

2025/26 Application to Build Over Easement

Fee: \$461.40

This is not an application for a building permit. This must be lodged separately. Upon payment this application constitutes a Tax Invoice.

Property

Number/Lot: _____ Street/Road: _____ Town: _____

Applicant/s

I/we (the owners): _____

Postal address: _____

Phone (h): _____ Phone (b): _____ Mobile: _____

Email: _____

Description of Works: _____

Hereby apply for the consent to build over the easement and/or asset as shown on the site plan or attached drawings and agree to abide by the conditions of any consent issued by Macedon Ranges Shire Council.

Important notes:

- a fee applies for consideration of an application to build over easements and/or assets.
- acceptance of this application does not constitute consent to build over easements and/or assets. Applications will be considered on their merits in accordance with 'Building Over Easements – Considerations.'
- where approval is granted the standard conditions and any special conditions as indicated on the reverse of this form shall apply.
- it is the owners responsibility to familiarize themselves with and comply with all conditions of consent. Failure to comply with any condition will invalidate the consent.

Information to be provided on site plan:

- Property boundary and any easements
- Location of proposed structure on property with dimensions from property boundaries
- Dimension and details of proposed structure.
- Details of footings and flooring material components demonstrating compliance with Council Building Over Easements – Conditions.

Office use only

Fee: \$ _____ Deposit: \$ _____ Receipt no: _____ Date: _____



Payment options

- **In person:** present this form and payment (cash, cheque/money order, EFTPOS or credit card) at one of our customer service centres.
- **Phone:** call our customer service team on (03) 5422 0333 (Mastercard and Visa accepted)
- **By Mail:** cheque or money order – payable to Macedon Ranges Shire Council. Mail this form and payment to PO BOX 151, KYNETON VIC 3444

Standard Conditions for Council Approval to Build Over Easements and/or Assets

The Owner(s) hereby agrees:

1. To limit the type of structure and method of constructions to that shown and described on and in accordance with the Macedon Ranges Shire Council's "Building Over Easements – Conditions".
2. To permit the Council to enter into and upon the building or other structure and/or the easement at any time for the purpose of inspecting, constructing, or repairing, any failure or collapse of any drain or other works of the Council now existing or which may be created in the future, and to excavate through any floor of the structure and/or demolish any part of the structure as may be deemed necessary.
3. To permit the Council the right to forcible access to the building in the event of an emergency occurring during the owner's or occupiers absence.
4. To indemnify the Council against all actions, claims, suits and demands arising out of, or incidental to, the erection and/or retention of the building or other structure over the drain or other works of the Council and/or the said easement.
5. To be solely responsible for all injury, loss or damage which may be occasioned to the said building or other structure by reason of or incidental to the carrying out of the inspection, construction, maintenance or repair (whether forcible access is used or not) of the said drain or other works of the Council or by reason of or incidental to the presence of the said drain or other works of the Council.
6. To pay to the 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.
7. To notify any purchaser or perspective 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.
8. That the proposed works are to be completed within two years from the date the approval is given. Failure to complete the works by the above date may render this Approval null and void.
9. To verify the pipe location before commencement of construction and notify Council's Infrastructure department of any discrepancy.
10. That there be a 1.0 metre clearance surrounding a Legal Point of Discharge and/or Stormwater Pit and that in no instances can these be built over.

I/We agree to the above conditions.

Owner/s signature: _____

Date: _____

(In the case of a Company, the common seal must be attached).

The approval is given with respect to rights and authorities Council holds regarding its drainage and other operations. This approval is not a building or planning permit, which must be obtained as necessary.

Approval may be required from Coliban Water/Western Water before a building permit can be issued.

Council consent to build over an easement and/or asset does not protect the applicant against rights, claims or other 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.

Office use only:	Approval <input type="checkbox"/> granted	Refused <input type="checkbox"/>	Subject to special conditions specified under the Building over Easements – Conditions: <input type="checkbox"/>
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Building over Easements – Conditions

Where an underground drain has been constructed:

1. Maximum length of building over easement:
 - 6 metres where access to Council drain is available at both ends
 - 3 metres where access to Council drain is available from one end only.
2. Foundation shall not place additional stress on underground drain.
3. Construction:
 - Lightly framed/easily dismantled
 - No walls on ends below 300mm above natural surface (across easement), except where an alternative floodway path can be provided.

4. Ground paving:
 - Easily removable pavers without use of machinery
 - Not to exceed 50mm above natural surface

Where an underground drain has NOT been constructed:

- approval to build over easement will not be given if the easement is required for future drainage.