



Burwood
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SAMPLE

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTION ON USE OF
LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO
SECTION 88E, CONVEYANCING ACT, 1919**

Full name of the Owner and
Address of the Land (Lot/DP)

Terms of "Positive Covenant":

- a) The stormwater detention facility as described by the work as executed (WAE) stormwater plans by registered surveyor (**Drawing numbers**) forming part of the DA approval (**DA number**) shall not be altered or removed in whole or in part without the written consent/ approval of Burwood Council
- b) The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of

Use items (i to v) below, as applicable in accordance with the DA conditions of consent

- ☐ i. Overland surface flow path
- ☐ ii. Finished pavement and ground levels
- ☐ iii. Prevention of the erection of any structures or fencing
- ☐ iv. On-site Stormwater Detention system
- ☐ v. Pump and rising main system
- c) The proprietor agrees to have the facilities inspected annually by a competent practicing hydraulics/civil engineer.
- d) The Council shall have the right to enter the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities in or upon the land; and recover the cost of any such works from the proprietor.
- e) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.