

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.

LOTS 2699 - 2705

RD

RCG.

TO MRWA.

SEE INST. J.P.P. 402541

M910467 RC

11 Feb 2015 14:47:28 Perth



REG \$ 160.00

LODGED BY Murfett Legal
ADDRESS 7 Tully Road, East Perth WA 6004
Email: xian@murfett.com.au
PHONE No. 9388 3100
FAX No 9388 3105
REFERENCE No. XD/Mirvac (MS Stage 25A)
ISSUING BOX No. 28A

PREPARED BY Murfett Legal
ADDRESS 7 Tully Road, East Perth WA 6004
Email: xian@murfett.com.au
PHONE No. 9388 3100 FAX No. 9388 3105

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

2/4

TITLES, LEASES, DECLARATIONS ETC. LODGED HERewith

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

2/4

Am

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

EP.

C-T's TO 28A.



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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 2699 – 2705 on Deposited Plan 402541

EXECUTED AS A DEED:

Executed for and on behalf of the **TRUST COMPANY LTD (ACN 004 027 749)**
by its duly appointed Attorneys pursuant to **Power of Attorney No. M611580**
dated 10/04/2014 registered in the State of Western Australia in the presence of:


Attorney Signature


KIMBERLEY HAGUE LAWRENCE
Attorney Print Name


Witness Signature

NICOLA KING
Witness Name

443,502 Hwy St. Subiaco WA 6008
Witness Address

Customer Relations Assoc.
Witness Occupation


Attorney Signature

Tony Aleksovski
Attorney Print Name


Witness Signature

NICOLA KING
Witness Name

443,502 Hwy St. Subiaco WA 6008
Witness Address

Customer Relations Assoc.
Witness Occupation

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 of Main Roads Western Australia

Richard Wolski

LAND ADMINISTRATION MANAGER

Main Roads Western Australia

Signature: 

Full Name: GREGORY ROBERT FRASER
MANAGER PROPERTY MANAGEMENT

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

(Note 1)

DATED THE 9th DAY OF February 2015**BETWEEN:****THE TRUST COMPANY LTD (ACN 004 027 749)** of Level 4, 35 Clarence Street, Sydney, New South Wales
("Owner")

and

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 "X" to "Y" on Deposited Plan 402541 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.

RECEIVED
12 FEB 2015
11:11 AM
LANDGATE