

INSTRUCTIONS

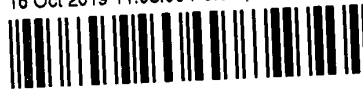
1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the 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.

0259069 RC ONLY

16 Oct 2019 11:03:00 Perth



LODGED BY CS Legal

ADDRESS PO Box 1599
BUNBURY WA 6231

PHONE No. 08 9721 2022

FAX No 08 9792 5959

REFERENCE No. *19MI1926 B*

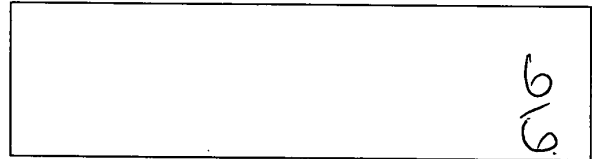
ISSUING BOX No. *205E*

PREPARED BY Peter May - Commercial Lawyer

ADDRESS P.O. Box 405
BUSSELTON WA 6280
PM218-17

PHONE No. 9752 4899 FAX No. 9754 4966

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



TITLES, LEASES, DECLARATIONS ETC. LODGED HERewith

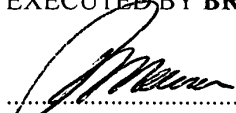
1.	_____	Received Items
2.	_____	Nos.
3.	_____	
4.	_____	
5.	_____	
6.	_____	Receiving Clerk

[Handwritten signature]

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

EXECUTED BY BRAZARA PTY LTD ACN 078 957 114

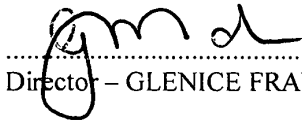


.....
Sole Director – ROSS GERARD MACNISH

EXECUTED BY MACNISH NOMINEES PTY LTD ACN 009 287 709

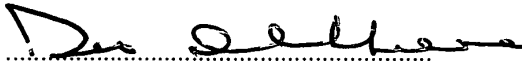


.....
Director – ROSS GERARD MACNISH



.....
Director – GLENICE FRANCES MACNISH

EXECUTED BY ALDWYCH NOMINEES PTY LTD ACN 008 950 614



.....
Director – PETER SILVIO DE CHIERA



.....
Director – DESIREE MARIE DE CHIERA

X:\DL\A CSJV- Symphony Waters s.136D Restrictive Covenant – Stage 2A (219-18)

than 150 square metres;

- (v) any building constructed of external materials other than new materials which have not been used previously;
 - (vi) except where paragraph 1(l) applies any fencing other than a fence comprising jarrah or pine posts at 5m centres and ringlock/griplock wire with single top wire to an approximate height of 1.2m and up to 1.8m behind the building line.
 - (vii) in respect of Lots 34, 35, 36, 37, 38 and 39 only, a residence with a finished floor level that is less than 300 mm above Natural Surface Level.
- (d) Permit any bus or truck to be parked on the Lot unless it is parked inside a garage or in such a position so as not to be visible from any other dwelling or from the public road system;
- (e) Permit any vehicle, boat or wheeled conveyance (including buses, trucks, motorcycles, caravans and trailers) to be repaired or restored on the Lot except in a location that is not visible from any other dwelling or from the public road system;
- (f) Permit any rubbish bin, commercial sign, or clothes line to be placed upon the Lot in a place where the same are visible from any dwelling or from the public road system;
2. The burden of covenants contained in clause 1(a) and 1(c)(vii) shall also benefit the Shire of Augusta Margaret River.

PART VI

Encumbrance

Nil.

THE SCHEDULE

PART I

The Covenantor

BRAZARA PTY LTD ACN 078 957 114, **MACNISH NOMINEES PTY LTD** ACN 009 287 709 and **ALDWYCH NOMINEES PTY LTD** ACN 008 950 614 all of 14 Prince Street Busselton WA 6280

PART II

The Land

Lot 9502 on Deposited Plan 406420 being the whole of the land comprised in Certificate of Title Volume 2901 Folio 731.

PART III

The Benefiting Lots

Lots 31 to 42 (inclusive) on Deposited Plan 414807.

PART IV

The Burdened Lots

Lots 31 to 42 (inclusive) on Deposited Plan 414807.

PART V

The Restrictive Covenants

1. The Covenantor shall not:

- (a) Construct any dwelling on the Lot unless the Proprietor also constructs a rainwater storage tank to service that dwelling with a storage capacity of at least 2,500 litres and which is plumbed to the dwelling in accordance with the requirements of the Shire of Augusta Margaret River,
- (b) Construct any buildings on the Lot using reflective materials or with materials other than the materials which are used in the construction of the walls and roof of the dwelling, or Colourbond in earthy colours such as Ironstone, Wilderness and Woodland Grey,
- (c) Erect or commence or cause or allow to be constructed, erected or placed on the Lot:
 - (i) any dwelling other than a permanent non-transportable private single residential dwelling and associated outbuildings;
 - (ii) more than one dwelling;
 - (iii) a carport other than an enclosed garage;
 - (iv) any dwelling having an area (inclusive of the outer faces of the external walls but exclusive of areas under verandas, eaves, porches, alfresco areas and garages) of less

3. Restrictive Covenant

The Covenantor as the proprietor of the Land and of each of the Lots on the Plan with the intent the Restrictive Covenant shall burden the Burdened Lots and benefit the Benefiting Lots, covenants and agrees in the manner set out in Part V of the Schedule hereto, such covenants to take effect from the date of registration hereof.

4. Definitions

For the purpose of this Deed:

- (a) "Lot" means any Lot as described on the Plan;
- (b) "Plan" means Deposited Plan 414807;
- (c) "Land" means the Land described in the Schedule hereto;
- (d) "Restrictive Covenants" means the Restrictive Covenants contained in this deed;
- (e) "Encumbrance" means the encumbrances named in Part VI of the Schedule hereto.

5. Signing of documents

The Covenantor will sign all other documents and do any thing reasonably required to give effect to this Deed and in particular will sign any other document required to register the Restrictive Covenants contained in this Deed against the Certificate of Title for each Lot.

6. Encumbrances

Where the Land is encumbered with Encumbrances, the Covenantor shall obtain the consent of each Mortgagee named in Part VI of the Schedule.

7. Headings

The headings in this Deed are for information purposes only and do not form part of this Deed and shall not be taken into account in interpreting this Deed.

BLANK INSTRUMENT FORM

RESTRICTIVE COVENANT

(Note 1)

RESTRICTIVE COVENANT

Pursuant to Section 136D of the Transfer of Land Act

THIS DEED is made the 4 day of October 2019.

BY: The person or persons whose particulars appear in Part I of the Schedule hereto ("the Covenantor").

WHEREAS:

- A. The Covenantor is the Proprietor of the Land described in Part II of the Schedule hereto (hereinafter called "the Land") which the Covenantor proposes to subdivide in accordance with the Plan defined in clause 4 hereof (hereinafter called "the Plan").
- B. The Covenantor wishes to ensure the Lots the subject of the Plan have the burden and benefit of the Restrictive Covenants set out hereafter.

OPERATIVE PART

1. Section 136D – Registration

The Covenantor pursuant to Section 136D of the Transfer of Land Act covenants and agrees the following Restrictive Covenants as set out in this Deed will be registered against the Certificate of Title for each of the Lots contained in the Plan.

2. Benefit and Burden of Restrictive Covenants

Subject to clause 3 hereof the Covenantor acknowledges and agrees:

- (a) the benefit of the covenants in this Deed will be attached to and for the benefit of each of the Lots on the Plan numbered and described in Part III of the Schedule hereto and being part of the Land ("the Benefiting Lots");
- (b) the burden of the covenants in this Deed will be attached to and burden each of the Lots on the Plan numbered and described in Part IV of the Schedule hereto and being part of the Land ("the Burdened Lots").

Our ref: 19MI1926B

13 November 2019

Contact: Susan Hunter

The Manager
Landgate
P O Box 2222
MIDLAND WA 6056

Dear Sir/Madam

**RE: BRAZARA PTY LTD & MACNISH NOMINESS PTY LTD & ALDWYCH
NOMINESS PTY LTD - BRAZARA PTY LTD & MACNISH NOMINESS PTY LTD &
ALDWYCH NOMINESS PTY LTD**

CERTIFICATE OF TITLE: 2970 /340

APPLICATION FOR DEPOSITED PLAN 414807

We refer to the settlement of the above property CS Legal act on behalf of the registered proprietors and applicants of the above dealing.

We refer to requisition on dealing number O259065 and advised CS Legal has the authority to request Landgate to amend the documents to read as follows.

Notifications Sec 70A Doc O259067 Ross Gerard Macnish is the sole director and sole secretary of Brazara Pty Ltd

Restrictive Covenant Docs O259068 & O259069 Ross Gerard Macnish is the sole director and sole secretary of Brazara Pty Ltd

Restrictive Covenant Docs O259068 & O259069 , The land description should be Lot 9503 on Deposited Plan 141805 and being the whole of the land comprised in Certificate of Title Volume 2970 Folio 340.

Should you have any queries please contact us.

Yours faithfully
CS LEGAL



SUSAN HUNTER

Perth

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