



# APPLICATION FOR ENDORSEMENT OF 88E INSTRUMENTS

## (Forms 13RPA — Restriction on Use of Land & 13PC — Positive Covenant)

Disclaimer: The information provided by you on this form will be used by City of Parramatta Council or its agents to process this application. Once collected by Council, the information can be accessed by you in accordance with Council's Access to Information Policy and Privacy Management Plan or in special circumstances, where Commonwealth legislation requires or where you give permission for third party access.

### PART 1 - Property & Applicant Details

#### 1. Property details

Address

unit: \_\_\_\_\_ house: \_\_\_\_\_

street: \_\_\_\_\_

suburb: \_\_\_\_\_ postcode: \_\_\_\_\_

Lot/DP/SP

lot: \_\_\_\_\_ DP/SP: \_\_\_\_\_

Application reference # e.g. DA, CC, SC, CD ,etc

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

#### 2. Applicant details

Full name/company and contact person

family name (or company & ABN): \_\_\_\_\_

full given names: \_\_\_\_\_

OR company contact person: \_\_\_\_\_

Postal address

\_\_\_\_\_

suburb: \_\_\_\_\_ postcode: \_\_\_\_\_

Contact details

home phone: \_\_\_\_\_ mobile: \_\_\_\_\_

office phone \_\_\_\_\_ fax: \_\_\_\_\_

email: \_\_\_\_\_ date: \_\_\_\_\_

### PART 2 – Documentation Requirements

#### 3. Indicate documents submitted for endorsement - Please tick (✓)

	Copies Required	Applicant (✓)	Officer (✓)
Restriction on use of land (Form 13RPA) - Original	1		
Restriction on use of land (Form 13RPA) - Copy	1		
Restriction on use of land (Form 13RPA) - Annexure 'A'	1		
Positive Covenant (Form 13PC) - Original	1		
Positive Covenant (Form 13PC) - Copy	1		
Positive Covenant (Form 13PC) - Annexure 'A'	1		

### PART 3 – Fee Requirements

Application should be accompanied by the appropriate fee. Refer to Council's website for current Fees and Charges.

#### OFFICE USE ONLY

Receipt:

\_\_\_\_\_

Date Received:

\_\_\_\_\_

Fee:

\$ \_\_\_\_\_

City of Parramatta Council  
126 Church Street, Parramatta 2150  
PO Box 32, Parramatta 2124

DX 8279 Parramatta  
Telephone: 9806 5524  
Fax:9806 5917



# APPLICATION FOR ENDORSEMENT OF 88E INSTRUMENTS

## (Forms 13RPA — Restriction on Use of Land & 13PC — Positive Covenant)

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### Part 4 - Accompanying Documentation Checklist

4. The following documents should accompany the application if the OSD Systems have already been completed - Please tick (✓)

	Description	Notes	Copies Required	Applicant (✓)	Officer (✓)
<b>IF OSD WORKS ARE INCOMPLETE</b>					
1	A scaled drawing (such as the DA approved drainage plan) showing the general location of the detention storage area. This plan is to be at A4 size.		1		
<b>IF OSD WORKS ARE COMPLETE</b>					
1	<b>COLOUR</b> Works-as-Executed Stormwater Plans	Stamped and certified by the registered surveyor <b>Please ensure annotations are in colour and high resolution</b>	1		
2	Form B.10A	OSD WAE survey and certification submission form	1		
3	Form Attachment B	OSD WAE dimensions	1		
4	Form B.11 & B1	Certificate of Hydraulic Compliance Approved vs As Built OSD Calculations Summary Sheet	1		
5	Structural Engineer's Certificate	For OSD tank structure, basement pump-out tank structure, OSD basin retaining wall (whichever is applicable).	1		

### PART 5 - Digital Requirements

All applications must be accompanied by digital data storage i.e. CD-ROM, DVD-ROM or USB containing **all documentation** (including written documents). This is to assist Council in record keeping and processing.

**Applications without a correctly formatted digital data disc will not be accepted.**

The files must be in **PDF** format and be able to be opened in Council's digital plan system 'Trapeze Desktop'. Council will check all discs before accepting the application.



**Each document/plan requires a separate PDF file** e.g. application form, works-as-executed plan, Form B.10A, Form Attachment B, etc each in separate files.

- Standard documents are not required to be above 400 dpi resolution whether they are single page or multipage documents and must not exceed 500MB in size.
- Please contact Council's Senior Records Officers on 9806 5000 if your document exceeds 500MB.

Files named as follows: **Document Type - Property Address**

- Restriction on Use of Land (Form 13RPA) - <insert property address>.pdf
- Positive Covenant (Form 13PC) - <insert property address>.pdf
- Works-as-Executed Stormwater Plans - <insert property address>.pdf
- Form B.10A - <insert property address>.pdf
- Form B.11 - <insert property address>.pdf
- Structural Engineer's Certificate - <insert property address>.pdf

### PART 6 - Council Officer Declaration

#### 6. Officer declaration

I declare that this application is, to the best of my knowledge, complete including all accompanying documentation outlined in the checklist above.

Officer's name

Officer's signature

date:

**ANNEXURE "A"**

**Property Address:**

Insert the property Address, Lot and DP number, (Not the parties).

Lot No. ... , Section.... ; DP.....

**Terms of "Restriction On the Use of Land":**

The registered proprietor shall not make or permit or suffer the making of any alterations to the on-site stormwater detention system which is constructed on the lot(s) burdened without the prior consent in writing of **City of Parramatta Council**. The expression "on site stormwater detention system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater, as well as all surfaces graded to direct stormwater to the temporary storage. Any on site stormwater detention system constructed on the lot burdened is hereafter referred to as "the system". The on-site stormwater detention

system is detailed on the plans approved by ..... as Construction Certificate No. .... on ..... (Include the following additional sentence for Privately Certified Construction certificate only). A copy of this Construction Certificate is held on Council File No. DA ..... / .....

Name of Authority having the power to release vary or modify the above mentioned Restriction is **City of Parramatta Council**.

**Note: the Name has been changed**

Insert the DA no. "e.g. "DA/1234/2006"

SIGNED in my presence by

Name of the Registered Proprietor

Signature of the Registered Proprietor

Address of the Registered Proprietor

Name of Witness (BLOCK LETTERS)

Signature of witness

Address & Occupation of Witness

Insert  
(i) the certifier (either council or private certifier) who certified the construction work. "e.g. XYZ building certification Pty Ltd".  
(ii) Construction Certification no. e.g. "C000112-2006" and  
(iii) Date when approval/determination (dd/mm/yyyy)

Write the Page number

**ANNEXURE "A" Contd...**

**Property Address:**

**Lot No. ... , Section.... ; DP.....**

Insert the property Address,  
Lot and DP number, (Not the  
parties.

**Note: the Name has been changed**

Approved by **City of Parramatta Council**

Authorised Officer as Delegate of City of Parramatta Council Pursuant to Section 377 of  
Local Government Act 1993.

.....  
Name of Delegate

.....  
Position of Delegate

.....  
Name of Witness

.....  
Signature of witness

.....  
Address of Witness

Write the Page  
number

**ANNEXURE "A"**

**Property Address:**  
Lot No. .... , Section.... ; DP.....

Insert the property Address, Lot and DP number , (Not the parties).

**Terms of Positive Covenant**

1. The registered proprietor of the lot(s) hereby burdened will in respect of the system:
  - (a) keep the system clean and free from silt, rubbish and debris.
  - (b) maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner.
  - (c) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant.
  - (d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.
2. Pursuant to Section 88F (3) of the Conveyancing Act 1919 the Council shall have the following additional powers:-

(i) in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in Part 1 (d) above.

The reference should match

(ii) the Council may recover from the registered proprietor in a Court of competent jurisdiction:

Insert  
(i) the certifier (either council or private certifier) who certified the construction work. "e.g. **XYZ building certification Pty Ltd** ".  
(ii) Construction Certification no. e.g. "**C000112-2006**" and  
(iii) Date when approval/determination (dd/mm/yyyy)

- (a) any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the said work, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.
- (b) 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.

3. This covenant shall bind all persons who are or claim under the registered proprietor(s) as stipulated in Section 88E(5) of the Act.

For the purposes of this covenant, "the system" means the on-site stormwater detention system constructed on the land as detailed on the plans approved by ..... (i) ..... as Construction Certificate No. .... (ii) ..... on (iii) ....., including all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater, as well as all surfaces graded to direct stormwater to the temporary storage.

Insert the DA no. "e.g.

(Include the following for Privately Certified construction certificate)  
A copy of this Construction Certificate is held on Council File No. DA ...../.....

Write the Page number

Insert the property Address, Lot and DP number , (Not the parties).

**ANNEXURE "A" Contd...**

Only include Section 4 if a PUMP SYSTEM has been approved by Council as part of the Development Consent.

**Property Address:**  
Lot No. .... , Section..... ; DP.....

**4. Terms of Positive Covenant for the PUMP SYSTEM**

4.1 The registered proprietor covenants as follows with the Council in respect to the "Pump System" installed on land (which includes pumps, holding tank, delivery lines and electrical works) shown on the plans approved by Council No. DA/...../.....

The registered proprietor will:

- (a) Keep the pump system clean and free of silt, dirt, rubbish and debris.
- (b) Maintain, renew and repair the whole or parts of pump 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.
- (c) Carry out the matters referred in paragraphs (a) and (b).
- (d) Make no alterations to the pump system of elements thereof without prior consent in writing to the Council.
- (e) Permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the pump system for compliance with the requirements of this Clause.
- (f) 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.

4.2. In the event of the registered proprietor failing to comply with the terms of any written notice served in respect of the matters in Clause 4.1 the Council or its authorised agents may enter with an necessary equipment and carry out any work required to ensure the safe and efficient operation of the pump system and recover from the registered proprietor(s) 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 land under Section 88F of the Conveyancing Act 1919. In carrying out any work under this Clause, the Council shall take reasonable precautions to ensure that the land is disturbed as little as possible .

Name of Authority having the power to release vary or modify the above mentioned **Positive Covenant** is City of Parramatta Council.

**Note: the Name has been changed**

SIGNED in my presence by

.....  
Name of the Registered Proprietor

.....  
Signature of the Registered Proprietor

.....  
Address of the Registered Proprietor

.....  
Name of Witness (BLOCK LETTERS)

.....  
Signature of witness

.....  
Address & Occupation of Witness

Write the Page number here

**ANNEXURE "A" Contd...**

Property Address:  
Lot No. .... , Section.... ; DP.....

Insert the property  
Address, Lot and DP  
number , (Not the parties).

**Note: the Name has been changed**

.....  
Approved by **City of Parramatta Council**

Authorised Officer as Delegate of City of Parramatta Council Pursuant to Section 377 of  
Local Government Act 1993.

.....  
Name of Delegate

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Position of Delegate

.....  
Name of Witness

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Signature of witness

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Address of Witness

Write the Page  
number

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