

OWNERS AGREEMENT TO STANDARD CONDITIONS FOR APPLICATION FOR CONSENT TO ERECT A BUILDING OR STRUCTURE OVER EASEMENTS AND/OR COUNCIL'S DRAINS OR BUILD WITHIN 1.0M Laterally to Council's Drains (19/1255192)



GLEN EIRA
CITY COUNCIL

In the event of consent being so granted, I/we hereby agree also to abide by the following standard conditions:

1. To permit Glen Eira City Council (Council) (and its representatives) to enter via this property at any time for the purpose of inspecting, excavating, constructing, installing, maintaining, removing or replacing any works or drains whatsoever located on the land as Council may consider necessary, without liability.
2. To be solely responsible for any damage that may be occasioned to the improvements reason of/or incidental to the performance of the works over the easement and over or within 1.0m laterally of a Council drain and at all times to indemnify Council against all causes of action; suits, costs, claims and demands whatsoever arising out of/or incidental to the works in or over the easement, Council drains or within 1.0m laterally of a Council drain.
3. To pay any additional costs of the works incurred by Council by reason of the construction or erection of the improvements on the easements/drains or within 1.0m laterally of a Council drain.
4. To indemnify and keep indemnified Council against all actions, claims, suits and demands arising out of/or incidental to the construction of and/or retaining the approved building or structure over or within 1.0 metre of any stormwater drainage pipe, other structure and/or easement.
5. To accept full responsibility for the structural sufficiency of the approved building or structure and its footings, having regard for the presence of any existing or proposed stormwater pipe, other structure and/or easement.
6. To take full responsibility for any loss or damage occasioned to any of the works by the construction or erection of the improvements the subject of this application and to reinstate any of the works as is already constructed at my/our own expense to the satisfaction of Council.
7. Where a building control authority requires that a pier and beam footing system to support the building or structure, such pier and beam footings shall not include the use of impact driven piles.
8. Not to sell or mortgage land to which this consent refers without first disclosing the contents of this consent to the purchaser or mortgagee.
9. To abide by any further conditions which Council may impose before or during the construction or erection of the improvements the subject of this application.
10. To pay Council all charges associated with registering all conditions of this consent against the title of the_ property in the form of a Section 173 Agreement when applicable.
11. Any deviation from the approved plans will require a new application to be submitted for Council's consideration. Such amended proposals shall be considered on the merits of the application and may or may not be approved by Council. This new application is to be accompanied by the payment of the application fee applicable at the date of the new application.
12. It is the owner's responsibility to comply with all conditions of this consent.
13. Failure to comply with any standard or further conditions will invalidate this consent.
14. Works are to be completed within two years of written consent to this application being granted by Council.

Signature of owner(s):

Name: _____ Signature: _____ Date: _____

Name: _____ Signature: _____ Date: _____

Note: If the owner is a company this application and agreement must be under the seal of the company.

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Privacy collection notice

Glen Eira City Council (Council) is committed to protecting the personal information provided by you in accordance with the principles of the *Privacy and Data Protection Act 2014 (Vic) (PDP Act)*. Personal information is collected by Council only for the purpose of Council's functions set out in section 3E of the *Local Government Act 1989 (Vic)*. Specifically, personal information is collected to assist in the registration and processing of your application. The personal information will be used solely by Council for that primary purpose or directly related purposes. If this information is not collected, Council will be unable to process your application. In certain circumstances, we may disclose information about you where permitted or authorised under the *PDP Act* or other applicable law. If you would like to know more about privacy at Council, including your right to seek access to your personal information, contact Council's privacy officer on 9524 3333. Council's *Privacy Policy* is available at <https://www.gleneira.vic.gov.au/about-council/our-organisation/council-legislation-and-policies/privacy>