

**CITY OF YARRA**  
**Building over an easement vested in council (310)**  
**SCHEDULE 1:**  
**CONDITIONS OF CONSENT - BUILDING OVER DRAINAGE EASEMENTS**

**THE OWNER CONSENTS TO:**

1. Not to sell or mortgage land to which this Consent refers without first disclosing the contents of the Consent and Conditions to the Purchaser or Mortgagee and requiring them to sign a similar agreement and lodge it with the Council.
2. To permit the Council, its employees and/or contractors at any time to enter into and upon the easement area and the building/works proposed in this application (**Proposed Building/ Works**) for the purposes of the inspection, construction, repairing, cleansing, replacing, maintaining and/or reinstating of works related to such drainage in the easement (**Council Works**).
3. To keep the Council indemnified against all action, costs and expenses, damages and claims and to not make a claim for damages or loss of any kind against the Council for damage or injury to the Proposed Building/ Works as a result of Council's Works.
4. To be solely responsible for all injury, loss or damage which may be occasioned to the Proposed Building/ Works in or over the easement whether caused by settlement or subsidence, leakage, flooding, breaking or Council Works carried out by the Council or any person or any body whatsoever.
5. Where a Council pipe exists in the easement no footing, pad, slab, pier, pile or any other foundation element will impose any load or force on such pipe.  
Further:
  - a) Any footing designed to meet this condition will be designed by a qualified engineer to the satisfaction of the Council's Engineering Services Co-ordinator.
  - b) A minimum clearance of 600mm both horizontally and vertically is required between the Council drain and any footing/pile. Also footings are to be at least 1.0m from the outside edge of any drainage pit or inspection opening.
  - c) Footings are to be constructed as per plans approved by Council. If the footing design is to be altered new plans must be submitted and be approved by the Council before commencement of amended building works.
6. To pay to the Council upon demand any additional cost incurred in design, inspection or execution of any works in the easement that are applicable to the works in or over the easement to which this application refers. The costs as certified by the Council's Engineering Services Co-ordinator shall be final and binding on the parties.
7. Where an existing drainage point is located under the Proposed Building/ Works that point shall be cut and sealed to the satisfaction of the Council's Engineering Services Co-ordinator. The outer edge of a new drainage point is to be constructed 1m clear of the Proposed Building/ Works and all existing and proposed drains are to be connected to that point.
8. Where an existing drainage pit will be within the Proposed Building/ Works, it is not to be altered or adjusted without prior written consent from the Council's Engineering Services Co-ordinator. The existing reinforced concrete pit must be left exposed within the floor of the building and flush with the surface. If concrete, brick or masonry paving is intended to adjoin or surround the lid, a strip of approved material to form a minimum 10mm wide expansion joint shall be provided and placed at the owner's expense. The Council's Engineering Services Co-ordinator reserves the right to require the owner to convert the pit lid to an appropriate type (eg gatic) to adequately cater for vehicle loads at the owner's cost.
9. Trowelled contraction or dummy joints shall be provided in all plain or reinforced concrete along the line of any existing underground Council drainage pipe. These joints shall be approximately 300mm outside the outside of the pipe and will facilitate opening up and clearing/removing any possible future blockage in the pipe. Precast concrete, masonry or clay paving slabs may be used provided they are installed with adequate foundations, bedding, and materials and are constructed and laid in accordance with the manufacturer's recommendations.
10. To abide by any further written conditions (**Special Conditions**) which Council's Engineering Services Coordinator may impose before or during the construction or erection of the Proposed Building/ Works. Where applicable, a copy of the Special Conditions, if any, will be attached as Schedule 2 to Council's letter confirming its consent to the Proposed Building/ Works being constructed over the drainage easement.
11. Unless the Proposed Building/ Works are commenced within 12 months from the date of this consent, or any extension thereof, which must be provided in writing, this consent shall lapse.

**DECLARATION BY OWNER**

I/We....., being the owner(s) of the land described above, have read and understood the above conditions and are/ am prepared to abide by them.

Signature of owner(s) \_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_