



# Documentation Standards for Easements over Private Service Lines

## 1. Objective

The wording acceptable to us when allowing an easement over a private service line that encroaches on another property and the process for the creation of an easement.

The documentation standards for this easement are set down in Sydney Water's *Documentation Standards for Easements Over Private Service Lines policy*.

## 2. Acceptable easement documentation

Our Documentation Standards for Easements Over Private Service Lines policy provides for the creation of an easement under Section 88B of the Conveyancing Act 1919. The Section 88B Instrument is known as an 'Easement for Sewerage/Water Supply Purposes over Existing Line of Pipes'. To further protect that line and easement, a 'Restriction on the Use of Land' must be created with that easement and an appropriate notation placed on the subdivision plan.

The generic wording for that Instrument and plan that's acceptable to us is shown below in the Notes on Creation of Sewer/Water Supply Easement.

## 3. Notes on creation of sewer/water easement

The following details are a guide only. They must be shown to both the solicitor preparing the Instrument and the surveyor preparing the linen plan. A draft of the Instrument is shown on the following pages.

### 3.1 Details for inclusion in the section 88B instrument

#### Identity of Easement

The easement must be termed in the Section 88B Instrument as an 'Easement for Sewerage purposes (or Water Supply purposes) over existing line of pipes'. (Under no circumstances must the terms 'Easement to drain sewage.....wide' or 'Easement for Water Supply Works.....wide' be used).

#### Lots Affected

The only beneficiary of the easement and restriction must be the lot from which the private house service line originates. We must **not** be named as a benefited authority.

## 3.2 Details for inclusion on the linen plan

### On the body of the Plan

Show easement as 'Easement for Sewerage purposes (or Water Supply purposes) over existing line of pipes' (with the easement location shown on the plan as a single broken line).

### Within the Panel

- Easement for Sewerage purposes (or Water Supply purposes) over existing line of pipes
- Restriction on the use of land.

The Instrument should be signed by the subdivider and a witness, the linen plan endorsed, and the following steps taken:

- A signed copy of the Section 88B Instrument and a copy of the linen plan showing the easement and notations, must be to us to check that they are satisfactory
- After we've advised they are satisfactory, the original signed Section 88B Instrument and linen plan showing the easement and notations must be lodged with the Council
- We'll check with the Council that the plan and Instrument have been lodged and waive the appropriate requirements.

# 4. Draft – Part 1 & 2

## DRAFT

# INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND AND THE POSITION CONVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919

## PART 1

Plan    Subdivision of  
.....

Covered by Subdivision Certificate

No.    of  
Full name and address  
of owner of the land

**1.**  
Identity of easement, Easement for Sewerage (or Water Supply)  
restriction or positive over existing line of pipes.  
covenant

referred to in the  
abovementioned plan  
Schedule of lots, etc affected  
Lots burdened Lots, roads or  
Authority benefited

**2.**  
Identity of easement, Restriction on the use of land  
restriction or positive  
covenant  
referred to in the  
abovementioned plan

Schedule of lots, etc affected  
Lots Burdened Lots, roads or  
Authority benefited

.....  
Witness

# DRAFT INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND AND POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE COVENYANCING ACT, 1919

## PART 2

Plan                    Subdivision of

Covered by Subdivision Certificate

No.....of.....

1.        Terms of Easement.....ly referred to the abovementioned Plan.

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominate tenement or any part thereof with which the right shall be capable of enjoyment and every person authorised by them, from time to time and at all times by means of pipes to drain sewage and other waste material and fluid (or water supply) in any quantities across and through the land herein indicated as the servient tenement, together with the right to use, for the purpose of the easement, any line of pipes already laid within the servient tenement for the purpose of draining sewage or supplying water or any pipe or pipes in replacement or in substitution therefor and together with the right for the grantee and every person authorised by them with any tools, implements, or machinery, necessary for the purpose, to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining or renewing such pipe line or any part thereof and for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary provided that the grantee and the persons authorised by them will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition and this easement shall not be released varied or modified without the written consent of Sydney Water Corporation.

.....  
Witness

DRAFT  
INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTIONS ON THE USE OF LAND AND  
POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE  
COVENYANCING ACT, 1919

Plan    Subdivision of

-----Continued on next page-----

Covered by Subdivision Certificate

No.....of.....

2. Terms of restriction on the use of land..... referred to in the above-mentioned plan.  
No building or other structure shall be erected, constructed or placed on the land shown as Easement for Sewerage purposes (or Water Supply purposes) over existing line of pipes without the prior consent in writing of Sydney Water Corporation first had and obtained nor otherwise than in strict compliance with such conditions as the said Sydney Water Corporation may impose and this restriction shall not be released varied or modified without the written consent of the said Sydney Water Corporation.

SIGNED in my presence by : \_\_\_\_\_

(Who is personally known to me)

.....  
Witness

.....  
Council Authorised Person