FORM B2

FORM APPROVAL
NO. B2856

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

BLANK INSTRUMENT FORM

RESTRICTIVE COVENANT - pursuant to section 129BA of the *Transfer of Land Act*.

(Note 1)

This RESTRICTIVE COVENANT is made the 8 day of February 2008.

BETWEEN:

PARTIES

[redacted]

And

SHIRE OF IRWIN, of 13 Waldeck Street, Dongara in the State of Western Australia. ("the Shire")

RECITALS

A. The Covenantors are registered as the proprietor in fee simple in the land described in Item 1 of the Schedule annexed hereto which land comprises the Land Burdened.

B. The Land Burdened is subject to the encumbrances noted in the Schedule hereto.

C. The Land Burdened is situated within the district of the Shire.

D. The Covenantors applied to the Western Australian Planning Commission ("WAPC") for permission to subdivide land of which the Land Burdened forms part, which application was approved by letter dated 10 March 2006 ("the Approval") subject to conditions of which Condition 15 was stated as follows:

15. A Restrictive Covenant, pursuant to Section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) 231-243 advising of that there is 20 metre wide restriction pertaining to the land for the retention of a landscape buffer zone. Notice of this restriction to be included on the Deposited Plan.

H. The Covenantors and the Shire have agreed to enter into this Deed pursuant to Section 129BA of the transfer of Land Act 1893 in order to restrict the use of the Land Burdened and to give effect to Condition 15 of the Approval.

LANDGATE COPY OF ORIGINAL NOT TO SCALE Thu Mar 13 10:08:00 2008 JOB 30043733

OPERATIVE PART

1. COVENANTS

1.1 In consideration of the Shire recommending to the WAPC that the Covenantors have satisfied Condition 15 of the Approval, the Covenantor with the intention of binding so far as is possible the Land Burdened in the hands of whoever it may come for the benefit of the Shire and to comply with the restrictions imposed by the Shire HEREBY COVENANTS with the Shire under and by virtue of the provisions of Section 129BA of the Transfer of Land Act 1893 not to:

(a) remove or destroy any native vegetation situate within the Land Burdened except for:

(i) minor pruning as may be directed by a Shire Representative; or,

(ii) removing dead or diseased vegetation or vegetation which presents a safety hazard and in respect of which the Shire has approved such removal.

(b) build any structure (a "Building") entirely within or encroaching upon the Land Burdened unless:

(i) the Shire gives it's prior written consent to the Building,

(ii) an area of the Land Burdened that does not contain the Building is vegetated and water reticulated (the "Landscaping") to an area equivalent to the area which the Building encroaches upon the Land Burdened,

(iii) the Landscaping being carried out by the Covenantors to the specifications and satisfaction of the Shire.

1.2 The burden of the covenants hereinbefore contained shall run with the land and any part thereof to the benefit of the Shire and shall be enforceable by the Shire against the Covenantors and every other subsequent registered proprietor of the land.

2. COSTS

The Covenantor shall pay the costs of and incidental to the preparation, execution, stamping and registration of this Deed and all stamp duties and registration fees payable hereon.

3. INTERPRETATION

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 obligation 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.

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SCHEDULE

ITEM 1: LAND BURDENED

Those portions of the following Lots which are shown marked with the letter "M" on Deposited Plan 57285:

1. Lot 231 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
2. Lot 232 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
3. Lot 233 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
4. Lot 234 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
5. Lot 235 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
6. Lot 236 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
7. Lot 237 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
8. Lot 238 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
9. Lot 239 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
10. Lot 240 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
11. Lot 241 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
12. Lot 242 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio
13. Lot 243 on Deposited Plan 57285 being the whole of the land comprised in Certificate of Title Volume Folio

ITEM 2: ENCUMBRANCES

1. Mortgage J796342

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MORTGAGEE'S CONSENT



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EXECUTED by the parties as a Deed:

[redacted]

[redacted]

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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

K516118 RC 6 MAR 2008 1:47:00
22 Feb 2008 15:52:17 Perth
REG $ 65.00
See letter

LODGED BY

[redacted]

[redacted]

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

3
4

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Received Items
Nos.
0
L
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.

REGISTRAR OF TITLES WESTERN AUSTRALIA

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LANDGATE COPY OF ORIGINAL NOT TO SCALE 17/04/2024 01:05 PM Request number: 66480312
www.landgate.wa.gov.au

VER	AMENDMENT	BY	SIGNATURE	DATE
2	AUDIT REQUIREMENTS	R. HUNT	Roger L. Hunt 2008.01.24 10:59:11 +08'00'	24/01/2008
3	SURVEY SHEETS ADDED	LANDGATE		21/2/2008

INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
Ⓛ	MINERAL RESERVATION	GOVERNMENT RAILWAYS ACT 54 OF 1965	APP. C843052			
⑤	EASEMENT (DRAINAGE)	SECTION 167 OF THE P. & D. ACT REGULATION 5	THIS PLAN	LOT 9500	SHIRE OF IRWIN	
⑥	EASEMENT (SEWERAGE)	SECTION 167 OF THE P. & D. ACT REGULATION 6	THIS PLAN	LOTS 217-220 AND 229-230	WATER CORPORATION	
	RESTRICTIVE COVENANT	SECTION 136D OF THE T.L.A.	THIS PLAN & DOC	LOTS 199-207 AND 210-243	LOTS 199-207 AND 210-243	BUILDING RESTRICTIONS
Ⓜ	RESTRICTIVE COVENANT	SECTION 129BA OF THE T.L.A.	THIS PLAN & DOC	LOTS 231 - 243	SHIRE OF IRWIN	LANDSCAPING BUFFER
LOT 252	RESERVE FOR DRAINAGE	VESTS IN THE CROWN UNDER SECTION 152 OF THE P & D ACT	THIS PLAN			
	NOTIFICATION	SECTION 165 OF THE P. & D. ACT	DOC	LOTS 199-207, 210-243, 251-252 AND 9500		UXO

ENLARGEMENT AT 'D'
NOT TO SCALE

ALL BOUNDARY/CORNER SURVEY MARKS SHOWN ON THIS SHEET ARE INDICATIVE ONLY. USE ONLY THE SURVEY SHEET/S WHEN DETERMINING THE TRUE FINAL POSITION AND TYPE OF ALL SURVEY MARKS PLACED PERTAINING TO THIS PLAN.

SEE SHEETS 2 & 3 FOR LOT DETAIL

SEE SHEETS 4 & 5 FOR SURVEY INFORMATION

ENLARGEMENT AT 'C'
NOT TO SCALE

SURVEY CARRIED OUT UNDER REG. 26A
SPECIAL SURVEY AREA GUIDELINES

SPECIAL SURVEY AREA SUBDIVISION

DP 57285 (01)

TYPE	FREEHOLD
PURPOSE	SUBDIVISION
PLAN OF	LOTS 199-207, 210-243, 251-252, 9500, ROADS, ROAD WIDENING, EASEMENTS AND RESTRICTIVE COVENANT
DISTRICT	VICTORIA
TOWNSITE	
DPI FILE	
LOCAL AUTHORITY	SHIRE OF IRWIN
LOCALITY	DONGARA
SSA	YES/~~NO~~
FORMER TENURE	LOT 502 ON DP 42893 C/T 2229-810
INDEX ON	BE42 (2) 35.03 BE42 (2) 35.04
FIELD BOOK	103956

SCALE: 1:2500 @ A2 25 0 25 50 75 100 125
ALL DISTANCES ARE IN METRES

SURVEYOR'S CERTIFICATE - Reg 54

I, ROGER L. HUNT

hereby certify that this plan is accurate and is a correct representation of the -

~~(a) survey; and/or~~

~~(b) calculations from measurements,~~

~~[delete if inapplicable]~~

undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.

Roger L. Hunt 2008.01.24 10:59:38 +08'00'

Licensed Surveyor — Date

Quantum SURVEYS PTY LTD
GERALDTON CENTRAL
PO Box 695 Geraldton WA 6531
Phone: 9965 0077 Fax: 9965 0088
Email: info@quantumsurveys.com.au

OUR REF 6010 CSD FILE DP57285.csd

LODGED	TYPE OF VALIDATION	APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION
DATE 13-Dec-07	FULL AUDIT	
	LEGAL COMPONENT A. James	FILE 129561
FEE PAID $2531.00	DOCKET 1681-2005/07 24/1/2008	DELEGATED UNDER S.16 P & D ACT 2005
	CERTIFIED CORRECT	
ASSESS No. 3261247	LSC.	
	P.S.C. 93-2008	DATE 18/2/2008

IN ORDER FOR DEALINGS

SUBJECT TO
Sec 152, Sec 165, Sec 167, Sec 168(1)(2) & Sec 168(3) of P&D Act, Sec 129BA & Sec 136D of TLA.

J. Kobernowski 22.2.08
FOR INSPECTOR OF PLANS & SURVEYS / AUTHORISED LAND OFFICER DATE

APPROVED REG 26A (4)

6.03.08
INSPECTOR OF PLANS & SURVEYS / AUTHORISED LAND OFFICER DATE

Landgate
Western Australian Land Information Authority

DEPOSITED PLAN
ORIGINAL
57285

SHEET 1 OF ~~1~~ 5
~~EDITION~~ 1 VERSION ~~1~~ 3

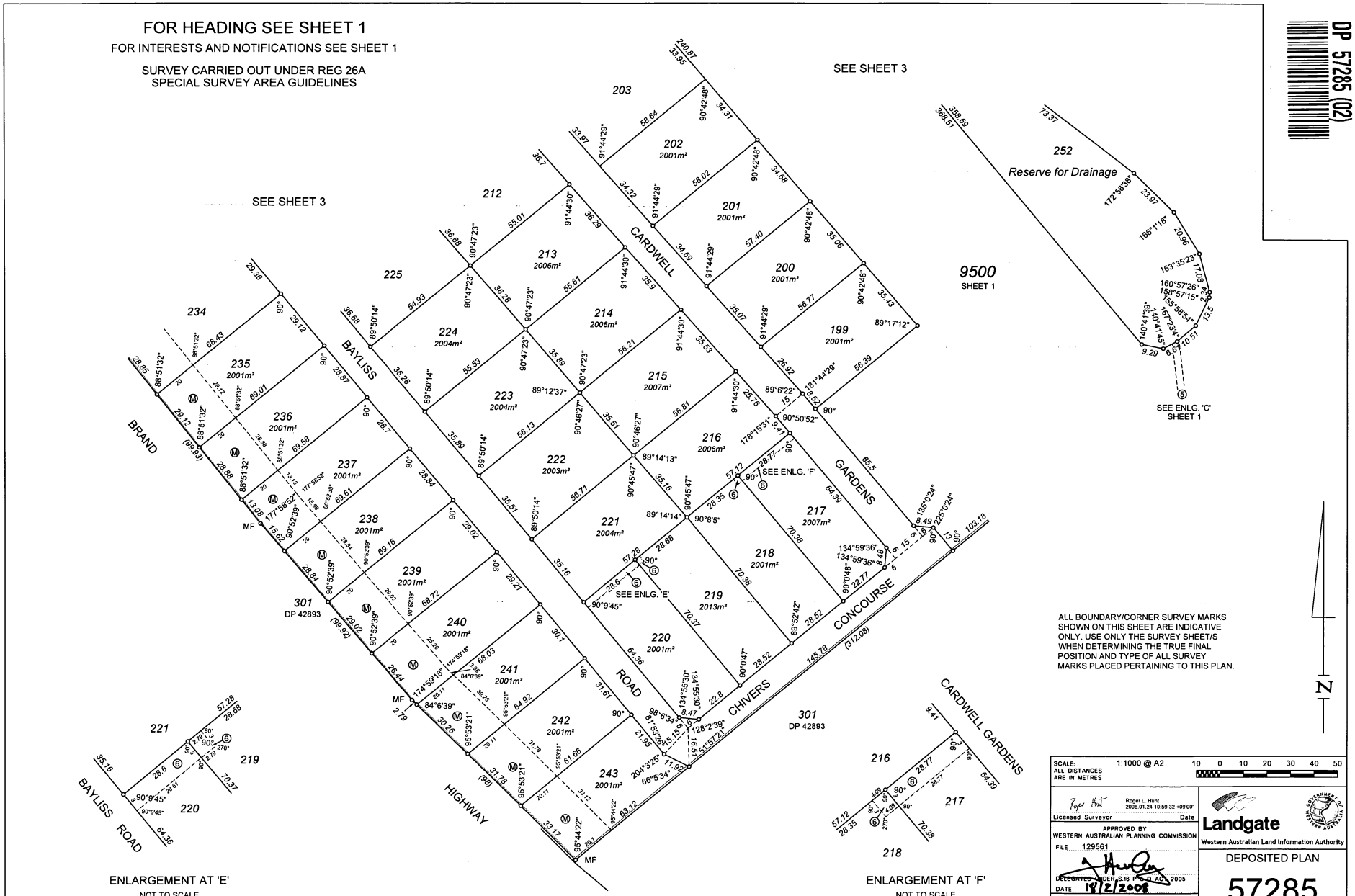
LANDGATE COPY OF ORIGINAL NOT TO SCALE 17/04/2024 01:05 PM Request number: 66480312
www.landgate.wa.gov.au

DP 57285 (02)

FOR HEADING SEE SHEET 1

FOR INTERESTS AND NOTIFICATIONS SEE SHEET 1

SURVEY CARRIED OUT UNDER REG 26A
SPECIAL SURVEY AREA GUIDELINES



ALL BOUNDARY/CORNER SURVEY MARKS SHOWN ON THIS SHEET ARE INDICATIVE ONLY. USE ONLY THE SURVEY SHEET/S WHEN DETERMINING THE TRUE FINAL POSITION AND TYPE OF ALL SURVEY MARKS PLACED PERTAINING TO THIS PLAN.

ENLARGEMENT AT 'E'
NOT TO SCALE

ENLARGEMENT AT 'F'
NOT TO SCALE

SCALE: 1:1000 @ A2
ALL DISTANCES ARE IN METRES
10 0 10 20 30 40 50

Roger L. Hunt
2008.01.24 10:59:32 +09'00'
Licensed Surveyor Date

APPROVED BY
WESTERN AUSTRALIAN PLANNING COMMISSION
FILE 129561
DELEGATED UNDER S.16 P&D ACT 2005
DATE 19/2/2008

SHEET 2 OF 5
~~EDITION~~ 4 VERSION 3

Landgate
Western Australian Land Information Authority

DEPOSITED PLAN
57285
ORIGINAL

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www.landgate.wa.gov.au

DP 57285 (03)

FOR HEADING SEE SHEET 1

FOR INTERESTS AND NOTIFICATIONS SEE SHEET 1

SURVEY CARRIED OUT UNDER REG 26A
SPECIAL SURVEY AREA GUIDELINES

ALL BOUNDARY/CORNER SURVEY MARKS SHOWN ON THIS SHEET ARE INDICATIVE ONLY. USE ONLY THE SURVEY SHEET/S WHEN DETERMINING THE TRUE FINAL POSITION AND TYPE OF ALL SURVEY MARKS PLACED PERTAINING TO THIS PLAN.

ENLARGEMENT AT 'J'
NOT TO SCALE

ENLARGEMENT AT 'G'
NOT TO SCALE

ENLARGEMENT AT 'H'
NOT TO SCALE

SEE SHEET 2

SCALE: 1:1000 @ A2
ALL DISTANCES ARE IN METRES

Roger L. Hunt 2008.01.24 10:59:25 +09'00'
Licensed Surveyor Date

APPROVED BY
WESTERN AUSTRALIAN PLANNING COMMISSION
FILE 129561
DELEGATED UNDER S.16 P & D ACT 2005
DATE 18/2/2008

SHEET 3 OF 3
~~EDITION~~ 1 VERSION 3

Landgate
Western Australian Land Information Authority

DEPOSITED PLAN
57285
ORIGINAL

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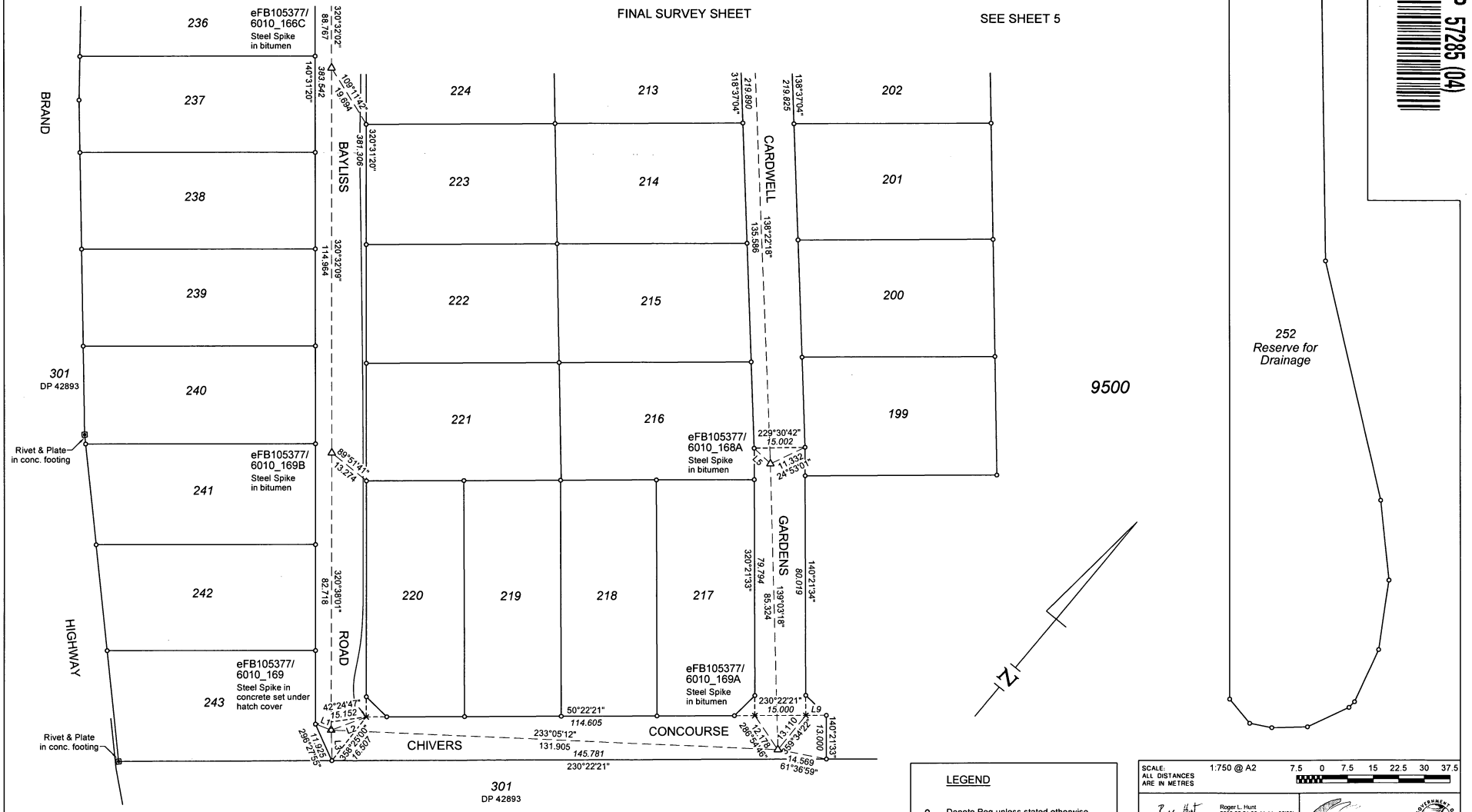
SEE SHEET 5

FOR HEADING SEE SHEET 1
SURVEY INFORMATION ONLY

FINAL SURVEY SHEET

SEE SHEET 5

DP 57285 (04)



LINE	BEARING	DISTANCE
L1	252°02'51"	4.916
L2	29°49'08"	11.147
L3	138°42'14"	9.090
L4	276°10'40"	8.220
L5	274°38'51"	6.663
L6	230°54'05"	1.110
L7	140°31'23"	6.000
L8	320°31'23"	6.000
L9	50°22'21"	6.000
L10	230°54'05"	12.000

SURVEY SHEET AUDITED
DATE: 28.8.08
DOCKET: 3452 - 2005 / 3

SURVEY CARRIED OUT UNDER REG. 26A
SPECIAL SURVEY AREA GUIDELINES

ALL BEARINGS AND DISTANCES ON THIS SHEET ARE THE RESULTANT LEAST SQUARES ADJUSTMENTS CARRIED OUT ON RAW FIELD OBSERVATIONS

BEARINGS DATUM IS JURIEN COASTAL GRID 94

LEGEND

- Denote Peg unless stated otherwise
- Denotes Nail
- Denotes Nail/Screw/Rivet and Plate
- Denotes Spike
- Denotes Drill Hole
- Denotes Standard Survey Mark (SSM)
- Denotes Permanent Survey Mark (PSM)
- Denotes Permanent Control Mark (PCM)
- Denotes Temporary Control Mark (TCM)

SCALE: 1:750 @ A2
ALL DISTANCES ARE IN METRES
7.5 0 7.5 15 22.5 30 37.5

Roger L. Hunt 2008.02.21 08:44:11 +09'00'
Licensed Surveyor Date

APPROVED BY
WESTERN AUSTRALIAN PLANNING COMMISSION
FILE
DELEGATED UNDER S.16 P & D ACT 2005
DATE

SHEET 4 OF 5
~~EDITION~~ 1 VERSION 13

Landgate
Western Australian Land Information Authority

DEPOSITED PLAN
57285
ORIGINAL

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Landgate

DP 57285 (05)

FOR HEADING SEE SHEET 1
SURVEY INFORMATION ONLY
FINAL SURVEY SHEET

SURVEY CARRIED OUT UNDER REG. 26A
SPECIAL SURVEY AREA GUIDELINES

ALL BEARINGS AND DISTANCES ON THIS SHEET ARE THE RESULTANT LEAST SQUARES ADJUSTMENTS CARRIED OUT ON RAW FIELD OBSERVATIONS

BEARINGS DATUM IS JURIEN COASTAL GRID 94

LEGEND

- Denote Peg unless stated otherwise
- Denotes Nail
- Denotes Nail/Screw/Rivet and Plate
- Denotes Spike
- Denotes Drill Hole
- Denotes Standard Survey Mark (SSM)
- Denotes Permanent Survey Mark (PSM)
- Denotes Permanent Control Mark (PCM)
- Denotes Temporary Control Mark (TCM)

LINE	BEARING	DISTANCE
L1	252°02'51"	4.916
L2	29°49'08"	11.147
L3	138°42'14"	9.090
L4	276°10'40"	8.220
L5	274°38'51"	6.663
L6	230°54'05"	1.110
L7	140°31'23"	6.000
L8	320°31'23"	6.000
L9	50°22'21"	6.000
L10	230°54'05"	12.000

eFB105377/ 6010_166 Steel Spike in concrete set under hatch cover

501 DP 42893

eFB105377/ 6010_166A Steel Spike in bitumen

50°54'05" 289.409

38°30'32" 27.343

TYFORD ROAD

TYFORD

51°17'30" 122.557

50°33'27" 134.367

ROAD

Spike in bitumen

SHN & Plate in conc. footing

Unable to mark

320°54'05" 20.000

159°10'16" 14.914

104°48'03" 14.535

160°01'04" 14.103

102°58'49" 16.692

157°49'12" 14.771

112°18'45" 16.094

78°47'16" 30.715

140°54'05" 20.000

107.610 230°54'05"

15.000 230°54'05" L6

15.000 230°54'05"

119.685 230°54'05"

19.004 230°54'05"

L8 L10 L7

12.000 230°54'5"

eFB105377/ 6010_167 Steel Spike in concrete set under hatch cover

HIGHWAY

BAYLISS

CARDWELL

231 232 233 234 235 236 237

228 229 230 227 210 226 211 212 225 213 224 223 214

207 206 205 204 203 202 201

251

252 Reserve for Drainage

9500

301 DP 42893

SHN & Plate in conc. footing

320°31'02" 113.026

320°54'13" 80.734

140°54'13" 80.435

140°31'26" 106.740

229°45'32" 15.003

288°01'04" 13.751

357°38'56" 16.150

27°11'06" 11.133

eFB105377/ 6010_166B Steel Spike in bitumen

eFB105377/ 6010_168B Steel Spike in bitumen

320°32'02" 88.767

139°11'55" 76.224

eFB105377/ 6010_168 Steel Spike in concrete set under hatch cover

48°44'46" 10.957

BRAND ROAD

GARDENS

320°31'20" 381.306

140°31'20" 383.542

109°11'42" 19.694

318°37'04" 219.890

138°37'04" 219.825

138°22'18" 135.586

320°32'09" 114.964

SEE SHEET 4

SURVEY SHEET AUDITED
DATE: 23·8·08 SEE SHEET 4
DOCKET: 3452 - 2005 / 3

SCALE: 1:750 @ A2 ALL DISTANCES ARE IN METRES 7.5 0 7.5 15 22.5 30 37.5

Roger L. Hunt 2008.02.21 08:44:03 +09'00'
Licensed Surveyor Date

APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION
FILE
DELEGATED UNDER S.16 P & D ACT 2005
DATE

SHEET 5 OF 5
~~EDITION~~ 1 VERSION 13

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57285
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