



# 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

APPLICANT DETAILS	
Name:	
Company (if applicable):	
Address:	
Suburb:	Postcode:
Telephone:	Email Address:

PROPERTY DETAILS (where the easement is located)	
Address:	
Suburb:	Postcode:
Lot Number:	

PROPOSAL DETAILS (What is being proposed within the easement)

INFORMATION TO BE SUBMITTED	
A copy of a site plan, elevation drawings and engineering plans. <i>Please ensure that the plans are legible and show all dimensions, measurements, and offsets. The plans must also demonstrate the location of any Council stormwater pipeline that is contained within the easement. Council stormwater pipeline alignment information is available via Before You Dig (<a href="http://www.byda.com.au">www.byda.com.au</a>)</i>	<input type="checkbox"/>
A copy of the Land Title (issued within the last 12 months). <i>The name of the landowner detailed on the Land Title is the person/s required to complete and sign the Agreement document (page 3). Land Titles are available via Landata (<a href="http://www.landata.vic.gov.au">www.landata.vic.gov.au</a>)</i>	<input type="checkbox"/>
A copy of the Plan of Subdivision (issued within the last 12 months). <i>Please <u>do not</u> submit associated documentation such as Covenants, Developer Guidelines or 173 Agreements. Plans of Subdivision are available via Landata (<a href="http://www.landata.vic.gov.au">www.landata.vic.gov.au</a>)</i>	<input type="checkbox"/>
If the landowner is a company, provide a copy of the ASIC Company Extract. <i>Please ensure that an authorised signatory for the company signs the Agreement document (page 3) and that the signatory is listed on the ASIC Company Extract.</i>	<input type="checkbox"/>
Payment of <b>\$329.65</b> (no GST applicable) upon submission of this application.	<input type="checkbox"/>

The completed application form and accompanying documentation can be submitted to [mail@wyndham.vic.gov.au](mailto:mail@wyndham.vic.gov.au) or posted to PO Box 197, Werribee VIC 3030

**PRIVACY STATEMENT:** The personal information requested on this form is being collected by Council for the purpose of this application. 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>

## **IMPORTANT INFORMATION**

### **FEES:**

The Build Over Easement application fee is non-refundable. Please ensure that you have perused the Plan of Subdivision to confirm whether Council is a beneficiary to the easement before making a submission.

Additional fees will apply if Council has already issued an approval, and the proposal needs to be re-assessed and re-endorsed for whatever reason.

### **DOCUMENTATION SUBMISSION:**

All supporting documentation must be submitted as individual data files preferably in pdf format and in an A4 size. Do not combine the documents into one data file. Additionally, all data files must be titled according to their contents.

### **ELEGIBILITY:**

Council will not consider build over easement approval for any of the following proposals where the easement contains Council stormwater infrastructure:

- Habitable structures.
- Structures that share the same roofline with a dwelling.
- Service connection and utility infrastructure.
- Private services such as hot water systems and meters.
- Swimming pools and spas (above or below ground).
- Water tanks.

### **GENERAL PARTICULARS:**

Footings are required to be designed to maintain a minimum horizontal and vertical clearance of 600mm from any Council stormwater pipeline. In circumstances where there is a Council stormwater inspection pit located within an easement, footings as well as any structure, must maintain a 1.0m horizontal clearance from the pit.

It is the responsibility of the Structural Engineer, Builder and Building Surveyor to ensure that any proposed footings within the vicinity of an easement are designed to maintain angle of repose from any Council stormwater pipeline or inspection pit, in addition to maintaining the relevant clearances. Council does not assess the compliance or functionality of any footing design.

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 to complete the Build Over Easement approval process.



# AGREEMENT IN RELATION TO BUILDING OVER AN EASEMENT

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

NAME(S) OF LANDOWNER(S) (as per the submitted Land Title):
ADDRESS OF EASEMENT (as per Land Title):
EASEMENT LOCATION:
DESCRIPTION OF PROPOSAL:

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) 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 (as per the submitted Land Title):
PRINT NAME IF SIGNING ON BEHALF OF A COMPANY:

NAME OF THE WITNESS:
ADDRESS OF THE WITNESS:
CONTACT NUMBER OF THE WITNESS:
SIGNATURE OF THE WITNESS:



# Credit Card Payment Form

TO:

**WYNDHAM CITY COUNCIL – CONSENTS & PERMITS**

PAYMENT FOR:

**BUILD OVER EASEMENT APPLICATION**

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BANKCARD

MASTERCARD

VISA

## Card Number

EXPIRY DATE

CARD HOLDER NAME .....

AMOUNT      \$329.65

SIGNATURE

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

DATE .....

CONTACT PHONE NUMBER .....

Wyndham City, 45 Princes Highway, Werribee  
Phone: 1300 023 411  
Email: [mail@wyndham.vic.gov.au](mailto:mail@wyndham.vic.gov.au)