**APPLICATION TO BUILD OVER A DRAINAGE EASEMENT**

Building Act 1993, Building Regulations 2018

Regulation 130

Application (addressed to Engineering Coordinator) may be lodged by:

Email: [info@alpineshire.vic.gov.au](mailto:info@alpineshire.vic.gov.au)

Post: PO Box 139 Bright Vic 3741

Or in person: 2 Churchill Ave, Bright Vic 3741

**Applicant Details**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Postal Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Property Details**

Street No. \_\_\_\_\_\_\_\_\_ Lot No. \_\_\_\_\_\_\_\_ Street Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Suburb. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Postcode: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Development Details**

 Garage  Storage Shed

 Carport (Open - 2 sides)  Eaves

 Pergola  Other - Description

The applicant is to provide

1. a copy of a site plan and elevations showing the proposed location of the structure in relation to all easements on the property, including:

* boundary offset dimensions;
* structure dimensions;
* footing details, including depth and exact location (if applicable)
* Location of any storm water assets including pits
* the amount of excavation and/or fill within the easement (if applicable)

1. Current Copy of Title, including any plan of subdivision, covenants, section 173 agreements applicable

**Note**: Other Authority approval may also be required.

**DECLARATION - BUILD OVER EASEMENT (To be completed by the Owner/s)**

**I/We** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Being the owner/s of the above property hereby agree that in the event of a structure or works being constructed over the easement with the consent of Council:**

1. I/we will not sell or mortgage the said property without first disclosing any conditions made by Council in relation to the said structure/works to the purchaser or mortgagee. This agreement may be required to be included on the property title as a Section 173 agreement or Council will record this agreement to include on a Land Notice.
2. No alteration shall be made to either the structure/works or the easement drain assets without the written permission of Council.
3. No compensation will be payable by Council in respect of damage to the structure/works positioned over the easement resulting from any inspections or malfunction or movement of Council assets within the easement. Any damage to council’s assets arising from building operations, excavation and the like shall be made good at my/our expense
4. The Council by its officers, agents or employees shall at all times have access to the drainage easement for the purpose of inspecting or carrying out any works and shall not be liable to pay any damage or compensation by reasons of such access or works
5. If at any future time the Council, to gain adequate access or for other sound reason, forms the view that the structure/works must be removed then I/we will be responsible for any costs associated with removal of the structure/works and for any reinstatement costs

**Signed: Date:**

**APPLICATION FEE: $321.00 RECEIPT NO.**