

# Building over easements &/or within 1.0m of a Council asset



Building Regulation 130

The application fee is \$299.80 Please note this fee is non-refundable

Fee schedule valid until 30 June 2023

Please return to [dispensations@casey.vic.gov.au](mailto:dispensations@casey.vic.gov.au)

## Applicant's Details

<input type="checkbox"/>	RELEVANT BUILDING SURVEYOR	<input type="checkbox"/>	OWNER	<input type="checkbox"/>	AGENT OF OWNER	(TICK AS APPROPRIATE)
NAME:		COMPANY:				
ADDRESS:						
SUBURB:			POSTCODE:			
TELEPHONE (BH):			MOBILE:			
EMAIL:						

## Owner's Details SAME AS ABOVE (TICK IF APPROPRIATE)

NAME/S:	
ADDRESS:	
SUBURB:	POSTCODE:

## Property Details

NO:	LOT :	LP/PS
STREET/ROAD:		
SUBURB:	POSTCODE:	

## Nature of proposed works: (Tick as appropriate)

Building over a Council drainage **easement** - Please describe the works proposed over the easement

Building within 1.0m of Council drainage **asset** - Please describe the works proposed within 1.0m of the asset

Are there Council assets within the easement? If so, the size, depth and offset (SDO) are required to be shown on the plans (refer to document checklist)

## Declaration

I hereby submit a copy of a building design to Council for consent in accordance with Regulation 130 of the Building Regulations 2018 for building over easements or within 1.0m of a Council asset.

SIGNED:

DATE:

### Privacy Statement

Your personal information will be handled in accordance with the *Privacy and Data Protection Act 2014* and used for the specified purpose. You can access your personal information by contacting Council's Privacy Officer on 9705 5200.

## Payment Method

CREDIT CARD (SEE ATTACHED FORM)  CHEQUE ENCLOSED

Receipt #: \_\_\_\_\_

## Applications

Applications must be made on the City of Casey Build Over Easement application form, and be accompanied by all appropriate documents as included in the checklist below. The application can be lodged by the owner, builder, architect/draftsperson or any properly authorised agent of the owner; however it is recommended that the application be made either by or in consultation with the Relevant Building Surveyor.

The Council is acting in the role of a prescribed reporting authority when assessing these applications and can only address the application to the extent set out in the request. It does not replace or supplement for the Relevant Building Surveyor in determining compliance with other issues and siting provisions of the Building Regulations 2018. An incomplete compliance assessment prior to lodgment of this application may lead to inappropriate decisions and delays in the ultimate permit processes. To view the City of Casey Building Over and or near Council Stormwater Drainage Assets Policy go to:

<https://www.casey.vic.gov.au/policies-strategies/building-over-easements-or-near-council-stormwater-drainage-assets-policy>

## Document Checklist

- **Application Form** – City of Casey Build Over Easement application form
- **Indemnity Form** - Copy of Council's Indemnity Form signed by all Property Owners.
- **Application Fee of \$299.80** fees are non-refundable & are valid until 30 June 2023
- **One (1) set of properly prepared plans (fully dimensioned and drawn to scale)** – clearly demonstrate the proposal in terms of appearance & construction including;
  - Site plan showing the easement and location of structure – Please note: If there is a Council stormwater pipe within the easement this is required to be shown on the site plan provided. To obtain the stormwater pipe details contact Council's Drainage Department.
  - Elevations of the structure
  - Footing type & design details - Footings are to be designed as per Council's Build Over Easement policy. Please note: If there is a Council stormwater pipe within the easement a section footing detail is required to be shown on the plans to show the location of the stormwater pipe in relation to the structures footings.
- **A copy of title for the property (in the current owner's name)**
- **A copy of the approved plan of subdivision for the property**
- **NOTE: Incomplete applications will be returned**

**Please note: Complete applications can be emailed to [dispensations@casey.vic.gov.au](mailto:dispensations@casey.vic.gov.au)**

## Appeals

An owner has rights of appeal to the Building Appeals Board (ph. 1300 421 082) within 30 days with respect to any:

- Requirement of a reporting authority to give more information or amend a permit application (s138 of the Building Act 1993)
- The determination or exercise of discretion
- Failure within a reasonable time to make a determination or exercise that discretion (s144 of the Building Act 1993)

### Contact City of Casey

03 9705 5200

NRS: 133 677 (for the deaf, hearing or speech impaired)

TIS: 131 450 (Translating and Interpreting Service)

[caseycc@casey.vic.gov.au](mailto:caseycc@casey.vic.gov.au)

PO Box 1000

Narre Warren VIC 3805

ABN: 43 320 295 742

### Customer Service Centres

Cranbourne – Cranbourne Park Shopping Centre

Narre Warren – Bunjil Place, Patrick Northeast Drive

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**Customer Service Centres****Narre Warren**

Bunjil Place, Patrick Northeast Drive

**Cranbourne**

Cranbourne Park Shopping Centre



## INDEMNITY AGREEMENT WITH CASEY COUNCIL REGARDING CONSTRUCTION OF BUILDING OVER AN EASEMENT OR WITHIN 1.0M OF A COUNCIL ASSET

Owners Name/s	
Postal Address	
Subject Property Address	

We, the Owner/s of the above Subject Property Address agree:

1. To allow Council full access into and upon the building and/or easement for the purpose of inspection, construction, maintenance, repair, or if necessary replacement of any drain or other works of the Council laid or which may be hereinafter laid by the Council, and
2. To be solely responsible for all loss or damage which may be occasioned to the said building by reason of or incidental to the carrying out of the inspection, construction, maintenance, repair or if necessary replacement of a drains or other works of the Council, or by reason of or incidental to the presence of a drain or other works of the Council, and
3. To indemnify the Council against all actions, claims, suits and demands arising out of or incidental to the erection, retention, removal or demolition of the structure over the easement or within 1.0m offset of the Council asset, or other works of the Council relating to the easement, and
4. To pay to the Council any additional costs incurred by it in inspecting (including use of CCTV which is currently **\$1000.00 incl GST(2021/22)**), constructing, maintaining, repairing or replacing the drain or other works of the Council by reason of the structure having been erected over the drain or other works of the Council within the easement, and
5. To disclose to any prospective purchaser, mortgagee or successors to the subject property, the contents of this agreement.

Signature: (Owner 1) \_\_\_\_\_ Date: \_\_\_\_\_

Signature: (Owner 2) \_\_\_\_\_ Date: \_\_\_\_\_

Signature: (Owner 3) \_\_\_\_\_ Date: \_\_\_\_\_

Signature: (Owner 4) \_\_\_\_\_ Date: \_\_\_\_\_

All registered owners, as indicated on the current Certificate of Land Title of the subject property, are required sign this agreement,

**OR**

Signature: (Duly Authorised Agent of all owners) \_\_\_\_\_ Date: \_\_\_\_\_

**Note:**

By signing this agreement, you acknowledge that you are the legal owner/s of the subject property, or have written authority to act as the Duly Authorised Agent of the owner/s pursuant to Sec. 248 of the Building Act 1993