

# Application for Build Over Easement Consent



*Lifestyle Capital of Victoria*

## Applicant details

Name: \_\_\_\_\_  
Postal address: \_\_\_\_\_  
Suburb: \_\_\_\_\_ Post code: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email address: \_\_\_\_\_

## Property details

Street number: \_\_\_\_\_ Lot number: \_\_\_\_\_  
Street name: \_\_\_\_\_  
Suburb: \_\_\_\_\_ Post code: \_\_\_\_\_

## Works details

Describe the proposed build over easement works: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Supporting documentation

Please attach a copy of the site plan, footing details, a copy of the Plan of Subdivision and the signed standard conditions page.

<input type="checkbox"/>	Site Plan – showing all boundaries and easements, locations of existing structures and details of proposed works
<input type="checkbox"/>	Footing Details – must be in accordance with Council’s “Guidelines for Consent to Build Over Easement”
<input type="checkbox"/>	Copy of Plan of Subdivision
<input type="checkbox"/>	Standard Conditions – Must be signed by owner of property.

## Privacy Statement

Frankston City Council is committed to protecting your privacy. The personal information you provide on this form will be used to liaise with you about your application. Your information will only be used and disclosed as authorised by law. For further information about how Council handles personal information, or to request access to your information, see [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au) or contact Council’s privacy officer on 1300 322 322.

## How to apply

If you are unable to apply online, please complete this application form and return with the required supporting documentation to Council via one of the methods below.

-  In Person Frankston City Council - Civic Centre  
30 Davey Street  
Frankston VIC 3199
-  By Mail Frankston City Council  
PO Box 490  
Frankston VIC 3199
-  By Email Please email this completed application form to: [info@frankston.vic.gov.au](mailto:info@frankston.vic.gov.au)

## Next steps

1. When we have received your application, we will contact you to advise how to pay. If you provided an email address, **you will receive a link with details explaining how to pay the fee online.**
2. Once we have received payment, we will endeavor to provide a response within 10 business days.

## Further Information

For more information:

- Please visit the 'Apply to Build Over an Easement' page on Council's website [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au), or
- Call Council on 1300 322 322 and ask to speak to our helpful Engineering Services staff.

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## Office use only

Payee name: \_\_\_\_\_ Account code: AP \_\_\_\_\_  
Address: \_\_\_\_\_ Total: \$ 100.00 as of 01/07/2022

## **STANDARD CONDITIONS FOR COUNCIL APPROVAL TO BUILD OVER AN EASEMENT AND/OR DRAINAGE LINE – Must be signed by the property owners**

Any Council approval for the construction of any building or structure over a drainage easement or Drainage line is granted subject to the owner(s) agreement to:-

1. Limit the type of structure and method of construction to that shown and described on and in accordance with the Frankston City Council's "General Guidelines for consent to Build Over an Easement".
2. Permit Council to enter into and upon the building or structure and/or the easement for the purpose of inspecting, constructing, maintaining or repairing any drain or other works of the Council now existing or which may be created in the future and permit Council to excavate through any floor of the structure and or demolish any part of the structure as may be deemed necessary.
3. Indemnify Council for any loss or damage caused to the structure or arising from such damage to the structure due to inspecting, constructing, maintaining, repairing or any failure or collapse of any drain or other works of the Council now existing or which may be created in the future.
4. Indemnify Council against all claims by any third person arising out of or incidental to the erection and/or retention of the building or structure over the drain or other works of the Council and/or the said easement.
5. Pay to Council on demand any additional costs incurred by it in inspecting, constructing, maintaining or repairing any drain or other works of the Council which arise due to the presence of the building or structure.
6. Leave that section of floor of the building or structure over the easement or drain unpaved or paved with removable slabs so as to facilitate inspecting, constructing, maintaining or repairing any drain or other works of the Council.
7. Not modify or vary the building or structure from the details indicated in the approved plan(s) without first obtaining written approval from Council.
8. Indemnify Council against all or any claims, demands, causes of action of whatever nature, costs, charges and expenses against Council arising from flooding and/or water damage caused by the overland flow of stormwater through the building or structure over the said drain or other works of Council and/or the easement.
9. Notify any Purchaser or prospective Purchaser of the conditions of this agreement and to obtain, prior to settlement of the sale, the execution by the Purchaser of an agreement with the Council in similar terms to this agreement and lodge the agreement with Council.

**I/we the owners of \_\_\_\_\_ agree to the above conditions**  
**Signed \_\_\_\_\_ Date \_\_\_\_\_**

This consent is given with respect to rights and authorities Council holds regarding its drainage and other operations. This consent is not a building or planning permit which must be obtained as necessary. Approval will be required from Melbourne Water before a Building Permit can be issued. Council consent to build over an easement does not protect the applicant against rights, claims or wishes of other property owners who hold rights in regard to the easement. The onus for determining and satisfying other rights resides with the owner and should be checked prior to commencing any works.