

140

M994909 RC

11 May 2015 14:41:26 Perth



1050 1 10000

*RESTRICTIVE COVENANT*

LODGED BY:

**Vicki Philipoff Settlements**

ADDRESS:

PO Box 1800  
WEST PERTH WA 6872  
Ph: 6311 4888 Fax: 6311 4899

PHONE NO:

FAX NO:

REFERENCE NO:

*146954 SLR*

PREPARED BY:

Chalmers Legal Studio

ADDRESS:

Studio 7, The Wills Building  
82 King Street  
PERTH WA 6000  
Our Ref: LC:42223M:ii-01  
Revised 26/02/2015

PHONE NO:

(08) 9360 4100 FAX NO: (08) 9360 4199

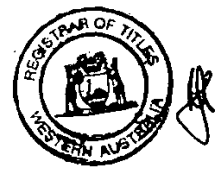
INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

*2/3*

TITLES, LEASES, DECLARATIONJS ETC.. LODGED HEREWITH

1.	_____	<b>Received Items</b>  <b>Nos.</b>    <b>Receiving Clerk</b>
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.



**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

EXECUTED by MADELEY  
DEVELOPMENT ALLIANCE PTY  
LTD (ACN 147 250 271) pursuant to  
Section 127 of the Corporations  
Act 2001:

Director

**Paul Bitdorf**

Full Name (Please Print)

\* Delete if Inapplicable

Director/Secretary \*

**Ronnie Michel-Elhaj**

Full Name (Please Print)

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:

(Officer, Main Roads Western Australia)

**Richard Wolski**  
**LAND ADMINISTRATION MANAGER**  
**Main Roads Western Australia**

(Full Name & Title)

**Gregory Robert Fraser**  
**Manager Property Management**  
**Main Roads Western Australia**

this Deed and all stamp duties and registration fees.

**3. INTERPRETATION**

In this Deed:

Reference to the parties includes their personal representatives, successors and lawful assigns.

Where a reference to a party includes more than one person the rights and obligations of those persons shall be joint and several.

Headings have been inserted for guidance only and shall be deemed not to form part of the context.

The Schedule and Annexures (if any) form part of this Deed.

**SCHEDULE**

**Item 1 – Burdened Land**

Lots 750 and 9000 on Deposited Plan 404097, being the whole of the land comprised in Certificate of Title  
Volume            Folio

**Item 2 - Encumbrances**

Mortgage M391695

FORM B2

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

## BLANK INSTRUMENT FORM

RESTRICTIVE COVENANT

This Deed is made on the / day of MAY 2015.

### BETWEEN:

**MADELEY DEVELOPMENT ALLIANCE PTY LTD (ACN 147 250 271)** of Post Office Box 51, Northbridge in the State of Western Australia ("the Subdivider")

### AND:

**COMMISSIONER OF MAIN ROADS** of Don Aitken Centre, Waterloo Crescent, East Perth in the said State ("Main Roads")

### RECITALS:

- A. The Subdivider is registered as the proprietor of an estate in fee simple in the land described in Item 1 of the Schedule which comprises the Land Burdened.
- B. The Land Burdened is subject to the encumbrances noted in Item 2 of the Schedule hereto.
- C. The Subdivider has sought and received from the Western Australian Planning Commission approval to subdivide land of which the Land Burdened forms part.
- D. The Subdivider is required by Main Roads to restrict motor vehicle access onto the future Gnangara Road road reserve from the proposed Lot 750 on Deposited Plan 404097 and the Subdivider enters into this Deed pursuant to Section 129BA of the *Transfer of Land Act 1893* to comply with Main Road's requirements.

### WHEREAS:

#### 1. SUBDIVIDER'S COVENANTS

The Subdivider for itself and its successors in title with the intention of binding so far as is possible the Land Burdened in the hands of whoever it may come HEREBY COVENANTS with Main Roads under and by virtue of the provisions of Section 129BA of the Transfer of Land Act 1893 not to use or permit the use of the Land Burdened for access from the Land Burdened to the future Gnaṅgara Road road reserve (currently Lot 501 on Deposited Plan 404097) between the points marked "A" to "B" shown along the boundary of the Land Burdened and from the future Gnangara Road (currently Lot 501 on Deposited Plan 404097) to the Land Burdened between the points marked "A" and "B" shown along the boundary of the Land Burdened.

#### 2. COSTS

The Subdivider shall pay the costs of and incidental to the preparation, execution, stamping and registration of