

**Annexure “A”**

**Terms of Positive Covenant**

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**THE LAND BURDENED BY THIS POSITIVE COVENANT IS:** LOT .....  
DP ..... **OWNERS:** .....

Pursuant to section 88F(3) of the Act the authority shall have the following additional powers

pursuant to this covenant:

- I. By written notice the Council may require the registered proprietor to attend to any matter and to carry out such work within such time as the Council may require to ensure the proper and efficient performance of the Mechanical Stacker and to that extent section 88F(2) (a) of the Act is hereby agreed to be amended accordingly.
  - (A) In the event that the building manager fails to organise repairs of the Mechanical Stacker within 48 hours of any fault Council or its authorised agents may enter the land with all necessary equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in (i) hereof.
  - (B) The Council may recover from the registered proprietor in a Court of competent jurisdiction:
    - i. Any expense reasonably incurred by it in exercising its powers under paragraph (A) hereof. Such expense shall include reasonable wages for the Council's own employees engaged in effecting the said work, supervising the said work and administering the said work together with costs, reasonably estimated by the Council, for the use of machinery, tools and equipment in conjunction with the said work.
    - ii. Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act.

This covenant shall bind all persons who claim under the registered proprietors as stipulated in section 88E(5) of the Act.

For the purposes of this covenant:

Mechanical Stacker means the **Mechanical Stacker** installed within the land on the land as detailed on the plans approved by **Council DA No. ....**

The Act means the Conveyancing Act 1919.

NAME OF AUTHORITY EMPOWERED TO RELEASE, VARY OR MODIFY THE COVENANT REFERRED TO:

**NORTHERN BEACHES COUNCIL**

**NORTHERN BEACHES COUNCIL by its delegate pursuant to S.377 Local Government Act 1993.**

.....  
Signature of delegate

.....  
Name of delegate

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

.....  
Signature of Witness

.....  
Name of Witness

.....  
Address of Witness