



## APPLICATION FOR CONSENT TO SITE A STRUCTURE OVER AN EASEMENT

BOE

BUILDING ACT 1993 - BUILDING REGULATIONS 2006 - REGULATION 310  
WATER ACT 1989 - SECTION 148

### PRIVACY STATEMENT:

Your personal information is being collected by Council for the above purpose. Your information will be stored in Council's Customer Database and used to identify you when communicating with Council and for the delivery of services and information. For further information on how your personal information is handled, visit Council's Privacy Policy at: <https://www.wyndham.vic.gov.au/privacy-policy>

### PART (A) – APPLICANTS DETAILS

Name:	
Address:	
Suburb:	Postcode:
Telephone:	Email Address:

### PART (B) – LAND OWNER/S DETAILS AS PER THE LAND TITLE

Land Owner/s Name/s:	
Address of the Proposal:	
Suburb:	Postcode:
Lot Number:	
Volume:	Folio:

### PART (C) – THE PROPOSAL

Type of works to be constructed on, in or over the Easement: (eg. Garden Shed, Eaves, Site Cut, etc.)	
Type of surface to be constructed on, in or over the Easement: (eg. Concrete, Asphalt, etc.)	

### PART (D) – INFORMATION TO BE SUBMITTED WITH YOUR APPLICATION

1. A copy of a Site plan, Sectional plans and Engineering plans (A4 sized)	<input type="checkbox"/>
2. A recent copy of the Land Title (issued within the last 12 months)	<input type="checkbox"/>
3. Evidence of Approval from other relevant authorities (eg. City West Water)	<input type="checkbox"/>
4. The signed and witnessed Council Agreement (overleaf)	<input type="checkbox"/>
5. Payment of \$262.10 (no GST applicable)	<input type="checkbox"/>

### PART (E) – IMPORTANT INFORMATION

- The Build Over Easement application fee is non-refundable.
- Any further information requested by our office after assessing your application must be received by Council within 60 days of the request, otherwise the application will be deemed as lapsed.
- If a Section 173 Agreement is required, Council will prepare the Agreement and forward a copy to the applicant for lodgement with the Land Titles Office. The Land Titles Office requires all lodgements to be submitted and paid for in person. A copy of the Lodgement Summary Report issued by the Land Titles Office must be forwarded to Council in order to complete the consent.



# AGREEMENT IN RELATION TO BUILDING OVER AN EASEMENT

Agreement of owner(s) to conditions in respect of Council's consent regarding the proposal on land as under:

NAME/S OF LAND OWNER/S:
ADDRESS OF LAND OWNER/S:
ADDRESS OF LAND:
WIDTH OF EASEMENT:
EASEMENT LOCATION:
DESCRIPTION OF WORKS:

IS THE LAND ENCUMBERED BY A DRAINAGE AND SEWERAGE EASEMENT: Yes  No

The owner(s) hereby agree to the following conditions:

- (a) To permit the Council to enter into and upon the building and/or drain or sewer line in the easement for the purpose of inspecting and maintaining or repairing any Council asset, ie.: drain or other assets of Council now laid or which may be hereafter laid by Council.
- (b) To be solely responsible for all injury, loss or damage which may be occasioned by the said pipes or to the building or other structure by reason of or incidental to the carrying out of the inspection, construction, maintenance or repair of the said Council asset or incidental to the presence of the said Council asset.
- (c) To indemnify the Council against all actions, claims, suits and demands arising out of or incidental to the laying of said pipes or erection and/or retention of said building or other structure over the said Council asset and/or the said easement.
- (d) To pay to the Council any additional costs incurred by it in inspecting, constructing or repairing the said Council asset by reason of the said pipes or building or other structure having been erected over the said Council asset and/or easement.
- (e) Not to sell, mortgage or assign any interest in the land to which this agreement refers without first making known the contents of this agreement to the purchaser or mortgagee.
- (f) To ensure that the pipes to be laid and/or the foundations of the said building or other structure in no way interfere, obstruct or prevent access to any existing Council asset in the easement.
- (g) **(Application for building over easement only)**  
To construct the floor in a way that the said Council asset or other works will be accessible for repair. In the case of a concrete floor, slabs over the Council asset or other works are to be not greater than 1.0 metre by 1.0 metre, with caneite or bitumen joints, 10mm wide running longitudinally on both sides of the slabs which are directly above the pipe or other works.

SIGNATURE/S OF THE LAND OWNER/S:
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NAME OF THE WITNESS:
ADDRESS OF THE WITNESS:
SIGNATURE OF THE WITNESS:

DATE:
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# Credit Card Payment Form

TO:  
**WYNDHAM CITY COUNCIL ENGINEERING**

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FROM:

.....

PAYMENT FOR:  
**BUILD OVER EASEMENT APPLICATION**

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BANKCARD       MASTERCARD       VISA

## Card Number

                

EXPIRY DATE ..... /.....

CARD HOLDER'S NAME.....

AMOUNT.....

SIGNATURE.....

(I declare that the information supplied is true and correct)

DATE.....

CONTACT PHONE NUMBER.....