

**Annexure 'A' to 'Positive Covenant' (Form 13PC)**

**Terms of the Positive Covenant**

1. The registered proprietors (herein called the proprietor) of the land burdened will in respect to the “on-site stormwater detention system” (hereafter called ‘the system’):-

*(Note: The on-site stormwater detention system includes all ancillary gutters, pipes, drains, walls, kerbs, pits, trenches, grates, chambers, basins and surfaces designed to temporarily detain stormwater as shown on*

*\_\_\_\_\_ by \_\_\_\_\_ (dated\_\_\_\_\_))*

- a. Permit stormwater to be temporarily detained by the system.
  - b. Keep the system clean and free from silt, rubbish and debris.
  - c. Maintain, renew and repair the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council.
  - d. Carry out the matters referred to in paragraphs (b) and (c) at the proprietor’s expense.
  - e. Not make any alterations to the detention facility or elements thereof without prior consent in writing of the Council.
  - f. Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time without notice in the case of an emergency) to enter and inspect the land for compliance with the requirements of this clause.
  - g. Comply with the terms of any written notice issued by the Council in respect to the requirements of this Clause within the time stated in the notice.
2. In the event of the proprietor/s failing to comply the terms of any written notice served in respect of the matters in Clause 1 above, the Council or its authorised agents may enter with all necessary equipment and carry out any work required to ensure the safe, efficient operation of the system and recover from the proprietor the cost of carrying out the work, and if necessary, recover the amount due by legal proceedings (including legal costs and fees) and entry of a covenant charge on the lots burdened under section 88F of the Conveyancing Act, 1919. In carrying out any work under the Clause, the Council shall take reasonable precautions to ensure that the land is disturbed as little as possible.

3. In this Covenant “Council” means **Randwick City Council**

The name of the person empowered to release, vary or modify the Positive Covenant referred to – **Randwick City Council**

Signature of Registered proprietor: .....  
*Registered Proprietor*

Approved by Randwick City Council: .....  
*Authorised Officer*