

Major Building Over Easement Application 2022 - 2023



General Information

Easements are areas of land that are generally kept as a clear space to allow for the installation of services like stormwater drains and sewers. On the title to many properties, a specific area may be designated as an easement. Where these services exist, the easement generally needs to be kept clear for maintenance and/or access from time to time.

A property owner may be allowed to construct certain structures on or over an easement subject to certain conditions. For example, it may be possible to construct garages, carports, tennis courts, car parking areas, etc. over easements where these works do not interfere with assets installed by the servicing authorities.

Property owners should consider all factors prior to applying to build over an easement and, if possible, keep all works clear of any easement. Approvals are required for any works of a permanent nature to be located on easements.

Application Procedure

The approval of Council is required where it has rights to that easement. Easements may also be reserved in favour of other authorities for which their approval would also be required, e.g. Melbourne Water, Yarra Valley Water and South East Water. A check of a current copy of the property Certificate of Title will show details of any registered easement and why the easement has been provided (usually shown as Drainage Easement). **It is the applicant's responsibility to obtain the permission of all the relevant authorities that have rights over the easement before any works begin.**

If an easement is shown on your title indicating Council has rights to it, and you have been advised by Council's Engineering Department that a Major Use of Easement Application is required, then an agreement will need to be made between Council and you (as the owner of the property) under Section 173 of the Planning and Environment Act 1987. This agreement will be registered on the Certificate of Title for the property. You will need to provide Council's Engineering Department with the following:

- Five** printed copies of A4 sized plans showing a site plan showing all buildings on the site and the extent of the encroachment onto the easement (an example is shown attached);
- Two** printed copies of structural plans showing how the structure protects Council's assets in the easement. A cross section of the easement should be included.
- Complete a copy of the **Major Build Over Easement Application** form; and
- Pay the \$663.35 application fee (valid until 30 June 2023).

A title search and company search (where necessary) will be undertaken and an Agreement relating to Section 173 of the Planning and Environment Act 1987 will be sent for the owner to obtain legal advice and to subsequently sign.

If during the title search it is noted that there is a mortgage registered over the property, you will be required to also obtain the mortgagee's consent and pay fees that the mortgagee requires to be paid for the granting of this consent.

Following consideration of an application, written advice will be sent to the applicant advising them of the result of the application. Should their application be successful, this advice will include preliminary approved plans prior to the agreement being finalised. This preliminary approval will be revoked if any of the following occur.

- **Consent from the mortgagee cannot be obtained**
- **If a Company Seal on the Agreement cannot be read the Council will revoke the approval as the Titles Office will not register the Agreement with an illegible Company Seal**
- **The forms are incomplete or incorrectly completed**

Note. It is in the applicant's interest to ensure the appropriate forms and plans are completed and lodged in sufficient time and with the appropriate detail so that the application can be properly considered within reasonable time. Following consideration of an application, written advice will be sent to the applicant advising them of the result of the application. Council reserves the right to keep all or part of the application fee, should an application be unsuccessful.

Lodge your application

In person at: City of Monash, 293 Springvale Road, Glen Waverley, or
City of Monash, 3 Atherton Road, Oakleigh

By mail: P.O. Box 1, GLEN WAVERLEY VIC 3150 (cheque & credit card only)

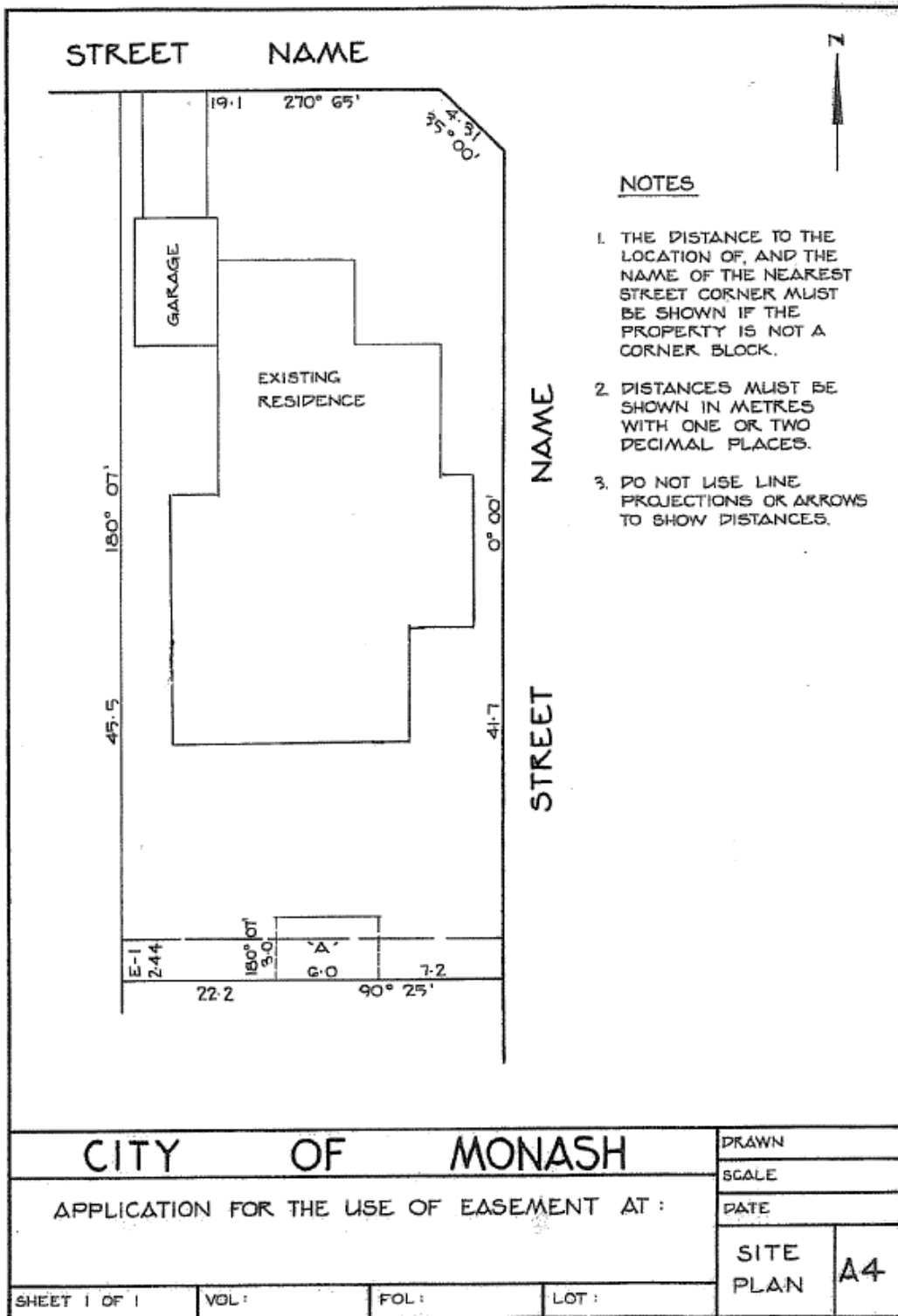
All enquiries regarding Building Over Easements should be emailed to mail@monash.vic.gov.au or by phone on 03 9518 3555.

MAJOR BUILDING OVER EASEMENT APPLICATION

APPLICANT DETAILS			
Name	<small>(title, first name & surname of applicant)</small>		
Company <small>(applicant's if applicable)</small>			
Address	<small>(postal address of applicant)</small>	Postcode	
Contact No's <small>(business hours)</small>	<small>(telephone)</small>	<small>(fax)</small>	
Email		Dated	
SITE DETAILS (of the subject land)			
Site Address	<small>(street address of the subject land)</small>		
Owner/s' Name/s	<small>(title, first name & surname of owner(s))</small>		
Owner's contact <small>(business hours)</small>	<small>(telephone)</small>	<small>(email)</small>	
REASON FOR APPLICATION			
Describe Works in/on Easement			
HOW AND WHERE TO PAY			
<p>In person at: City of Monash, 293 Springvale Road, Glen Waverley, or City of Monash, 3 Atherton Road, Oakleigh</p> <p>By mail: P.O. Box 1, GLEN WAVERLEY VIC 3150 (cheque & credit card only)</p> <p>DO NOT LODGE THIS APPLICATION VIA EMAIL</p> <p>I authorise the City of Monash to charge my Minor Building Over Easement Application payment to:</p> <p style="text-align: center;"> <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa <input type="checkbox"/> American Express </p> <p>Number: <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> Expiry: <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> / <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/></p> <p>Name on card: _____ Signature: _____</p> <p>Telephone: _____ Total Amount: \$663.35</p> <p>Please note: In line with common practice, a receipt will not be issued for payments received through the mail or email.</p>			
Office Use Only:	Application: RC	Allocation Reference: EASE	Total Payable: \$663.35
1.80.840.6820.000.3293			

Example Plan

If the agreement relates to lots on a proposed / registered Plan of Subdivision, a copy of the relevant diagram may be used.



Privacy Statement:

Monash City Council ("Council") collects personal information via this form to facilitate the processing of this application, and related purposes which the individual to whom the information relates may reasonably expect. Council will not release or provide access to personal information to any other person or body, unless (a) it has been authorised to do so by the person to whom the information relates, (b) it is permitted or required to do so by law, or (c) it is appropriate or required in the performance of the functions of Council. If you refuse to supply the requested information we may not be able to process your request. You may gain access to your personal information by contacting Council's Information Privacy Officer via email at legal@monash.vic.gov.au.