

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

Q449827 RC

05 Jun 2025 15:04:37 Perth



LODGED BY McLeod Lawyers
ADDRESS PO Box 165
CLAREMONT WA 6910
PHONE No. 9383 3133
MAIL. property@mcleods.com.au
REFERENCE No. FG:MUND:53829 Restrictive Covenant -
DP 428055
ISSUING BOX No. 346K

PREPARED BY McLeods Lawyers
ADDRESS PO Box 165
CLAREMONT WA 6910
PHONE No. 9383 3133 FAX No. 9383 4935

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

8/10

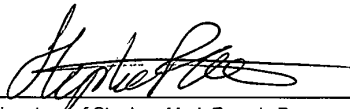
TITLES, LEASES, DECLARATIONS ETC. LODGED HERewith

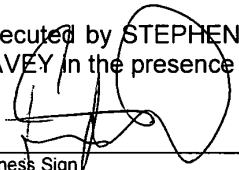
1. _____	Received Items
2. _____	Nos.
3. _____	0
4. _____	
5. _____	
6. _____	Receiving Clerk <i>ET</i>

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 by the parties as a Deed:

Executed by STEPHEN MARK FRANCIS
PAVEY in the presence of:


Signature of Stephen Mark Francis Pavey

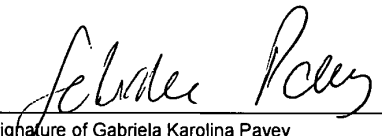
Witness Sign 

JASON HUNT
Full Name of Witness

SUITE 6, 52 HELENA STREET, MIDLAND
Address

TOWN PLANNER
Occupation

Executed by GABRIELA KAROLINA
PAVEY in the presence of:


Signature of Gabriela Karolina Pavey

Witness Sign 

JASON HUNT
Full Name of Witness

SUITE 6, 52 HELENA STREET, MIDLAND
Address

TOWN PLANNER
Occupation

Executed on behalf of SHIRE OF)
MUNDARING under authority of the Local)
Government Act 1995 pursuant to s9.49A(A):)

 (Signed) CHIEF EXECUTIVE OFFICER JASON BRIAN WHITAKER
(Position) (Print Full Name)

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

MORTGAGEE'S CONSENT

COMMONWEALTH BANK OF AUSTRALIA being the Mortgagee under Mortgage M947342
CONSENTS to this Deed and to the restrictive covenant contained herein.

DATED the **23** day of **APRIL** 2025.

SIGNED BY **JOHN MANERA**
The Attorney of
COMMONWEALTH BANK OF AUSTRALIA
ACN 123 123 124 and signed as
Attorney on behalf of the said Bank
in the Presence of

An officer of the said bank

BRANKA ANDRIN
300 MURRAY STREET PERTH WA

COMMONWEALTH BANK
OF AUSTRALIA
By its Attorney

PIA M662979
ASSISTANT MANAGER

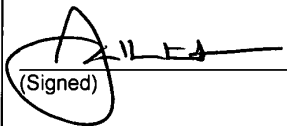
THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

SHIRE OF MUNDARING'S CONSENT

The SHIRE OF MUNDARING being the party benefited by Easement Q182714 (see Deposited Plan 425578) hereby consents to this Deed and to the restrictive covenant contained herein.

DATED the 9 day of May 2025.

Executed on behalf of SHIRE OF)
MUNDARING under authority of the Local)
Government Act 1995 pursuant to s9.49A(A):)


(Signed)

CHIEF EXECUTIVE OFFICER
(Position)

JASON BRIAN WHITEAKER
(Print Full Name)

Reticulated Sewer) - see Deposited Plan 428055.

As to Lots 322, 323, 324, 325, 326, 327 & 328:

Easement pursuant to section 136C of the *Transfer of Land Act 1893* (Drainage) –
see Deposited Plan 428055.

SCHEDULE

ITEM 1: LAND BURDENED

1. Lot 321 on Deposited Plan 428055 and being the whole of the land comprised in Certificate of Title Volume Folio ;
2. Lot 323 on Deposited Plan 428055 and being the whole of the land comprised in Certificate of Title Volume Folio ;
3. Lot 324 on Deposited Plan 428055 and being the whole of the land comprised in Certificate of Title Volume Folio ;
4. Lot 329 on Deposited Plan 428055 and being the whole of the land comprised in Certificate of Title Volume Folio ;
5. Lot 330 on Deposited Plan 428055 and being the whole of the land comprised in Certificate of Title Volume Folio ; and
6. Lot 331 on Deposited Plan 428055 and being the whole of the land comprised in Certificate of Title Volume Folio .

ITEM 2: ENCUMBRANCES

As to all Lots:

1. Mortgage M947342;
2. Easement Q182714;
3. Notification pursuant to section 165 of the *Planning and Development Act 2005* (Mosquito Breeding Area) – see Deposited Plan 428055;
4. Notification pursuant to section 165 of the *Planning and Development Act 2005* (Bushfire Prone Area) – see Deposited Plan 428055; and
5. Notification pursuant to section 70A of the *Transfer of Land Act 1893* (No

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

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.

- E. The Approval was issued subject to a number of conditions including the requirement to prepare a Fire Management Plan in respect of land of which the Land Burdened formed part (**FMP**). By virtue of the provisions of the Plan, it is necessary to enter into a restrictive covenant in favour of the Shire to restrict the construction of any buildings on the Land Burdened.
- F. The Subdividers enter into this Deed to create, pursuant to section 129BA of the *Transfer of Land Act 1893*, the restrictive covenant required to comply with the provision of the FMP.

OPERATIVE PART :

1. SUBDIVIDERS' COVENANTS

The Subdividers for themselves and their 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 COVENANT with the Shire under and by virtue of the provisions of section 129BA of the *Transfer of Land Act 1893* for the benefit of the Shire not to construct nor permit the construction of any habitable buildings on those areas of the Land Burdened assessed and identified as BAL-40 or BAL-Flame Zone.

2. COSTS

The Subdividers 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 including all costs associated with the modification or removal of the restrictive covenant created in this Deed.

3. INTERPRETATION

In this Deed:

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

BLANK INSTRUMENT FORM**Restrictive Covenant**

(Note 1)

THIS RESTRICTIVE COVENANT is made the 9 day of May 2025.**BETWEEN :**

STEPHEN MARK FRANCIS PAVEY and
GABRIELA KAROLINA PAVEY both of 49
Johnston Street, Mount Helena, Western
Australia (**Subdividers**)

AND

SHIRE OF MUNDARING of 7000 Great
Eastern Highway, Mundaring, Western
Australia (**Shire**)

RECITALS :

- A. The Subdividers are registered as the proprietors of an estate in fee simple in the land described in Item 1 of the Schedule hereto (**Land Burdened**).
- B. The Land Burdened is subject to the encumbrances noted in Item 2 of the Schedule hereto.
- C. The Land Burdened is situated within the district of the Shire.
- D. The Subdividers has sought and received from the Western Australian Planning Commission (**WAPC**) by Approval No. 161722 (**Approval**), approval to subdivide land to create the Land Burdened.