$1.89 Million

Sold

\$2,000,000

DOM = Days on market RS = Recent sale

UN = Undisclosed Sale

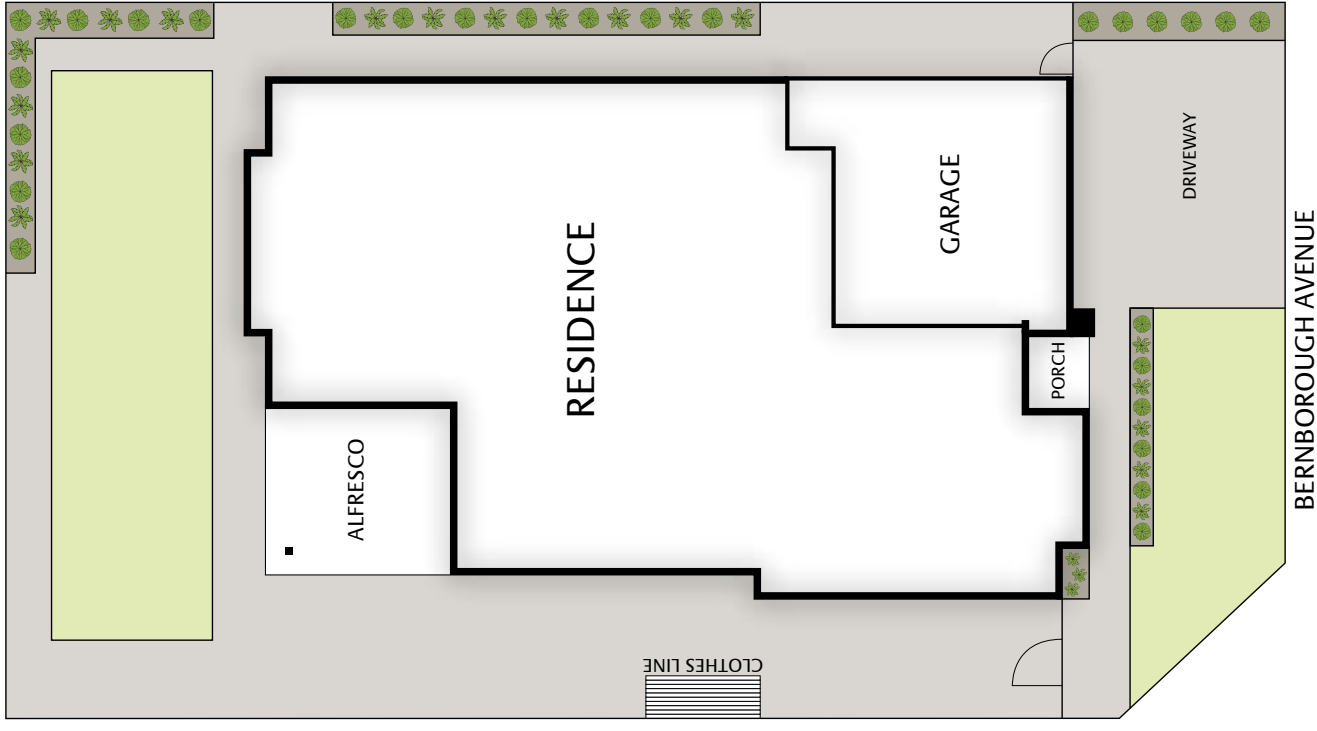
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77 BERNBOROUGH AVENUE, CAVERSHAM WA 6055, AUSTRALIA

INDICATIVE ONLY ALL INFORMATION CONTAINED HEREIN IS OBTAINED FROM SOURCES WE BELIEVE TO BE ACCURATE. WE CANNOT GUARANTEE ITS ACCURACY. INTERESTED PERSONS SHOULD MAKE THEIR OWN ENQUIRIES

Realmark™

Licensee North Coastal Pty Ltd
T/as Realmark North Coastal
Licensed Real Estate Agent
ABN 25 158 950 255 ACN 158 950 253 TC 64748
9/8 Burragah Way, Duncraig, WA 6023
(08) 9246 0050
northcoastal.realmark.com.au

2nd September 2026

Dear Investor

Thank you for the opportunity to provide a rental appraisal for 77 Bernborough Avenue Caversham WA 6055.

When it comes to property investment, we understand it's about more than simply collecting rent. The key drivers of long-term success are strong rental yield, asset protection and effective risk management.

Our approach is designed to maximise returns while protecting your asset. It combines detailed rental value research, strategic tenant selection, strict regulatory compliance, and proactive tenant liaison — all working together to deliver consistent performance.

Our rental value research considers the property's features, location, and current market conditions, ensuring you can make informed and confident decisions.

Based on this analysis, we estimate the property would achieve a rental range of approximately **\$1000-\$1100 per week.**

We will be in touch shortly to discuss how we would manage your property investment and add value at every stage.

Yours sincerely,



Erin Schmidt
Investment Manager
0407 832 235



WESTERN



AUSTRALIA

TITLE NUMBER

Volume Folio

4020 177

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 4110 ON DEPOSITED PLAN 422250

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

NAVEEN REDDY SURYA

PRIYANKA MEKA

BOTH OF UNIT 24 44 JERRABOMBERRA AVENUE NARRABUNDAH ACT 2604

AS JOINT TENANTS

(T P174694) REGISTERED 9/6/2022

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

1. RESTRICTIVE COVENANT BENEFIT - SEE DEPOSITED PLAN 422250 & INSTRUMENT P074190
2. RESTRICTIVE COVENANT BURDEN - SEE DEPOSITED PLAN 422250 & INSTRUMENT P074190
3. P074186 NOTIFICATION CONTAINS FACTORS AFFECTING THE WITHIN LAND. LODGED 24/5/2022.
4. P074188 NOTIFICATION SECTION 165 PLANNING & DEVELOPMENT ACT 2005 LODGED 24/5/2022.
5. P221893 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 19/7/2022.

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.

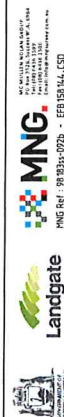
-----END OF CERTIFICATE OF TITLE-----

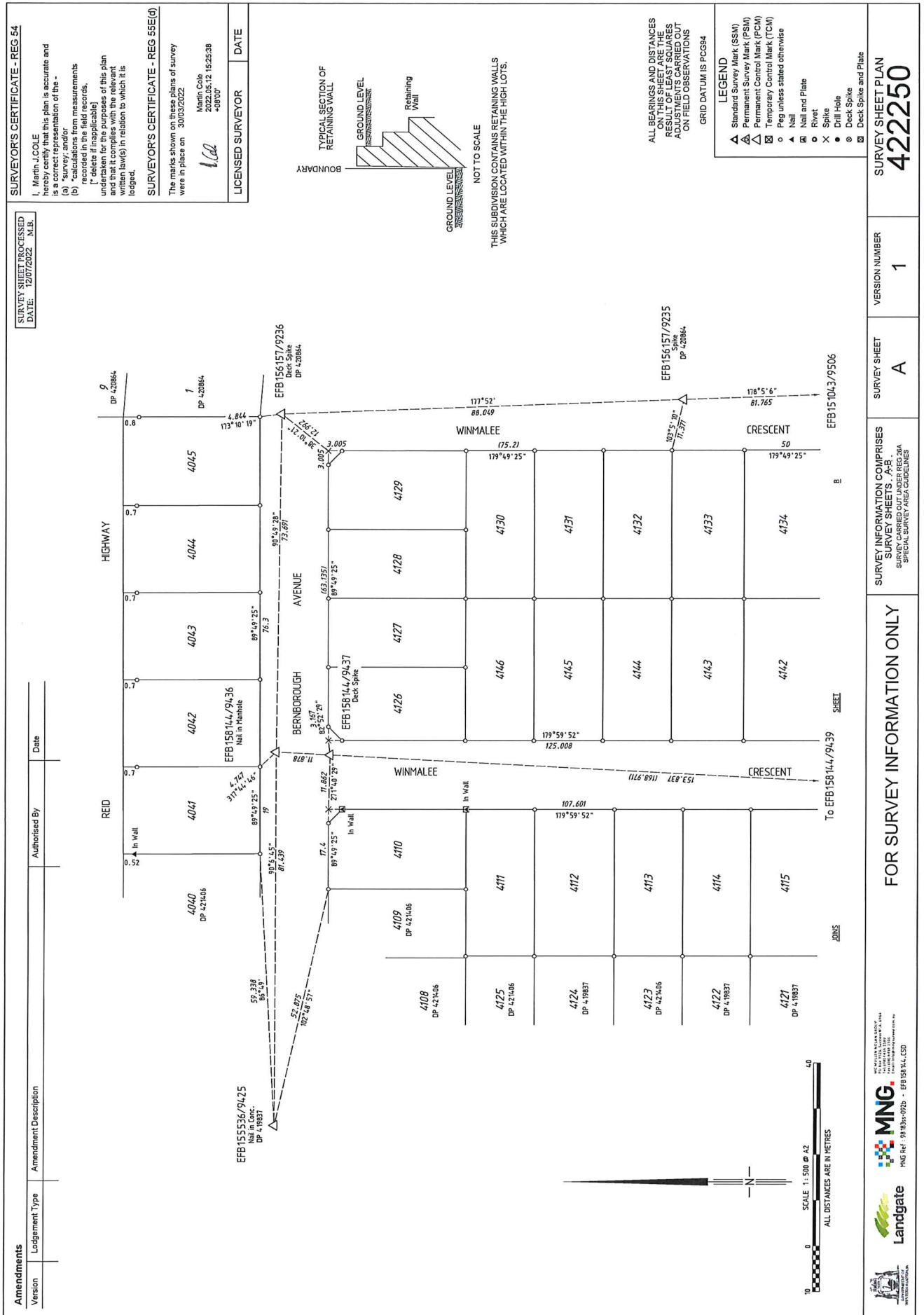
STATEMENTS:

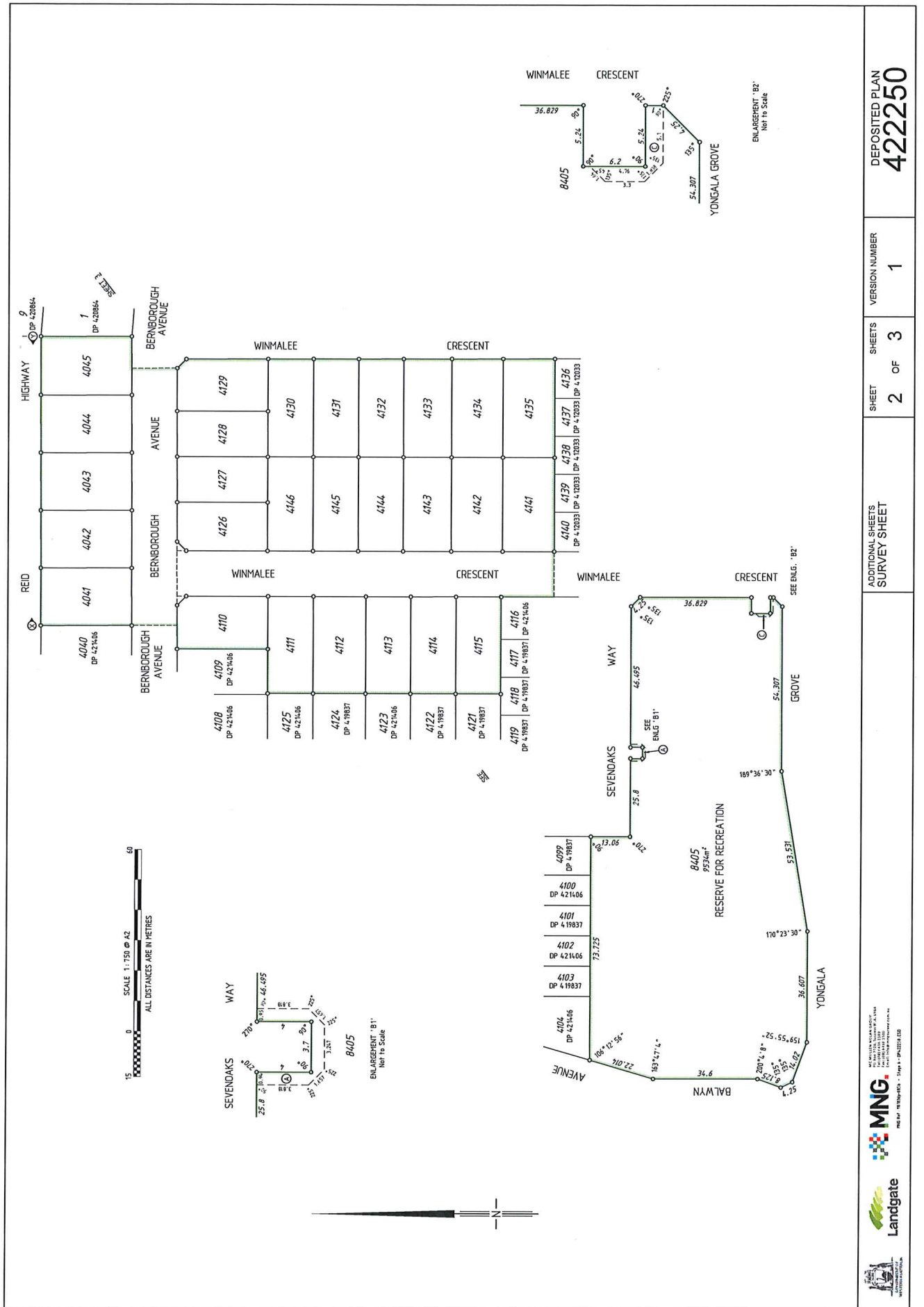
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP422250
PREVIOUS TITLE: 4010-423
PROPERTY STREET ADDRESS: 77 BERNBOROUGH AV, CAVERSHAM.
LOCAL GOVERNMENT AUTHORITY: CITY OF SWAN









Plan Information		Survey Details		Amendments	
Tenure Type	Freehold	Field Records	123580	Version	
Plan Type	Deposited Plan	Declared as Special Survey Area	Yes	Lodgement Type	
Plan Purpose	Subdivision				
Plan Heading					
Lots 404-404S, 4110-411S, 4128-413S, 4141-414S, 640S, Roads, Covenant and Restrictive Covenant					
Locality & Local Government					
Locality	Caversham				
Local Government	City of Swan				
Department of Planning, Lands and Heritage					
File Number					
Examination					
Examined	E. Milewska	19.11.2021			
Planning Approval					
Planning Authority	Western Australian Planning Commission				
Reference	158213, 157767				
Delegated under S. 16 P&D Act 2005	24-May-2022				
In Order For Dealings					
Subject To	Two Owners SEC 168(1)(2), 150, 16S OF THE P&D ACT SEC 136D, 70A OF THE TLA				
For Registrar of Titles	24.05.2022				
Plan Approved	Reg. 26A (4)				
Inspector of Plans and Surveys / Authorised Land Officer	Date				

Former Tenure					
New Lot / Land	Parent Plan Number	Title Reference	Subject Land Description	Parent Lot Number	Subject Land Description
LOTS 404-1404S, 4110, 4128-413S, 4141-414S	DP 422226	PT LOT 945S	4010-423	PT LOT 945S	
LOTS 4114-11S, 640S	DP 424106	PT LOT 945S	404-644	PT LOT 945S	
	DP 422226	PT LOT 945S	4010-423	PT LOT 945S	

Former Tenure Interests and Notifications					
Subject	Purpose	Statutory Reference	Origin	Land Burdened	Comments
Ⓐ	RESTRICTIVE COVENANT	SEC 123BA OF THE TLA 1893	DOC 0850737	LOT 840S	ELECTRICITY NETWORKS CORPORATION FIRE SEPARATION
Ⓒ	RESTRICTIVE COVENANT	SEC 123BA OF THE TLA 1893	DOC 0850736	LOT 840S	ELECTRICITY NETWORKS CORPORATION FIRE SEPARATION

New Interests					
Subject	Purpose	Statutory Reference	Origin	Land Burdened	Comments
ⓧ-ⓧ	RESTRICTIVE COVENANT	SEC 136D OF THE TLA 1893	THIS PLAN & DOC 0850737	ALL LOTS EXCEPT 840S	NO VEHICULAR ACCESS IS PERMITTED TO AND FROM THE RED HIGHWAY ROAD RESERVE
	COVENANT	SEC 150 OF THE P&D ACT 2005	THIS PLAN	LOTS 404-1404S	COMMISSIONER OF MAIN ROADS

New Notifications and Memorials					
Subject	Purpose	Statutory Reference	Origin	Land Burdened	Comments
	NOTIFICATION	SEC 145 OF THE P&D ACT 2005 for Hazards or other Factors seriously Affecting the Land	DOC 0850737	LOTS 404-1404S, 4110, 4128-413S	TRANSPORT NOISE
	NOTIFICATION	SEC 145 OF THE P&D ACT 2005 for Hazards or other Factors seriously Affecting the Land	DOC 0850737	LOTS 404-1404S, 4110, 4128-413S, 4141-414S	PRIORITY TO RURAL ZONED LAND
	NOTIFICATION	SEC 145 OF THE P&D ACT 2005 for Hazards or other Factors seriously Affecting the Land	DOC 0850737	LOTS 4114-11S	PRIORITY TO RURAL ZONED LAND
	NOTIFICATION	SEC 145 OF THE P&D ACT 2005 for Hazards or other Factors seriously Affecting the Land	DOC 0850737	LOTS 4130-413S	AIRCRAFT NOISE

Vesting Lots					
Subject	Purpose	Statutory Reference	Origin	Land Burdened	Comments
LOT 840S	RESERVE FOR RECREATION	VESTS IN THE CROWN UNDER SEC 152 OF THE P&D ACT 2005	THIS PLAN		

Survey Method and Plan Content Variations		Survey Certificate - Regulation 54	
Approved Variation Type	Reference	I, Nigel J. SIMPSON	hereby certify that this plan is accurate and is a correct representation of the -
		(a) survey; and	
		(b) calculations from measurements recorded in the field records,	
		undertaken for the purposes of this plan and that it complies with the relevant	
		written law(s) in relation to which it is lodged.	
		Nigel Simpson	2021.11.15 10:46:05 +0800
		Licensed Surveyor	

Survey Organisation	
Name	MNG MCMULLEN NOLAN GROUP
Address	PO Box 3526, SUCCESS WA 6964
Phone	8438 1599
Fax	8438 1500
Email	info@mngsurvey.com.au
Reference	98183p-0855

Plan Approved	
For Registrar of Titles	24.05.2022
Plan Approved	Reg. 26A (4)
Inspector of Plans and Surveys / Authorised Land Officer	

Additional Sheets			
Survey Sheet	1 OF 3	Version Number	1
DEPOSITED PLAN		422250	

Deposited Plan 422250

Lot	Certificate of Title	Lot Status	Part Lot
4041	4020/172	Registered	
4042	4020/173	Registered	
4043	4020/174	Registered	
4044	4020/175	Registered	
4045	4020/176	Registered	
4110	4020/177	Registered	
4111	4020/178	Registered	
4112	4020/179	Registered	
4113	4020/180	Registered	
4114	4020/181	Registered	
4115	4020/182	Registered	
4126	4020/183	Registered	
4127	4020/184	Registered	
4128	4020/185	Registered	
4129	4020/186	Registered	
4130	4020/187	Registered	
4131	4020/188	Registered	
4132	4020/189	Registered	
4133	4020/190	Registered	
4134	4020/191	Registered	
4135	4020/192	Registered	
4141	4020/193	Registered	
4142	4020/194	Registered	
4143	4020/195	Registered	
4144	4020/196	Registered	
4145	4020/197	Registered	
4146	4020/198	Registered	
8405	LR3174/720	Registered	
0	N/A	Registered	
0	N/A	Registered	
0	N/A		

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 full name, address and occupation of the witness must be stated. Execution by a corporation or body corporate must be in accordance with the Corporation Act.



EXAMINED

OFFICE USE ONLY

P074190 RC

14 Mar 2022 15:25:29 Perth



Restrictive Covenant

(INSERT NAME OF DOCUMENT)

LODGED BY

ADDRESS

 Lacey & Co Conveyancing
PO Box 4222, Alexander Heights WA 6064

PHONE No.

P 93032041 F 92005056 M 0456011016

FAX No.

REFERENCE No.

ISSUING BOX No.

999L

PREPARED BY

Lawfield legal

ADDRESS

PHONE No.

FAX No.

REFERENCE No.

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

10/6

TITLES, LEASES, DECLARATIONS ETC LODGED HERewith

1. ~~Restrictive Covenant~~

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.

DEED OF RESTRICTIVE COVENANT

Balwyn Private Estate (Stage 4C) –
Proposed Deposited Plan 422250

Evergreen Capital Pty Ltd and Balwyn-Haig Park Pty Ltd

Dated: *December 20th* 2021

Parties:

Evergreen Capital Pty Ltd ACN 090 758 571 of Post Office Box 1110, Nedlands, WA 6009;
and

Balwyn-Haig Park Pty Ltd ACN 081 079 094 of Level 2, 47 Stirling Highway, Nedlands, WA 6009

('the Registered Proprietor')

1 Special covenants relating to use by the Registered Proprietor

- 1.1 The Registered Proprietor pursuant to s.136D of the Transfer of Land Act creates the covenants set out in clauses 2 - 18 in respect of the Benefited Land and the Burdened Land.

2 Definitions

In this Contract:

Benefited Land means:

- a) part of the land known as Balwyn Private Estate being the land formerly described as Lot 9445 on Deposited Plan 42226 contained in Certificate of Title Volume 4010 Folio 423, and now comprising lots 4041 – 4045 (inclusive), 4110, part of lots 4111-4115, 4126-4135 (inclusive), 4141-4146 (inclusive) on Proposed Deposited Plan 422250; and
- b) part of the land known as Balwyn Private Estate being the land formerly described as Lot 9452 on Deposited Plan 421406 contained in Certificate of Title Volume 4004 Folio 644, and now comprising part of lots 4111-4115 (inclusive) on Proposed Deposited Plan 422250.

Burdened Land means:

- a) part of the land known as Balwyn Private Estate being the land formerly described as Lot 9445 on Deposited Plan 42226 contained in Certificate of Title Volume 4010 Folio 423, and now comprising lots 4041 – 4045 (inclusive), 4110, part of lots 4111-4115, 4126-4135 (inclusive), 4141-4146 (inclusive) on Proposed Deposited Plan 422250; and
- b) part of the land known as Balwyn Private Estate being the land formerly described as Lot 9452 on Deposited Plan 421406 contained in Certificate of Title Volume 4004 Folio 644, and now comprising part of lots 4111-4115 (inclusive) on Proposed Deposited Plan 422250; and

Registered Proprietor means Evergreen Capital Pty Ltd and Balwyn-Haig Park Pty Ltd and includes transferees, assignees and successors.

Developer means Balwyn Caversham Pty Ltd.

Lot means a lot created upon registration of the Plan.

Occupation shall mean the date when the Residence becomes permanently inhabited.

Plan means proposed Deposited Plan 422250.

Public View shall mean the view of the Residence from any public street, public thoroughfare or public open space.

Residence shall mean a permanent, non-transportable residential dwelling.

3 Approvals

The Registered Proprietor must not construct or permit to be constructed on the Lot a Residence unless:

- 3.1 The plans and specifications have been approved by the Developer, or the Developer's nominated representative, prior to construction commencing;
- 3.2 The plans and specifications have been approved by the City of Swan.

4 Dwelling Elevation

The Registered Proprietor must not construct or permit to be constructed on the Lot a Residence unless:

- 4.1 The primary street facing elevation includes at least two (2) different colours and/or materials;
- 4.2 The primary street facing elevation includes eaves, with a minimum depth of 450 millimetres, and at least two of the following structural features:
 - (i) A gable;
 - (ii) A roof gablet;
 - (iii) A bay window;
 - (iv) A portico with a minimum width of 2.0 metres;
 - (v) A verandah with a minimum depth of 2.0 metres;
 - (vi) A balcony with a minimum depth of 1.5 metres;
 - (vii) Timber cladding;
 - (viii) Painted weatherboard profile cladding;
 - (ix) Projecting sill;
 - (x) Sill course;
 - (xi) Masonry corbels; or

- (xii) One other structural feature that is consistent with the features in this clause 4.2 and is reasonably consistent with the amenity of the Lot and the adjacent lots.

- 4.3 Where the area of the Lot is no more than 480 square metres, the minimum living area of the Residence (measured using the outside dimensions of the walls enclosing the dwelling) is 130 square metres, exclusive of patios, balconies, verandahs, storage areas, workshops, pergolas and any attached garage or outbuilding, unless the Lot is a multi-residential Lot.
- 4.4 Where the area of the Lot is more than 480 square metres, the minimum living area of the Residence (measured using the outside dimensions of the walls enclosing the dwelling) is 150 square metres, exclusive of patios, balconies, verandahs, storage areas, workshops, pergolas and any attached garage or outbuilding, unless the Lot is a multi-residential Lot.

5 Corner Lots

Where the Lot is located on the corner of two roads, the Registered Proprietor must not construct or permit to be constructed on the Lot a Residence unless:

- 5.1 The secondary street elevation matches the primary street elevation in terms of colours, materials, openings and roof design for a minimum of 4.0 metres from the truncation of the corner of the Lot;
- 5.2 The secondary street elevation has at least one habitable room major opening with an unobstructed view of the secondary street; and
- 5.3 The secondary street side boundary fencing finishes at least 4.0 metres from the truncation of the corner of the Lot.

6 Laneways

Where the rear boundary of the Lot is abutting a laneway, the Registered Proprietor must not construct or permit to be constructed on the Lot a Residence unless:

- 6.1 There is a pedestrian entry gate provided off the laneway to provide access to the house and/or garden from the rear laneway;
- 6.2 The primary elevation of the Residence is oriented towards the adjoining street or park, not the laneway; and
- 6.3 The rear laneway elevation matches the primary elevation of the Residence in terms of materials, colours and openings.

7 Roofs

The Registered Proprietor must not construct or permit to be constructed on the Lot a Residence unless:

- 7.1 The roof is pitched at an angle greater than 20 degrees for a modulated roof form;
- 7.2 The roof is pitched at an angle greater than 24 degrees for a single roof form;
- 7.3 The roof is pitched at an angle greater than 15 degrees for a skillion roof form;
- 7.4 The roof is constructed of clay or concrete tiles or custom orb metal deck sheeting and is not constructed from zincalume; and
- 7.5 The roof is not constructed from any material that is black in colour, including but not limited to colours that are consistent with Aniseed, Artist's Ink, Astral, Barramundi, Black, Charcoal, Ebony, Eclipse, Galaxy, Granite, Graphite, Jet Stone, Meteor, Monument, Night Sky, Onyx, Rhino, Sambuca, Shale, Slate, Tapenade or Titanium shades.

8 Carports and Garages

The Registered Proprietor must not construct or permit to be constructed on the Lot a Residence unless:

- 8.1 There is a double garage capable of housing two cars (carports are not permitted);
- 8.2 The garage is similar and complementary to the Residence in terms of the roof pitch, materials, design, colour and external appearance;
- 8.3 The garage does not protrude more than 1.5 metres forward of the front building line of the Residence; and
- 8.4 The garage has a front setback of at least 4.5 metres or as otherwise stated on a Detailed Area Plan.

9 Driveways

The Registered Proprietor must not construct or permit to be constructed on the Lot a Residence unless:

- 9.1 The driveway has a minimum width of 4.0 metres and a maximum width of 6.0 metres;
- 9.2 The driveway is no less than 0.6 metres from any side boundary;
- 9.3 The driveway is constructed from brick paving, liquid limestone or exposed aggregate concrete and is not constructed from grey, painted or in situ concrete; and
- 9.4 The driveway is completed prior to Occupation of the Residence.

10 Fencing

- 10.1 The Registered Proprietor must not construct or permit to be constructed on the Lot a Residence unless:

- 10.1.1 The side and rear boundary fencing is constructed from capped Colorbond in 'Gully' shade;
 - 10.1.2 The side and rear boundary fencing is at least 1.8 metres in height;
 - 10.1.3 The side and rear boundary fencing does not extend forward of the front building line of the Residence, or as otherwise permitted by the Developer in writing;
 - 10.1.4 If permitted by the Developer, any fence forward of the front building line must be no higher than 1.2 metres in height and visually permeable;
 - 10.1.5 Any side or rear boundary gate is constructed of a material and colour that is complementary to the side and rear boundary fence.
- 10.2 In relation to a fence on the boundary of the Lot constructed by the Developer or a party on the Developer's behalf, the Registered Proprietor must not:
- 10.2.1 Alter or remove the fence except as required to repair or replace the fence because of damage or wear and tear; and
 - 10.2.2 Repair or renew the fence with any other materials that are not of the same nature, quality and standard as the original materials used.

11 Sheds and Outbuildings

The Registered Proprietor must not construct or permit to be constructed on the Lot any Residence unless:

- 11.1 Any shed or outbuilding is less than 12m² in floor area and is less than 2 metres in height, or as otherwise permitted by the Developer in writing;
- 11.2 Any shed or outbuilding is constructed from materials and colours similar and complementary to the Residence; and
- 11.3 Any shed or outbuilding is constructed behind the front building line of the Residence and is screened from Public View.

12 Landscaping

The Registered Proprietor must not construct or permit to be constructed on the Lot any Residence unless:

- 12.1 The front landscape of the Residence complies with the following:

- 12.1.1 All ground areas that are within Public View at the front of the Residence, including the verge and street tree, must be established;
- 12.1.2 All soft landscapes areas shall support at least 75% non-weedy, vegetative cover and all garden beds to be mulched to a depth of 75 millimetres;
- 12.1.3 All front paved areas complete and free from trip hazards; and
- 12.1.4 A street tree shall be provided that is at least 30 litres in pot-size, consistent with the Balwyn Estate Street Tree Master Plan and serviced by automated irrigation using the Lot's water supply.

13 Dwelling Appearance

The Registered Proprietor must not permit on or from the Lot:

- 13.1 Any air-conditioner to be installed unless it is below the ridgeline of the roof, matches the colour of the roof, is obscured from Public View and is located to minimise noise impact on neighbouring properties;
- 13.2 Any solar hot water unit or photovoltaic panels to be installed unless they are integrated with and match the roof profile of the Residence;
- 13.3 Any letterbox to be installed or constructed on the Lot unless it is located adjacent to the driveway, is clearly numbered and is constructed from materials similar and complementary to the Residence;
- 13.4 Any air conditioner, solar hot water unit or other machinery or equipment to be installed on the front roof hip or fascia;
- 13.5 Any television antennae, satellite dish or radio mast to be visible above the roofline from Public View;
- 13.6 Any motor vehicle, boat, boat trailer, or any other vehicle, or any other machine to be repaired or maintained on the Lot unless it occurs behind the front building line of the Residence and is screened from Public View;
- 13.7 Any boat, caravan, trailer or commercial vehicle, including trucks, buses and tractors, to be parked on the Lot unless screened from Public View;
- 13.8 Any signage or advertisements to be erected or displayed on the Lot unless it is a builder's sign during the period of construction or a real estate agent sign associated with the sale of a completed residence;
- 13.9 Any temporary window treatments such as paper, plastic, cotton sheets or foil to be affixed to the windows that are visible from Public View;

- 13.10 Any electric roller shutters to be affixed to any window or door that is visible from Public View, unless is it a garage door;
- 13.11 Any damage to or the removal of any street trees without prior approval of the City of Swan;
- 13.12 The front yard, including the verge, to become overgrown or invaded by weeds or to fall into a state of disrepair; and
- 13.13 Any clothes drying area unless it is behind the front building line of the Residence and screened from Public View.

14 Waste Management

- 14.1 The Registered Proprietor must not construct or permit to be constructed on the Lot a Residence unless a large waste bin is placed on the Lot during construction to dispose of all waste materials.
- 14.2 The Registered Proprietor must not permit any rubbish disposal containers (i.e. bins) on the Lot to be in Public View except on allocated collection days.

15 Ground Levels and Retaining Walls

- 15.1 The Registered Proprietor must not change the average finished ground level of the Lot by more than 300 millimetres from the original median finishing ground level of the Lot, unless otherwise stated by the Developer in writing. This restriction does not apply in relation to activities requiring temporary excavation works such as landscaping or installing a swimming pool or spa bath.
- 15.2 The Registered Proprietor must not paint, alter or remove or in any way interfere with the structural integrity of any retaining wall erected on the boundary of the Lot, providing that it does not prevent the undertaking of any works or repairs to the retaining wall where necessary to maintain its structural integrity or its condition or where required by the City of Swan.

16 Domestic Pets/Animals

- 16.1 The Registered Proprietor must not permit any insects, reptiles, animals, livestock or poultry to be raised, bred or kept on the Lot provided that this restriction shall not prevent the Registered Proprietor from keeping up to four domestic pets on the Lot.

17 Land Use

The Registered Proprietor must not use or permit the Lot to be used for anything other than the construction and Occupation of a residence or any other use that is permissible under the provisions of the City of Swan Local Planning Scheme No. 17.

18 Time Limit

- 18.1 The above restrictive covenants shall expire and cease to have any effect after the earlier of completion of construction and Occupation of the final dwelling at Balwyn Private Estate or 10 years from the registration of the Plan.

19 Benefit and Burden

- 19.1 The burden of the covenants in clauses 2 to 18 is appurtenant to and will run with the Burdened Land for the benefit of every Lot and every other lot in the Benefited Land to the intent that the covenants will bind the Registered Proprietor and the Registered Proprietor from time to time of the Burdened Land and will be for the benefit of any other Registered Proprietor from time to time of every other Lot and every other lot in the Benefited Land but not so as to render the Registered Proprietor personally liable after the Registered Proprietor has parted with all interests in the Burdened Land.

20 Consents

- 20.1 The Registered Proprietor will obtain any consents required under s.138E of the Transfer of Land Act to the creation of this Deed and the creation of the Restrictive Covenants over the Benefited Land pursuant to s.136D of the Transfer of Land Act.

- 20.2 The Burdened Land is subject to the following encumbrances:

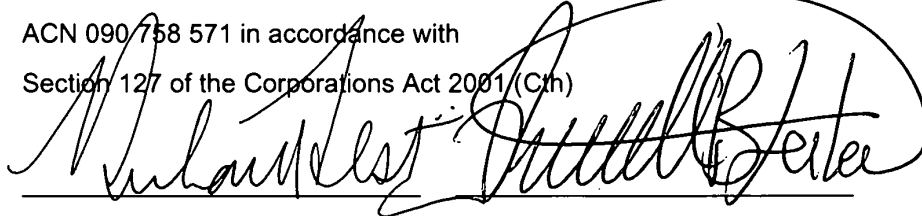
- (a) N118387 Mortgage to National Australia Bank Ltd;
- (b) O650737 Restrictive Covenant to Electricity Networks Corporation see Deposited Plan 422250;
- (c) M841631 Mortgage to National Australia Bank Ltd;
- (d) Easement Burden created under s 167 of the P&D Act; and
- (e) O650736 Restrictive Covenant to Electricity Networks Corporation see Deposited Plan 422250.

Executed as a Deed.

Executed by Evergreen Capital Pty Ltd

ACN 090 758 571 in accordance with

Section 127 of the Corporations Act 2001 (Cth)



Signature of Director

Richard Denis LESTER

Signature of Director/Secretary

Russell Bryce LESTER

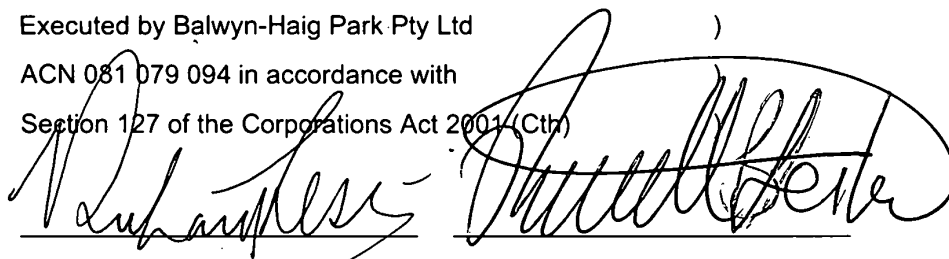
Print name of Director

Print name of Director/Secretary

Executed by Balwyn-Haig Park Pty Ltd

ACN 081 079 094 in accordance with

Section 127 of the Corporations Act 2001 (Cth)



Signature of Director

Richard Denis LESTER

Signature of Director/Secretary

Russell Bryce LESTER

Print name of Director

Print name of Director/Secretary

Document Notes:

IMPORTANT: THIS PAGE FORMS PART OF DOCUMENT [P074190] AND MAY CONTAIN REFERENCES TO AMENDMENTS OR CORRECTIONS TO THE DOCUMENT

26/5/2022 09:19:06

Application to re-time clock to 24/05/2022. See letter dated 14/3/2022 from Lacey & Co, filed in application P074185.