

# APPLICATION FOR ENDORSEMENT OF TITLE ENCUMBRANCES

- Positive Covenants (88E)
- Restrictions as to the Use of Land (88E)
- 88B Instruments relating to stormwater systems (i.e. terms included under 88B not PC/RV cover)

## Council Contact Details

Customer Service Centre 1 Pope Street, Ryde NSW  
Post Locked Bag 2069, North Ryde NSW 1670  
Email [cityofryde@ryde.nsw.gov.au](mailto:cityofryde@ryde.nsw.gov.au)  
Phone (02) 9952 8222

## PART 1 : PROPERTY DETAILS

Address	
Suburb	Postcode
Council LDA Consent No:	Lot / DP No*:
or Council CDC ref. No:	

\*Required field: Include all lots to be affected by the Covenant/s

## PART 2 : APPLICANT DETAILS

The applicant is the person lodging the form and the only person Council will communicate with

Title	Mr	Mrs	Ms	Miss	Other
Given Name	Family Name				
Address					
Suburb					Postcode
Postal Address If different from above					
Suburb					Postcode
Preferred contact	Mobile	Phone	Email		
Mobile					Phone
Email*					

\*Required field: Council will email a PDF of the endorsed Instrument/s to this e-mail address

## PART 3 : DISCLAIMER

I / we undertake to engage a surveyor or solicitor to lodge and register the Title Encumbrance/s with NSW Land Registry Services and provide proof of registration to Council once the Instrument is registered on the property Title

Signature	Date
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Personal information collected from you is held and used by Council under the provisions of the *Privacy and Personal Information Protection Act 1998*. The supply of information is voluntary, however if you cannot provide, or do not wish to provide the information sought, Council may be unable to process your request. Please note that the exchange of information between the public and Council, may be accessed by others and could be made publicly available under the *Government Information Public Access Act 2009 (GIPA Act)*. If you require further information please contact Council's Customer Service Centre on 9952 8222.

## PART 4 : CHECKLIST

Completed application form (page 1 of this form)

Council's fee of \$373 (covers admin processing, engineering check and endorsement)

Current Title Search or copy of current certificate of title

Land Dealing (88E) Instrument = Positive Covenant (form 13PC) and/or Restriction as to User (form 13RPA)

Annexure/s for 88E Instrument = approved Council terms, as per relevant development consent conditions

Engineering Certificate for the subject site of the Covenant, confirming that works have been completed as approved (e.g. stormwater system constructed in accordance with plans, flood mitigation measures implemented, etc).

*Note: If you do not wish to attend Council's front counter for payment, you may submit a Credit Card Authorisation Form to pay the application fee. The form can be found on Council's website [here](#).*

## PART 5 : IMPORTANT INFORMATION

### Notes on instrument and annex preparation

- Council is the Prescribed Authority, the property owner is the Proprietor and the bank (if property is mortgaged) is the Mortgagee.
- Original PDFs are preferred, with or without other signatures. Please ensure the PDF is not password protected.
- If the PDF is not an original, please ensure that it is clearly scanned in a high resolution.
- If the instrument is filled / signed incorrectly or the correct annex / terms are not the ones lodged, Council may re-prepare a correct Instrument and / or Annex on your behalf by relying on the current Title Search provided.

### PEXA and registration related Notes

- NSW Land Registry Services no longer accept hard copies of Title Encumbrances since they moved to electronic registrations through PEXA.
- Council therefore no longer signs or provides hard copies of endorsed Instruments. Once the Council signed document is released, it is sent in PDF format to the e-mail address nominated on page 1 of this form.
- All Instruments now require registration via PEXA. The applicant / subject site owner is to engage their own PEXA agent (e.g. Surveyor / Conveyancer / Solicitor) who will create and invite Council to an online PEXA workspace to process the Instrument for electronic LRS registration.
- Banks may now provide their consent as a letter that is uploaded to PEXA instead of signing the instrument itself. If your bank has not provided this yet or if you want to forgo their participation altogether, pick the option Not Applicable (N.A.) for the mortgagee section of the 13PC or 13RPA form. They are an **optional** third party as per NSW LRS advice as the Instrument is primarily an agreement between Council and the Proprietor.