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 full name, address and occupation of the witness must be stated.

Landgate

EXAMINED

OFFICE USE ONLY

N661154 RC

29 Jun 2017 15:08:00 Perth

LODGED BY	CS Legal
ADDRESS	PO Box 7489 CLOISTERS SQUARE PO WA 6850
PHONE No.	08 9476 4499
FAX No	08 9325 4174
REFERENCE No.	17075
ISSUING BOX No.	205E

PREPARED BY	CS Legal 17075		
ADDRESS	PO Box 7489 CLOISTERS SQUARE PO WA 6850		
PHONE No.	08 9476 4499	FAX No.	08 9325 4174

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

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

1. Letter to Landgate
2.
3.
4.
5.
6.

Received Items

Nos.

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.

EXECUTED as a Deed:

Executed for and on behalf of **CORRIB COWARAMUP PTY LTD (ACN 612 608 885)** by authority of its sole director and sole secretary pursuant to Section 127 of the *Corporations Act 2001 (Cth)*

Signature of sole Director and sole Secretary

SHANÉ PATRICK FARRELL

Full name of sole Director and sole Secretary

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2. Easement burden created under section 167 P & D Act for drainage purposes to Shire of Augusta – Margaret River – see Deposited Plan 404865 as created on Deposited Plan 59252.

3. Easement burdened created under section 167 P & D Act for sewerage purposes to Water Corporation – see Deposited Plan 404865 as created on Deposited Plan 59252.

4. Easement burden created under section 167 P & D Act for electricity purposes – to Electricity Networks Corporation – see Deposited Plan 404865 as created on Deposited Plan 59252.

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of the main residence and which garage shall not be fitted with anything other than a roller or tilt type garage door;

(g) construct a driveway of less than three (3) meters in width nor construct such driveway until a crossover is completed and which driveway is built from any materials other than brick paving, asphalt or coloured concrete;

(h) permit the parking of commercial vehicles including but not limited to trucks, buses, boats, caravans and trailers at any part upon the Subject Lot unless they are screened from public view at all times;

(i) permit the repair or restoration of any motor vehicle, boat, caravan, trailer or other vehicle unless such restoration or repair work is conducted behind the building and fully screened from view from the road;

(j) construct any fence forward of the front building line of the residence as located on the Subject Lot unless such fence is either 1.2 meters or 0.9 meters in height;

(k) construct any secondary street fencing exceeding a maximum of eighty (80) percent of the total length of the boundary behind the front building line unless such fence is either 1.2 meters or 0.9 meters in height;

(l) construct any dividing fence of material other than Colorbond C.M.I. sheet profile, colour "Domain" with "Grey Ridge" posts, capping and rails of less than 1.8 meters in height;

(m) install any rain water tank of less than 2,500 litre capacity or otherwise than has been approved by the Augusta Margaret River Shire;

(n) construct and install any solar hot water system, air conditioner or solar panels on that portion of the roof of the residence facing the street and on any other portion of the roof not so facing the street other than such installations as are coloured to match the colour of the roof of the residence; or

(o) install or construct any air conditioner at any point on the front elevation of the residence.

3. DURATION OF RESTRICTIVE COVENANTS

This Deed will cease to have effect on 31 December 2022.

4. SECTION 136D OF THE ACT

Pursuant to section 136D of the Act, the Owner requires a certificate of title which issues for each of the Subject Lots to be encumbered by the restrictive covenants.

5. SUBJECT LOTS TO BE BURDENED BY THE RESTRICTIVE COVENANTS

The Owner intends the burden of the restrictive covenants to:

(a) run with the land described in each certificate of title which issues for each one of the Subject Lots; and

(b) be enforceable by the Owner and its successors in title, being each and every subsequent registered proprietor of the Subject Lots (and every other lot subdivided from a Subject Lot), against the then registered proprietor of a Subject Lot.

6. LAND TO BE BENEFITED BY THE RESTRICTIVE COVENANTS

The Owner intends the benefit of the restrictive covenants to be for each Subject Lot (other than the particular Subject Lot burdened) and every other lot subdivided from a Subject Lot.

SCHEDULE

ENCUMBRANCES

1. K900046 Easement to Water Corporation for water pipeline purposes – see sketch on Deposited Plan 404865 registered 3 April 2009.

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(g) 'restrictive covenants' means the restrictive covenants set out in clause 2.1; and

(h) 'Subject Lots' means Lots 251 – 254 (inclusive), 268 – 272 (inclusive) and 292 – 305 (inclusive) on Deposited Plan 411199.

1.2 Interpretation

In this Deed:

(a) headings are for convenience only and do not affect interpretation,

and unless the context indicates the contrary intention:

(b) a reference to a person includes a reference to the person's personal representatives, administrators, executors, successors and assigns, and a reference to a corporation includes a reference to the corporation's successors and assigns;

(c) words importing the singular include the plural (and vice versa) and words denoting individuals include corporations (and vice versa);

(d) a reference to a clause or a Schedule is a reference, respectively, to a clause or a Schedule of this Deed;

(e) a reference to any legislation or written law or to any section or provision thereof includes any statutory modification or re-enactment of it or any statutory provisions substituted for it, and ordinances, by-laws, local laws, schemes, regulations and other statutory instruments issued thereunder;

(f) where a word is defined in this Deed, other grammatical forms of that word have corresponding meanings;

(g) when at any time two (2) or more persons or corporations own an interest in the Burdened Land their liability hereunder shall be joint and several;

(h) the schedule and annexure (if any) form part of this Deed; and

(i) a reference to anything includes the whole or any part of that thing and a reference to a group of things or persons includes each thing or person in that group.

2. RESTRICTIVE COVENANTS

2.1. Terms of restrictive covenants

To protect and enhance the residential amenity of the Burdened Land, the Owner and its successors in title must not on each Subject Lot:

(a) rezone any Subject Lot smaller than five hundred and fifty (550) meters squared in area for the erection of anything other than a single residential dwelling of either double or single storey;

(b) construct the walls of a residence of anything other than material comprising timber frame, predominantly brick, brick veneer, rendered brick, rammed earth, hardiplank or with a roof of anything other than clay, concrete tiles or colorbond for any pitched roofs greater than five (5) degrees;

(c) design and construct a building with a primary frontage of less than two (2) different colours or textures excluding windows, doors, roofing, gutters and downpipes;

(d) construct a home of anything less than one hundred and forty (140) meters squared in area excluding the garage and verandahs of such residence, but including any patio or alfresco dining area which adjoins kitchen, dining or living area;

(e) construct a roof with a pitch of less than twenty four (24) degrees on any Subject Lot smaller than five hundred and fifty (550) meters squared;

(f) construct a garage of anything less than sufficient size to park two (2) motor vehicles side by side and which garage must not be constructed of any material other than those used in the construction

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FORM B 2

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

BLANK INSTRUMENT FORM

RESTRICTIVE COVENANT

(Note 1)

THIS DEED OF RESTRICTIVE COVENANT is made the 8TH day of June 2017

BY **CORRIB COWARAMUP PTY LTD (ACN 612 608 885)** of PO BOX 1748 BUNBURY WA 6231 ("**the Owner**")

BACKGROUND

A. The Owner is the registered proprietor of an estate in fee simple in the land being Lot 9503 on Deposited Plan 404865 and being the whole of the land contained in Certificate of Title Volume 2875 Folio 981 a copy of which is attached to this Deed ("**Land**").

B. The Western Australian Planning Commission has approved a subdivision of the Land and the Owner has prepared Deposited Plan 411199 for the subdivision of the proposed Lots 251 – 254 (inclusive), 268 – 272 (inclusive), 292 – 305 (inclusive) and 9504 in accordance with that subdivisional approval.

C. Subject to the encumbrances, the Owner requires Lots 251 – 254 (inclusive), 268 – 272 (inclusive) and 292 – 305 (inclusive) on Deposited Plan 411199 ("**Burdened Land**") to be burdened and benefited by the restrictive covenants set out in clause 2.1 of this Deed, and it is the purpose of this Deed to constitute the instrument referred to in section 136D of the *Transfer of Land Act 1893* (WA) ("**the Act**").

D. Pursuant to section 136D of the Act, the Owner requires the Burdened Land to be encumbered by the restrictive covenants, subject to the encumbrances, so that the burden of the restrictive covenants will be noted as an encumbrance in each certificate of title ultimately issued for the lots comprising the Burdened Land.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATIONS

1.1 Definitions:

In this Deed

(a) 'the Act' means the *Transfer of Land Act 1893* (WA);

(b) 'Burdened Land' means Lots 251 – 254 (inclusive), 268 – 272 (inclusive) and 292 – 305 (inclusive) on Deposited Plan 411199 being part of Lot 9503 on Deposited Plan 404865 which comprises the whole of the land in Certificate of Title Volume 2875 Folio 981;

(c) 'this Deed' means this Deed as amended or varied from time to time;

(d) 'encumbrances' means the encumbrances set out in the Schedule;

(e) 'Land' means Lot 9503 on Deposited Plan 404865 being the whole of the land contained in Certificate of Title Volume 2875 Folio 981;

(f) 'the Owner' means Corrib Cowaramup Pty Ltd (ACN 612 608 885) of PO BOX 1748 BUNBURY WA 6231;

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