



BUILD OVER EASEMENT APPLICATION FOR CONSENT

Application Form: BOEA01

Purpose

This application form is for the construction of a building / structure and for general construction works proposed over a private property easement that is vested in Maroondah City Council's interest (ie for stormwater drainage purposes). The requirement for Council's consent for construction over an easement is in accordance with section 130 (1) of the *Building Regulations 2018*, and section 148 of the *Water Act 1989*.

Applicant Details

Applicant Type (please tick one): Property Owner Contractor Other _____

Name: _____

Home Address: _____

Email: _____

Home Phone No.: _____ Mobile Phone No.: _____

Signature: _____ Date: _____

Response Preference: Please identify if you prefer a response via email or post: Email or Post

Building / Structure / Work Details

Address of Works: _____

Type of Building / Structure / Works (Please tick one):

Minor Building / Structure / Works	Major Building / Structure / Works
<input type="checkbox"/> Garden / Storage Shed – 10 Sq.m area, or less	<input type="checkbox"/> Garage
<input type="checkbox"/> Excavation – Including general earthworks	<input type="checkbox"/> Carport
<input type="checkbox"/> Decking	<input type="checkbox"/> Garden / Storage Shed – Greater than 10 Sq.m area
<input type="checkbox"/> Gazebo	<input type="checkbox"/> Swimming Pool – In ground or above ground
<input type="checkbox"/> Pergola	<input type="checkbox"/> Spa
<input type="checkbox"/> Steps – With or without the landing encroaching	<input type="checkbox"/> Retaining Wall – Greater than 1m in height
<input type="checkbox"/> Eaves – Associated with a dwelling or other structure	<input type="checkbox"/> Other – Please provide details: _____
<input type="checkbox"/> Retaining Wall – 1m in height, or less	_____
<input type="checkbox"/> Other – Please provide details: _____	_____
_____	_____
_____	_____

Note: If approval is granted for one of the above structures, then any letter of consent may be attached to the Land Information Certificate (LIC) for the relevant property.

Note: If approval is granted for one of the above structures, then Council may require a section 173 agreement, at the applicant's cost. Please refer to our website for further information, including details on cost. If applicable, this will be detailed as a condition on any letter of consent.

Payment Details (Internal Use Only)

Receipt Number: _____ Date Paid: ____ / ____ / _____ ACCOUNT NO: (22626.1027)

Cashier Use

RC: BOE Payment Type: Cash / Cheque / Eftpos

Receipt Number: _____ Amount: \$320.25

Property Owner Acknowledgement

I / we _____ of _____, being the registered proprietor of the property situated at and known as _____, and being the property described on page 1 of this application, hereby apply for consent to construct or erect a building / structure or to undertake other improvement works, over or on an easement that is vested in the interest of Council. If consent is granted I/we agree, and undertake to abide, by the following conditions:

- To permit the Council to enter into and upon the building / structure / works and/or the easement for the purpose of inspecting, constructing, maintaining or repairing any stormwater drain or other works of the Council now laid or which may at any time in the future be laid by the Council, and if necessary to permit the Council to excavate through the floor of the said building / structure; and
- To be totally responsible for all loss occasioned by damage to the building / structure in the course of the inspection, construction, maintenance or repair of the inspection, construction, maintenance or repair of the said stormwater drain or other works of the Council, or by reason of or incidental to, the presence of the said stormwater drain or other works of the Council; and
- To indemnify the Council against all claims by reason of or incidental to the presence of the said stormwater drain or other works of the Council; and
- To indemnify the Council against all claims by a third person or any legal action arising out of, or incidental to the erection and/or retention of the said building / structure over the said stormwater drain or other works of the Council and/or the said easement; and
- To pay the Council any additional costs incurred by it in inspection, constructing, maintaining or repairing the said stormwater drain or other works of the Council which relate to the said building / structure having been erected over the said stormwater drain or other works of the Council and/or the easement; and
- To leave a section of the floor of the building / structure or works erected over the easement, unpaved or paved with removable slabs to facilitate the inspection, maintenance or repair necessarily undertaken by the Council; and
- Not to modify the building / structure without first obtaining the approval in writing of the Council; and
- To notify any Purchaser or prospective Purchaser of the conditions of this Agreement and of the fact of the consent of the Council to the erection of the building / structure over the easement and to obtain, prior to settlement of the sale, the execution by the Purchaser of an agreement with the Council identical in its terms to this agreement.
- Retrospective Build Over Easement Application fee = \$480.50.

Signature: _____ Date: ____/____/____

Applicant Checklist: Please ensure that the following is attached to this application, where applicable:

- Plan of works** – Must be clear, illustrating the extent and scope of the building / structure / works relative to the easement, with measurements, and must have sufficient detail for Council to determine the exact location and the impact of the proposal
- Town planning permit (if applicable)** – Where the construction relates to a town planning permit, details of the relevant town planning permit must be provided
- Structural drawings** – Where the proposed building / structure requires structural drawings, these must be submitted for consideration
- Yarra Valley Water Consent Letter** – Where the easement is a combined drainage and sewerage easement that is also vested in Yarra Valley Water's interest, a copy of their consent letter is required to facilitate the assessment of this application

Maroondah City Council is committed to protecting your privacy as prescribed by the Privacy & Data Protection Act 2014 and the Health Records Act 2001. The information you provide on this form is being collected by Maroondah City Council for the strict purpose of conducting Council business. Your information will not be disclosed to any external party without your consent, unless Council is required or authorised to do so by law. Failure to provide the information requested may make you ineligible to receive the service or be part of an event/function that is the subject of this form. Any access to the information, amendments that may be required or any privacy enquiries may be directed to Council's Privacy Officer & Health Records Officer on 9298 4211 or email - privacy@maroondah.vic.gov.au