


FORM B4

0926841 RC

01 Nov 2021 08:30:00 Midland



LODGED BY **LANDER LAWYERS**

ADDRESS **PO BOX 419
BUNBURY WA 6231**

PHONE No. **97918599**

FAX No. **97914996**

REFERENCE No. **PAL: 24229**

ISSUING BOX No.

PREPARED BY **SURVEY SOUTH**

ADDRESS **PO BOX 192
MARGARET RIVER**

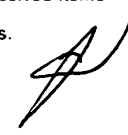
PHONE No. **Job 1607 A**

FAX No. **08 9757 2290
08 9200 5778**

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

5/13

TITLES, LEASES, DECLARATIONS ETC LODGED HERewith

1.	_____	Received Items
2.	_____	Nos.
3.	_____	
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.

EXAMINED



BLANK INSTRUMENT FORM**RESTRICTIVE COVENANT**

(Note 1)

1. DESCRIPTION

Deed of covenant for restriction of use pursuant to Section 129BA of the Transfer of Land Act (as amended) benefiting a public authority.

2. PARTIES

- 2.1. David Douglas Hutton of 176 Thompson Road, Witchcliffe, Western Australia, and being the registered proprietor of the burdened land being Lot 1025 on Deposited Plan 203030 comprised in Certificate of Title: Volume-1650, Folio-929, And Lot 1026 on Deposited Plan 203030 comprised in Certificate of Title: Volume-442, Folio-80A ("OWNER"); and
- 2.2. Shire of Augusta- Margaret River, Western Australia Of PO Box 61, Margaret River, Western Australia ("AMRSC").

3. WHEREAS

- 3.1. The **OWNER** is the registered proprietor of the land described in the Schedule below. This land is referred to in this restrictive covenant as the "Affected Land".
- 3.2. This restrictive covenant binds the **OWNER** and persons deriving title from them.
- 3.3. Current encumbrances over the land
 - 3.3.1. Lot 1026- Mortgage to Clive Chadwick Hutton
[Doc O209424 Registered 06-08-2019]

NOW THIS DEED WITNESSES**4. OWNERS COVENANT**

- 4.1. The **OWNER** with the intention so far as possible all registered proprietors or other persons having an estate or interest in the affected land to ensure compliance with the restrictions herein, **HEREBY COVENANTS** with the Shire of Augusta- Margaret River that *No buildings and effluent disposal systems are to take place outside the defined envelope(s), unless approved by the Local Government.*

5. MUTUAL COVENANTS

- 5.1. It is **HEREBY MUTUALLY AGREED** by the **OWNER** and **AMRSC** that the covenants and restrictions expressed here in shall run with and bind the land and shall inure for the benefit of **AMRSC** and its successors in title.

6. VARIATION OF COVENANTS

- 6.1. If the owner seeks a variation of this covenant, the **AMRSC** may in its discretion agree to such a variation in a deed of variation of restrictive covenant.

7. INTERPRETATION

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

TRANSFER OF LAND ACT 1893 AS AMENDED



**ADDITIONAL PAGE TO
RESTRICTIVE COVENANT**

Dated

28/09

12021

- 7.2. Where a reference to a party includes more than one person the rights and obligations of those persons shall be joint and several.
- 7.3. Headings have been inserted for guidance only and shall be deemed not to form part of the text.

SCHEDULE

“Affected Land”

Lots 1001 & 1005 on Deposited Plan 420190 noted as ‘Y1’ and formerly being portion of

- Lot 1025 on Deposited Plan 203030, comprised in Certificate of Title: Vol-1650, Folio-929
- Lot 1026 on Deposited Plan 203030, comprised in Certificate of Title: Vol-442, Folio-80A



TRANSFER OF LAND ACT 1893 AS AMENDED



**ADDITIONAL PAGE TO
RESTRICTIVE COVENANT**

Dated 28/09 /2021

EXECUTED BY PARTIES AS A DEED

Executed by DAVID DOUGLAS HUTTON)

(Signature of DAVID DOUGLAS HUTTON)

in the presence of:

Signature of witness

JENNY QUINLAN
Witness Name (Please print)

47 TONKIN BOULEVARD,
Witness address MARGARET RIVER WA 6285 -

OFFICE MANAGER
Witness occupation

The COMMON SEAL of the SHIRE OF AUGUSTA MARGARET RIVER was hereunto affixed on by authority of Council pursuant to 9.49A of the Local Government Act 1995 in the presence of:

Shire President- Signature

JAN LEAR
Shire President- [print name]

Chief Executive Officer- Signature

STEPHANIE ADDISON-BROWN
Chief Executive Officer- [print name]

