

Report and Consent

BUILD OVER EASEMENT, FLOOD PRONE AREAS & DESIGNATED LAND OR WORKS



*Building Act 1993
Building Regulations 2018
REGULATION 130, 153 & 154*

Contact Building Department t 9581 4130 e info@kingston.vic.gov.au

PLEASE PRINT

What are you applying for;

- Regulation 130 – Building Over an Easement
- Regulation 153 – Land Subject to Inundation
- Regulation 154 – Designated Overflow Area

From: Owner/Agent of owner

Tick box if you do NOT wish to be contacted via email:

Applicant: _____

Postal Address: _____

M: _____

P: _____

E: _____

Ownership Details:

Tick box if details are the same as above:

Owner: _____

Postal Address: _____

M: _____

P: _____

E: _____

Address for serving or giving of documents:

Tick box if details are the same as above:

Contact Name: _____

Postal Address: _____

Subject Property Address:

Number: _____

Street/Road: _____

Suburb: _____

Lot/s: _____

PS/LP: _____

Vol: _____

Fol: _____

Municipality: City of Kingston

Allotment Area: _____

Zone: _____

Description of Works:

The below information must be completed for each Regulation, If you are applying for multiple Regulations please add this additional information into your covering letter.

Regulation: _____

Description of works: _____

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Declaration

"I declare that I have the authority to sign this form as the Owner of the subject property or that I have the written authority to act as the Agent of the Owner/s on behalf of the Owner/s pursuant to Sections 246 & 248 of the Building Act 1993. I acknowledge that no one is allowed to sign for an Owner (or on behalf of other Co-Owners where applicable) without the written consent of the Owner or Co-Owners and that it is an offence to do so under law or for a person to make a false or misleading statement or to provide any false or misleading information to Council including forging signatures and that strict penalties for doing so apply.

Signature

Applicant: _____

Date: _____

NOTES

Note 1: This is not an application for a Building Permit; you must obtain a Building Permit in addition to this application.

Note 2: This is not an application for a Planning Permit, *if required*; you must obtain a Planning Permit in addition to this application.

Note 3: Privacy Statement

Personal information collected by Council is used for municipal purposes as specified in the Local Government Act 1989. The personal information will be held securely and used solely by Council for these purposes and/or directly related purposes. Council may disclose this information to other organisations if required or permitted by legislation. The applicant understands that the personal information provided is for the above purpose and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Council's Privacy Officer. A full copy of our Privacy Policy may be obtained from the Kingston website: <http://www.kingston.vic.gov.au> or from one of our Customer Service Centres and Libraries.

Document Checklist

Please ensure you provide each item of information on this checklist and tick the item off the list prior to submitting your application. Incomplete applications will not be considered. Please sign below to confirm that you have provided a copy of each item required and that you have been made aware of/and viewed the additional information published by the Victorian Building Authority.

PLEASE NOTE A COPY OF ALL DOCUMENTATION MUST BE PROVIDED ELECTRONICALLY, THIS CAN BE PROVIDED ON A USB STICK OR CD AT THE TIME OF LODGEMENT

- Completed Application Form
- Report and Consent Fee
- Covering Letter (*Briefly explaining why the concession is being requested and description of proposed works*)
- Two Sets of Proposed Building Plans (Site Plan Floor Plan & Elevations)
One set is for Council records and the other set is for the Owner once the plans are endorsed. Plans must include a Site Plan (1:200) showing north point, all boundaries, adjoining properties, public space (footpath, road, lane, park area etc), setbacks and buildings where concerned, easements, Australian height datum points, Flood contours, existing buildings & proposed works are to be clearly defined and; Building Plans (1:100), Elevations, Sections, (inc. fully dimensioned hoarding and fencing, access for pedestrians, street furniture), certified structural details/Computations where required, services i.e. location of underground pipes, gas mains etc. demolition procedures and approved documentation from the relevant building surveyor.
- Full Copy of Title (*Excluding applications for Street Hoarding – Local Law 2 and Reg's. 130, 153, 154*). Issued no later than 6 months. A full copy includes the registered search title page and all instruments detailed on this page. i.e. Plan of Subdivision (PS) with copies of any Covenants & any 'Section 173 Agreements' that may be referred to on the Title or PS.
- Copy of South East Water Approval (*for Building over Easement Reg 130*)
- Copy of Melbourne Water Approval (*For Reg's. 153, 154*)
- Signed Indemnity Form (*For Reg's. 130, 153, 154*)
- Copy of Planning Permit (*Where issued*)

Additional Information: Victorian Building Authority Practice Note 2014-65 Flood Hazard areas and Building Regulations; Practice Note 2014-57 Report and Consent; and Available on the Victorian Building Authority's website under Building Practitioner Resources.

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Indemnity Agreement with The City of Kingston concerning Regulation 130

From: Owner

Applicant: _____

Postal Address: _____

M: _____

P: _____

E: _____

Subject Property Address:

Number: _____

Street/Road: _____

Suburb: _____

Lot/s: _____

PS/LP: _____

Vol: _____

Fol: _____

Owners Statements

Building Regulations

"I, being the Owner of the above subject property agree to indemnify the City of Kingston against any damage to or costs associated with any damage to the structure at the above address caused by or as a result of any flooding and/or water overflow that may occur or any future works undertaken by the City of Kingston to any of their assets situated within an easement as a result of flood and/or overflow and/or any future works within the subject property.

Access

"Furthermore, I hereby agree to provide Council full access to any drain / flooded and/or water inundated area that may be located within the subject easement, including removal or demolition of part of or all of the structure if necessary to facilitate the long term maintenance of or if necessary replacement of any drains that may be located within the subject easement and any drain / flooded and/or water inundated area that may be developed within the subject allotment at the Owners full cost, including any works required to pump or drain the allotment to protect adjacent properties.

Conditions

"Furthermore, I hereby agree to abide by the conditions of any subsequent conditions or requirements necessary to facilitate the long term maintenance of any drains that may be located within the subject easement, to facilitate the habitation of any building placed upon the subject property and to facilitate the use of any building placed upon the subject property.

Sale of Land

"Furthermore, I being the Owner of the above subject property hereby agree to notify any prospective purchaser or purchases or successors to the subject Land Title for this property noted in writing of this agreement & undertaking and that the agreement & undertaking shall be incumbent upon any future and successive owner."

Owners Declaration

"I declare that I have the authority to sign this form as the Owner of the subject property or that I have the written authority to act as the Agent of the Owner/s pursuant to Sections 246 & 248 of the Building Act 1993. I acknowledge that no one is allowed to sign for an Owner without the written consent of the and that it is an offence to do so under law or for a person to make a false or misleading statement or to provide any false or misleading information to Council including forging signatures and that strict penalties for doing so apply."

Signature

Owner: _____

Date: _____

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Payment Form

Please return this form with payment and ensure the form is completely filled out prior to obtaining a receipt.

Applicant's Name: _____

Applicant's Postal Address: _____

Subject Property Address:

Number: _____ Street/Road: _____

Suburb: _____ Postcode: _____

Description of Works:

Description: _____

Signature

Applicant: _____ Date: _____

For office use only

REFERENCE NO.	APPLICATION TYPE	AMOUNT	RECEIPT NO.
RAC-_____/_____	Report & Consent - \$ 283.35 each		

Credit Card authorisation

Your signature below is an authority for Council to issue a sales voucher for the amount shown below as your payment for this account.

VISA Master Card Amex

Card number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Expiry _____

Amount \$ _____

Cardholder Name _____

Signature _____