

INSTRUMENT SETTING OUT TERMS OF RESTRICTION & POSITIVE COVENANT INTENDED TO BE  
CREATED PURSUANT TO SECTION 88B CONVEYANCING ACT 1919.

Lengths are in meters

Plan: Plan of Subdivision of Lot XXX in DP XXXXXXXX  
covered by Subdivision Certificate No.  
Dated

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Full name and address of  
Owner of the land Mark Risk CO Pty Ltd ATF Mark Risk Family  
Trust  
40-42 Shadforth Street  
WILEY PARK NSW 2195

**PART 1**

<b>Number of item shown in the intention panel on the plan:</b>	<b>Identity of easement, profit a prendre, positive covenant and easement to be created and referred to in the plan:</b>	<b>Burdened lot(s) or parcel(s):</b>	<b>Benefited lot(s), road(s), bodies or Prescribed Authorities:</b>
1	POSITIVE COVENANT	COMMON PROPERTY	CANTERBURY- BANKSTOWN COUNCIL
2	RESTRICTION ON THE USE OF LAND	COMMON PROPERTY	CANTERBURY- BANKSTOWN COUNCIL

**PART 2**

**1. Terms of positive covenant firstly referred to in the above Plan:**

- 1.The registered proprietor, in respect to the On-Site Stormwater Detention System (which expressions include; all ancillary gutters pipes, drains, walls, safety fences, kerbs, pits, grates, tanks, chambers, basins, and surfaces designed to temporarily detain stormwater, hereinafter called "the system") erected on the land so burdened, will:
- Permit stormwater runoff to be temporarily detained by the system.
  - Keep the system clean and free from silt, rubbish and debris.
  - Maintain and repair the system so that it functions in a safe and efficient manner.
  - Replace, maintain, repair, alter and renew the whole or parts of the system within the time and in the manner, if directed in a written notice issued by Council.
  - Carry out the matters referred to in paragraphs (b), (c) and (d) at the registered proprietor's expense.
  - Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for compliance with the requirements of this clause.
  - Comply with the terms of any written notice by the Council in respect to the requirements of this clause and within the time stated in the notice.

Approved by Canterbury-Bankstown Council

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2. In the event the registered proprietor fails to comply with the terms of any written notice served in respect of the matters in clause 1, the Council or its authorised agents may enter with all necessary equipment and carry out any work required to ensure the safe and efficient operations of the system and recover from the registered proprietor the cost of carrying out the work, and if necessary, recover any costs of legal proceedings and entry of a covenant charge on the land under Section 88F of the Conveyancing Act 1919. In carrying out any work under this clause, the Council must take reasonable precautions to ensure the land will be disturbed as little as possible.

**2. Terms of restriction secondly referred to in the above Plan:**

The Proprietor of the lot burdened must not:

- a) Erect, construct or place any building or other structure and/or,
- b) Make alterations to the ground surface levels, grates, pits, kerbs, tanks gutters or any other structure associated with the on-site stormwater detention system

within the land so burdened, without the prior written consent of Canterbury-Bankstown City Council

**NAME OF AUTHORITY EMPOWERED TO RELEASE, VARY OR MODIFY THE ABOVE RESTRICTIONS  
AND POSITIVE COVENANT IS:**

CANTERBURY-BANKSTOWN COUNCIL

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**APPROVED BY OWNER**

COMPANY: MARK RISK CO PTY LTD ATF MARK RISK FAMILY TRUST

ABN / ACN: .....

AUTHORITY: SECTION 127(1) OF THE CORPORATION ACT 2001 (CTH)

NAME OF DIRECTOR: .....SIGNATURE: .....

NAME OF DIRECTOR: .....SIGNATURE: .....

**APPROVED BY MORTGAGEE**

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Approved by Canterbury-Bankstown Council

Canterbury-Bankstown Council by its  
authorised delegate Pursuant to Section 377  
Local Government Act 1993

Signed by:

I certify that I am an eligible witness that the  
delegate signed in my presence

Signed by:

Name of the Delegate:

Name of the Witness:

Position:

Address of the Witness: