

**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.

EXAMINED

OFFICE USE ONLY

**M554937 RC**

19 Feb 2014 11:19:12 Perth



REG \$ 160.00

*4 April*

LODGED BY	Civic Legal
ADDRESS	Level 2, 11 Mounts Bay Rd, Perth PO Box 7432, Cloisters Square PERTH WA 6850
PHONE No.	9460 5000
FAX No	9460 5001
REFERENCE No.	(XLD/104116)
ISSUING BOX No.	196C

PREPARED BY	Civic Legal
ADDRESS	Level 2, 11 Mounts Bay Rd, Perth PO Box 7432, Cloisters Square PERTH WA 6850
PHONE No.	9460 5000
FAX No.	9460 5001

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

*A/S*

TITLES, LEASES, DECLARATIONS ETC. LODGED HERewith

1. _____	Received Items
2. _____	Nos.
3. _____	<i>2/0</i>
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.



*J*

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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 2195, 2262, 2263, 2283 – 2294 and 2702 on Deposited Plan 400601

**EXECUTED AS A DEED:**

Executed for and on behalf of the **TRUST COMPANY LTD (ACN 004 027 749)** by its duly appointed Attorney pursuant to Power of Attorney No. M209075 registered in the State of Western Australia:

  
\_\_\_\_\_  
Attorney Signature

KIMBORLEY HAGUE LAWRENCE  
Attorney Print Name


  
\_\_\_\_\_  
Attorney Signature

Tony Aleksovski  
Attorney Print Name

Witness Signature: 

Witness Print Name: Roxy Lee Gommers  
Witness Address: Level 3, 502 Hay Street  
Subiaco WA 6008

Witness Occupation: Customer Relations Associate


Witness Signature: 

Witness Print Name: Roxy Lee Gommers  
Witness Address: 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

Signature:   
\_\_\_\_\_  
Full Name: GREGORY ROBERT FRASER  
MANAGER PROPERTY MANAGEMENT

Richard Wolski  
LAND ADMINISTRATION MANAGER  
Main Roads Western Australia

**BLANK INSTRUMENT FORM**

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

(Note 1)

DATED THE 3<sup>rd</sup> DAY OF February 2014

**BETWEEN:**

**TRUST COMPANY LTD (ACN ACN 004 027 749)** of Level 3, 502 Hay Street, Subiaco, Western Australia ("**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 (WA)* (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 400601 on the boundary of the Burdened Land.

**2. DEED TO BENEFIT AND BIND SUCCESSORS**

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

**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.

\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Full Name)  
\_\_\_\_\_  
Official Main Roads Western Australia