

## **BUILDING OVER EASEMENT INFORMATION & CONSENT FORM** **(To be completed by the Owner)**

**PLEASE READ THE FOLLOWING INFORMATION REGARDING BUILDING OVER AN EASEMENT AND INDICATE YOUR CONSENT ON THE FORM BELOW.**

### **1. Building over easements containing drainage pipes and pits.**

Council's policy is not to permit construction of buildings over easements containing drainage assets except for:

- Minor detached outbuildings (eg., sheds less than 10 sq.m. in area, or open freestanding carports) providing the outbuilding is not proposed to be constructed over a pit or inspection opening; or
- Pergolas; or
- A maximum of 600mm width of eave overhang, providing the eave height is at least 3.0m above the finished ground surface at the easement.

If a proposal is in accordance with the above exceptions, the applicant must first agree to the conditions of approval prior to the Council consent being granted (see [4] below).

### **2. Buildings over drainage easements where no drainage assets are currently present.**

Council's policy is not to permit buildings over drainage easements, where there are no drainage pipes or pits or inspection openings, unless:

- I. The application meets the requirements as in (1) above in the same way as for easements containing drainage assets; or
- II. The easement for drainage is expunged through Town Planning processes at the expense of the applicant. In this respect:
  - a) A planning application must be lodged for this purpose through Planning Services (please go to [www.whittlesea.vic.gov.au](http://www.whittlesea.vic.gov.au) for an application form);
  - b) The applicant may be requested to provide supporting information or calculations as to why there is no detriment to the existing or future drainage network;
  - c) An engineering assessment by Council to review the planning application will be required and this assessment may:
    - Agree with the request; or
    - Conclude that the easement is still required.

### **3. Building over other easements which do not include drainage.**

Where easements exist for other services (eg., water, sewerage, gas, telecommunications, electricity), written consent is first required from the responsible service authority before Council can give its consent.

An applicant must meet the consent requirements of each service authority having an interest in the easement.

### **4. Guidelines for Council consent.**

Guidelines for assessing each application under (1) and (3) above:

1. A viable alternative location for the proposed building or works is not available on the site;
2. The proposed structure or works will not prejudice or unduly obstruct or limit the ongoing maintenance of any existing Council stormwater drain or asset located within the easement;
3. Overland flow is unlikely to take place along the line of the easement in the event of the capacity of drainage in the easement or adjoining easement being exceeded;
4. The proposed structure will not jeopardise the drainage of an abutting allotment or prejudice Council's future drainage network;
5. Approval to build over the easement has been obtained from all Statutory Authorities and parties that have rights over the easement; and
6. The proposed structure is in conformity with the Building Code of Australia.

**AGREEMENT PRIOR TO CONSENT TO BUILD OVER EASEMENT**

**CONDITIONS:**

1. All conditions of approval of Melbourne Water/Yarra Valley Water and Council are to be complied with.
2. The building is to be sited clear of any drainage, or other, inspection opening, including a property inlet in the easement, subject to (6) below.
3. Council reserves the right to excavate, lay, repair or replace pipes within the easement and to remove, and not replace, structures built on the easement whether or not consent for those structures has been given.
4. Council not being held liable for any damage to structures on the easement which may be caused as a result of any such works on the basis that reinstatement of such damage is the responsibility of the owner.
5. Excavation for footings to be kept clear of pipe drain if easement contains an underground drain.
6. The property inlet is to be relocated to the satisfaction of the Council and at no cost to Council if the building will be sited over it.
7. A Building Permit must be obtained prior to commencement of works.
8. Prior to building approval, any drain existing in the easement is to be located and a detailed drawing included in the building application drawings indicating the means of foundation construction on the basis that:
  - i. footings are used which
    - are at least 600mm clear of any drain, drainage pit or other inspection opening, including a property inlet
    - are carried down to at least the underside of the drain to solid ground; or
  - ii. a slab on ground construction is used which includes a saw-cut construction joint along the line of the easement, permitting later removal if necessary.



I, ..... have read and understand the above conditions and am prepared to abide by them.

Also, I will not sell or mortgage my property at:

.....

without first disclosing the existence of the attached letter and these conditions to the purchaser or mortgagee and such purchaser or mortgagee is to advise subsequent purchasers or mortgagees.

Signed..... Date.....

Printed Name.....