

**Use these Terms of Reference for Restriction on the Use
(Rainwater Tank + On Site Detention System)**

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

Annexure A

Terms of Restriction on the Use of Land

The registered proprietor of the land hereby burdened (herein called the “proprietor”) covenant with the Willoughby City Council (herein called the “Council”) in respect of the on-site stormwater detention system and the rainwater retention and re-use system (herein called the “System”) constructed on the land:

- a) Not to erect or suffer to permit any building, structure or erection on the whole or erection on the part of the land hereby burdened except:
 - i. Dividing fences;
 - ii. Such buildings, structures and erections as from time to time form part of or are associated with the carrying out by the proprietor of the land hereby burdened of his obligations under the Positive Covenant as are approved by the Council, and
 - iii. Such other structures as are approved by the Council.
- b) Not to carry out any alterations to the System including, but not limited to, detention levels, controlled outflows, grates, pipes, orifice plate, mesh screen, plumbing fixtures, first flush apparatus, gutters, leaf gutter guards, downpipes, pumps, pipe connections and any associated devices of the System without consent in writing previously obtained from the Council.

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

WILLOUGHBY CITY COUNCIL