



Standard Conditions

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.
10. Once a Build Over Easement permit is issued and approved, they are only valid for 12 months and cannot be extended.

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.