

**Use these Terms of Reference for Positive Covenant  
( Onsite Detention System)**

**TERMS OF SECTION 88E(3) INSTRUMENT FOR THE LEGAL PROTECTION  
OF ON-SITE STORMWATER DETENTION SYSTEM  
(To be used with Form 13PC from the Department of Lands)**

**Annexure A  
Terms of Positive Covenant**

The registered proprietor of the land hereby burdened (herein called the “proprietor”) in respect of the on-site stormwater detention system (herein called the “System”) constructed on the land to:

- a) Clean, maintain and repair all pits, basins, tanks, pipelines, orifice plates, trench barriers, walls, earth banks and other structure, gutters, leaf gutter guards, downpipes, pipe connections and any associated devices relevant to the System, and
- b) Regularly keep the System clean and free from grass clippings, silt, debris and the like to ensure the efficient operation from time to time and at all times of the System, PROVIDED HOWEVER that Willoughby City Council (herein called the “Council”) shall have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency):
  - i. To view the state of repair of the System;
  - ii. To ascertain whether or not there has been any breach of the terms of this covenant; and
  - iii. To execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council requiring remedy of a breach of the terms of this covenant taken steps to remedy the breach and without prejudice to the Council’s other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.

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

**WILLOUGHBY CITY COUNCIL**