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| **WCClogo CMYK MASTER** | **APPLICATION FOR APPROVAL****TO BUILD OVER AN EASEMENT** |

**In accordance with:**

**The Building Act 1993, the Building Regulations 2018: Regulation 130(1) and the Community Amenity Local Law 2015**

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| **APPLICANT DETAILS**  | **All sections must be completed** |
| Name:  |
| Company:  |
| Address:  |
| Suburb:  | Postcode:  |
| Telephone:  | Email Address:  |

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| **LANDOWNER DETAILS AS PER THE LAND TITLE** | **All sections must be completed** |
| Landowner Name/s:  |
| Address of the proposal location:  |
| Suburb:  | Postcode:  |
| Lot Number:  | Plan of Subdivision:  |
| Volume:  | Folio:  |

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| **PROPOSAL DETAILS** | **All sections must be completed** |
| What type of works are proposed to be conducted within the easement? (eg. Garden Shed, Eaves, Site Cut, etc.) |  |
| What type of finished surface will the proposed works have within the easement? (eg. Concrete, Asphalt, etc.) |  |

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| **INFORMATION TO BE SUBMITTED WITH THE APPLICATION** |  |
| A copy of a site plan, sectional plans and engineering plans (A4 sized) | [ ]  |
| A recent copy of the Land Title (issued within the last 12 months)  | [ ]  |
| If the landowner is a company, provide a copy of the ASIC Company Extract \*\* | [ ]  |
| Evidence of approval from any other easement authorities (eg. City West Water) | [ ]  |
| Payment of $290.40 (no GST applicable) |[ ]

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| **IMPORTANT INFORMATION**  |  |

The Build Over Easement application fee is non-refundable.

Council will not consider build over easement approval for any of the following proposals:

* Habitable structures.
* Structures that share the same roof with a dwelling.
* Private pipelines such as stormwater and downpipes.
* Private services such as hot water system and meters.
* Swimming pools and spas (above or below ground).
* Water tanks.

Any proposed footings/foundations are required to be designed to maintain a minimum clearance of 600mm from a Council drainage pipeline. In circumstances where there is a Council drainage inspection pit located within an easement, footings/foundations must maintain a 1.0m clearance from the pit lid.

It is the responsibility of the Structural Engineer, Builder and Building Surveyor to ensure that any proposed footing or foundation within the vicinity of an easement, is designed to maintain angle of repose from any Council stormwater pipeline, or inspection pit that may be contained within that easement, in addition to maintaining the relevant clearances.

Any further information requested by our office, after assessing your application, must be provided to Council within 60 days of the request, otherwise the application will be deemed lapsed. Please ensure that you have obtained the approval of any other easement service authority before submitting your application to Council.

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.

If the landowner is a company, an authorised signatory for that company must sign the Council Agreement document. The signatory must be listed on the ASIC Company Extract for Council to accept the application. \*\*

**The completed application form and accompanying documentation can be submitted to**

**mail@wyndham.vic.gov.au** **or posted to PO Box 197, Werribee VIC 3030**

| Wyndham Logo | **AGREEMENT IN RELATION TOBUILDING OVER AN EASEMENT** |
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Agreement of owner(s) to conditions in respect of Council’s approval regarding the proposal on land as under:

| NAME/S OF LANDOWNER/S: |
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| ADDRESS OF LANDOWNER/S: |
| ADDRESS OF LAND: |
| WIDTH OF EASEMENT: |
| EASEMENT LOCATION: |
| Description of Works: |

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

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. **(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 LANDOWNER/S: |
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| NAME IF SIGNING ON BEHALF OF A COMPANY \*\*: |

| name of THE witness: |
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| address of THE witness: |
| CONTACT NUMBER OF THE WITNESS: |
| SIGNATURE OF THE WITNESS:  |
| DATE:  |

Credit Card Payment Form

TO:
**WYNDHAM CITY COUNCIL ENGINEERING**…………..…………..…………..…………..……..….………….…………..………………….………………………………….………………

FROM:

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PAYMENT FOR**:
BUILD OVER EASEMENT APPLICATION**…………..…………..…………..…………..……..….………….…………..…….………………………………………….…..………………

□BANKCARD □MASTERCARD □ VISA

**Card Number**□□□□ □□□□ □□□□ □□□□

EXPIRY DATE ……..….…… /……..….……

CARD HOLDER’S NAME.…….………..…………….…………..……………….…………………………………………………………………………………….

AMOUNT $290.40

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

DATE………..……..……..….………….…………..…………………………………………………………………………………………………………………………

CONTACT PHONE NUMBER………………………………………………………………………………………………….…………………………..…………..

Wyndham City, 45 Princes Highway, Werribee
Phone: (03) 9742 0777
Email: mail@wyndham.vic.gov.au

NAME IF SIGNING ON BEHALF OF A COMPANY: