

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

Page: 4 of 5
Issue date: 12/02/2021

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