

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.

M665851 RC

10 Jun 2014 15:54:01 Perth



REG \$ 160.00

20 11/2/2014

LODGED BY *Civic Legal Rockwell Olivier*

ADDRESS *Level 2, 11 Mounts Bay Rd Level 8,
Perth WA 6000 40 The Esplanade
Perth WA 6000*

PHONE No. *9460 5000 9420 7100*

FAX No. *9460 5001 9420 7101*

REFERENCE No. *XLB/404402*

ISSUING BOX No. *1060 1634*

PREPARED BY *Civic Legal Rockwell Olivier*

ADDRESS *Level 8 40 The Esplanade
Level 2, 11 Mounts Bay Rd
Perth WA 6000*

PHONE No. *9420 7100 9460 5000*

FAX No. *9420 7101 9460 5001*

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



TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

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

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



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4. **COSTS**

The Owner must pay the costs of an incidental to the preparation, execution, stamping and registration of this Deed at Landgate including all duties and registration fees.

5. **INTERPRETATION**

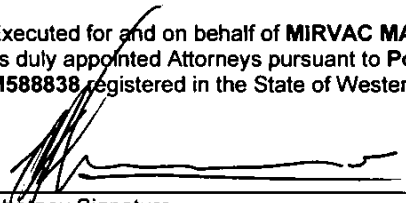
- (a) Reference to the parties includes their personal representatives, successors and lawful assigns.
- (b) Where a reference to a party includes more than one person the rights and obligations of those persons shall be joint and several.
- (c) Headings have been inserted for guidance only and shall be deemed not to form part of the context.
- (d) The Schedule forms part of this Deed.

SCHEDULE

Burdened Land: Lots 2062 – 2071 on Deposited Plan 401062

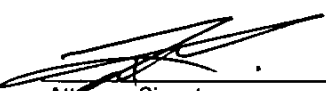
EXECUTED AS A DEED:

Executed for and on behalf of **MIRVAC MANDURAH PTY LTD** by its duly appointed Attorneys pursuant to **Power of Attorney No. M588838** registered in the State of Western Australia in the presence of:




 Attorney Signature
KIMBERLEY HAGUE LAWRENCE

 Attorney Print Name



 Attorney Signature
Tony Aleksowski

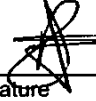
 Attorney Print Name



 Witness Signature
Roxy Lee Gommers

 Witness Name
Level 3, 502 Hay Street
Subiaco WA 6008

 Witness Occupation
Customer Relations Associate

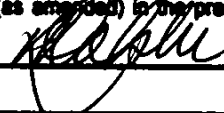



 Witness Signature
Roxy Lee Gommers

 Witness Name
Level 3, 502 Hay Street
Subiaco WA 6008

 Witness Occupation
Customer Relations Associate

EXECUTED BY MAIN ROADS WESTERN AUSTRALIA

Signed for and on behalf of the **COMMISSIONER OF MAIN ROADS** by the officer duly delegated this authority by the Commissioner of Main Roads under Section 10B (1) of the Main Roads Act 1930 (as amended) in the presence of:

 _____ (Signature)
 _____ (Full Name)
Officer Main Roads Western Australia
Richard Wolski
LAND ADMINISTRATION MANAGER
Main Roads Western Australia


 Signature: _____
GREGORY ROBERT FRASER
 Full Name
MANAGER PROPERTY MANAGEMENT

Proxy

BLANK INSTRUMENT FORM

**RESTRICTIVE COVENANT IN GROSS
(SECTION 129BA of the TLA)**

(Note 1)

DATED THE 23rd DAY OF April 2014

BETWEEN:

MIRVAC MANDURAH PTY LTD (ACN 102 396 350) of Level 3, 502 Hay Street, Subiaco Western Australia
("Owner")

and *See signature Alan*

COMMISSIONER OF MAIN ROADS WESTERN AUSTRALIA of Don Aitken Centre, Waterloo Crescent, East
Perth, Western Australia ("MRWA")

RECITALS:

- A. The Owner is registered as the proprietor of an estate in fee simple of the land described in the Schedule ("Burdened Land").
- B. The Owner has sought and received the Western Australian Planning Commission's approval to subdivide land of which the Burdened Land forms part, to create a number of lots.
- C. The Owner is required as a condition of subdivision approval to restrict motor vehicle access from the Burdened Land to Mandjoogoordup Drive.
- D. The Owner enters into this Deed pursuant to section 129BA of the *Transfer of Land Act 1893 (WA)* to comply with that condition and MRWA's requirements.
- E. MRWA will have the benefit of this covenant created by this Deed.

OPERATIVE PART

1. OWNER'S COVENANTS

The Owner for itself and its successors in title, with the intention of binding so far as is possible the Burdened Land in the hands of whoever it may come, hereby covenants with MRWA under and by virtue of the provisions of section 129BA of the *Transfer of Land Act 1893* (as amended) for the benefit of MRWA not to use or permit the use of the Burdened Land for vehicular access from the Burdened Land or to the Burdened Land between the points marked "Y" to "Z" on Deposited Plan 401062 on the boundary of the Burdened Land.

2. DEED TO BENEFIT AND BIND SUCCESSORS

This Deed continues for the benefit of, and binds, each successor in title of a party, including a person to whom a party's rights and obligations are assigned or transferred.

3. FURTHER ASSURANCE

Each party must promptly at its own cost do all things necessary (including executing all documents) to give full effect to this Deed.

Signed for and on behalf of the
 COMMISSIONER OF MAIN ROADS by
 the officer duly delegated this authority by
 section 108 (1) of the *Transfer of Land Act 1893* (as amended) in the presence of
 (Signature)
 Officer Main Roads Western Australia
 LANDGATE