

D21-342144

20 October 2021

Mrs. Rosmy Francis
Hargreaves Design Group
3/5 Cook Drive
PAKENHAM VIC 3810

Dear Mrs. Rosmy Francis,

REPORT AND CONSENT FOR BUILDING OVER EASEMENT

In accordance with Regulation 130 of the Building Regulations 2018, Council has approved the application proposing the construction of a proposed alfresco encroaching over the 1.83 metre wide drainage and sewerage easement, along the southern boundary of **7 Westham Court, Mulgrave** subject to:

- The works must comply with the endorsed drawing, which is enclosed.
- The conditions in the Agreement to Construction of Building and / or Works on Easements (a signed copy is enclosed).
- Approval must be obtained and conditions followed from any other party having rights over the easement (e.g. Yarra Valley Water - check the current property title for details).

A copy of this approval must be kept by the property owners for their records. If you require further assistance please contact Mala Ponnangali on 9518 3556 or mail@monash.vic.gov.au.

Yours sincerely,



ADRIAN WILLOUGHBY

Principal Development Engineer

**ADVERTISED
PLAN**

encls.

AGREEMENT FOR CONSTRUCTION OF MINOR BUILDING AND/OR WORKS ON AN EASEMENT

WHEREAS CINDY TAN is/are the Owner(s) of the property

Name(s) in full

7 WESTHAM COURT ,MULGRAVE

Address of subject land

1.83

AND WHEREAS the property is subject to a Drainage and Sewerage Easement metres wide along and within the southern boundary

AND WHEREAS the Council may construct and/or has constructed a drain and/or associated assets in the said easement

AND WHEREAS the Owner has applied to the Council for permission to erect a building and/or other construction and/or carry out earthworks over portion of the said easement

AND WHEREAS the Council has agreed to grant such permission upon the Owner executing this Indenture and entering into the covenants hereinafter set forth

NOW in consideration of the agreement by the Council as hereinbefore recited the Owner for himself his heirs executors and administrators and any other Owner or occupier of the said property **HEREBY COVENANTS** with the Council as follows:

1. **TO** permit the Council to enter into and upon the building or other structure and/or said easement for the purpose of inspecting constructing maintaining or repairing any drain or other works laid or to be laid therein by the Council.
2. **TO** make no claim against the Council for any injury loss or damage which may be occasioned to any building or buildings or other improvements and/or any business carried out on the land by the Owner arising out of the erection or retention of the said building and/or other improvements over the said drain or other works by reason of or incidental to the carrying out of construction maintenance or repair or any drain or other works or by reason of or incidental to the presence of the said drain or other works in the said easement.
3. **TO** indemnify and keep indemnified the Council against any claim suit action or demand arising out of or incidental to the construction of or the presence of the said building and/or other improvements over the said drain or other works.
4. **TO** pay to the Council any additional cost incurred by it in regard to the construction maintenance or repair of any drain or other works constructed in the said easement by reasons of the construction thereof of the said building and/or other improvements.
5. Unless the structure and/or other improvements herewith described is erected within 12 months from the date of this agreement or any extension of 12 months which the Council may in writing give to the Owner, this agreement will lapse.
6. **TO** not sell or mortgage land to which this agreement refers without first disclosing the contents of this agreement to the purchaser and/or mortgagee.
7. **TO** not demolish re-erect or modify the said building if any save with the previous consent in writing of the Building surveyor and save in accordance with plans and specifications approved by the Surveyor.
8. The Owner hereby charges the land with all costs and expenses incurred by the Council in connection with or because of the construction of or existence of the said building or other improvements or any approved demolition re-erection or modification of the said building or other improvements or remedying any default of the Owner hereunder and authorises the Council to lodge a caveat at the Office of Titles forbidding the registration of any person or transferee as proprietor of and any instrument affecting the land unless the Council consent in writing thereto.

SIGNED AND/OR SEALED BY

the said CC Holdings Pty Ltd

Print Owner(s) name(s)

Signature(s)

All Owners to sign

in the presence of

18/10/2021

Signature of Witness

Date _____

SIGNED ON BEHALF OF COUNCIL BY

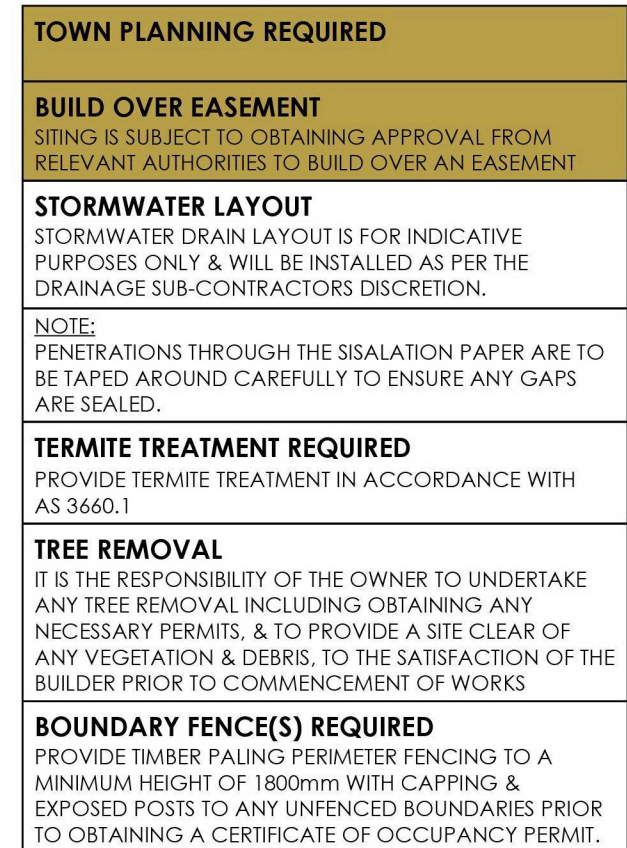
Monday, 25 October 2021


on


Delegated Officer


Date _____


ADVERTISED PLAN



- ## DRAINAGE NOTES:
- SITE DRAINAGE SHALL COMPLY WITH NCC 3.1.2 'DRAINAGE' AND ASS500 NATIONAL PLUMBING DRAINAGE CODE.
 - BASE OF CUT GRADED TO SILT TRAP AT 1:100 MIN.
DRAINS SHALL BE PROTECTED BY GRAVEL FILTERS.
 - TEMPORARY DOWNPIPS CONNECTED TO THE STORM WATER SYSTEM TO BE INSTALLED AS SOON AS ROOF COVER IS COMPLETED.
 - STORMWATER DRAINS ARE INDICATIVE ONLY. DRAINER TO CONNECT TO LEGAL POINT OF DISCHARGE AT THEIR DISCRETION.
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GRADE SURFACE AWAY FROM HOUSE FOOTINGS (MINIMUM FALL 1:20).
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GRADED INLET PIT CONNECTED TO STORMWATER SYSTEM DIRECTED TO LEGAL POINT OF DISCHARGE
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PROVIDE AG DRAIN AT BASE OF CUT GRADED TO SILT PIT AT 1:100 MIN.
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SILT PIT CONNECTED TO AG DRAIN & DIRECTED TO LEGAL POINT OF DISCHARGE VIA STORMWATER SYSTEM.

<h2 style="margin: 0;">SITE ANALYSIS</h2>		
GARDEN AREA REQ. FOR GRZ & NRZ ZONES ONLY: 400-500m2 = 25% 501-650m2 = 30% 650m2+ = 35%		
GARDEN AREA	227.01 m ²	44.03%
NON-COMPLIANT GARDEN AREA	0.00 m ²	0.00%
TOTAL PERMEABLE SPACE	227.01 m ²	44.03%
SITE COVER	267.27 m ²	51.84%
PAVED AREA	0.00 m ²	0.00%
DRIVEWAY AREA	21.30 m ²	4.13%
TOTAL HARD COVER	288.57 m ²	55.97%
SITE AREA	515.58 m ²	100.00%