

INSTRUMENT SETTING OUT TERMS OF RESTRICTIONS AS TO USER AND EASEMENTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919

Lengths are in metres

Sheet 5 of 7 sheets

Plan D.P. 854784

Subdivision covered by General Manager's certificate No.1290 of 6-11-1995

- (n) No proprietor shall erect, or suffer to be erected or to be attached in any way to the land burdened or any part of it, any hoarding or other structure which is intended or is suitable for the display of advertisements or notices and the burdened land or any part of it shall not be used for the display of any advertisement or notice (including any sign advertising the lot or improvements thereon for sale) without the consent in writing of Tallong Park Association Incorporated.

The body having the right to release, vary or modify the above restrictions, or any one or more of them, and the body whose consent is required to release, vary or modify the said restrictions is Tallong Park Association Incorporated.

2. Terms of restriction secondly referred to in abovementioned plan

No subdivision of a lot hereby burdened shall be carried out other than boundary adjustments with adjoining lots which shall add to or reduce the size of a lot by more than ten (10%) per centum unless the lot is consolidated with the whole of an adjoining lot.

The body having the right to release, vary or modify this restriction or whose consent is required to release, vary or modify the same is the Council of the Shire of Mulwaree.

3. Terms of restriction thirdly referred to in abovementioned plan

- (a) No fence, pergola, screen or other structure or building other than that placed, constructed or erected by Taneli Pty Limited, its servants, agents, contractors, successors or assigns shall be placed, constructed or erected on that part of the burdened land which forms part of the common boundary of the burdened land and any lot which is owned by Tallong Park Association Incorporated or which is owned by Taneli Pty Limited without the express written approval of Tallong Park Association Incorporated where the land burdened has a common boundary with land owned by the said Association and with the express written approval of Taneli Pty Limited where the land burdened has a common boundary with land owned by that company PROVIDED HOWEVER that the consent of Tallong Park Association incorporated or Taneli Pty Limited (as the case may be) shall not be unreasonably

MULWAREE COUNCIL


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General Manager

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withheld where such fence is to be constructed of materials reasonably approved by the relevant company or association and the fence is erected solely at the cost of the registered proprietor of the lot burdened.

The bodies having the right to release, vary or modify this restriction or whose consent is required to release, vary or modify the said consent is Tallong Park Association Incorporated and Taneli Pty Limited while it is the owner of any land in the subdivision.

4. Terms of restrictions fourthly referred to in abovementioned plan

No building or any structure excluding a fence shall be erected upon the burdened lots within the easement 10 metres wide shown upon the Plan without the written approval of Tallong Park Association Incorporated.

The bodies having the right to release, vary or modify the restrictions and whose consents are required to release, vary or to modify the said restrictions are Tallong Park Association Incorporated and Mulwaree Shire Council.

5. Terms of restrictions fifthly referred to in abovementioned plan

- (a) A full and free right for the lots benefited and the authority benefited and every person authorised by them from time to time and all times hereafter to enter, go upon, return, pass and re-pass with and without vehicles in and along the lots burdened and to use the lots burdened for the purposes of placing thereon all such earth, soil, cement, sand, clay and other materials and also full and free right to remove from the land burdened all such earth, soil, cement, sand and clay if necessary and desirable for the purpose of constructing, re-constructing and forever maintaining a batter for the support of the road adjacent thereto and full and free right to do all such incidental acts and things that may be necessary on the burdened lots for the purpose of constructing,

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maintaining, repairing or altering any work on the lots burdened and for all and any of these purposes to remove and re-erect any fences and any other improvements erected on the burdened lots.

- (b) Where the surface of the adjacent roadway is below the level of the burdened lots to enter upon the burdened lots and remove from them any earth or material as the lots or authorities benefited deem necessary to establish a graded incline from the burdened lots to the adjacent roadway.

The bodies having the right to release, vary or modify the easements and restrictions and whose consents are required to release, vary or modify the said easements or restrictions are Tallong Park Association Incorporated and Mulwara Shire Council.

THE COMMON SEAL of)
TANELI PTY LIMITED)
was duly affixed in the presence of:)



Signature: *B.F.S. Botch*

Signature: *H.J. Tarkinson*

Name: B. F. S. Botch
PLEASE PRINT

Name: H J TARKINSON
PLEASE PRINT

Secretary

Director

SIGNED by the STATE BANK)
OF NEW SOUTH WALES LIMITED)
as Mortgagee:)

[Signature]

MANAGER, LEGAL DIVISION.

MULWARRA COUNCIL

[Signature]
General Manager

