

# Delegated Planning Committee Meeting Agenda

Tuesday 30 April 2024  
Commencing at 6pm

COUNCIL CHAMBER

Held online via Zoom

**HOBSONS  
BAY CITY  
COUNCIL**



# **HOBSONS BAY CITY COUNCIL**

Delegated Planning Committee Meeting Agenda

30 April 2024

## **THE COUNCIL'S MISSION**

We will listen, engage and work with our community to plan, deliver and advocate for Hobsons Bay to secure a happy, healthy, fair and sustainable future for all.

## **OUR VALUES**

Respectful

Community driven and focused

Trusted and reliable

Efficient and responsible

Bold and innovative

Accountable and transparent

Recognised

## **ACKNOWLEDGEMENT**

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past, present and emerging.

## **QUORUM**

### **Chairperson:**

Cr. Antoinette (Tony) Briffa    Ward Cherry Lake

### **Councillors:**

Cr. Diana Grima                      Ward Wetlands

Cr. Pamela Sutton-Legaud    Ward The Strand

**Both applicants and objectors should note that whilst recommendations are included in this agenda the Delegated Planning Committee may accept, amend or propose an alternative resolution.**

# **AGENDA**

Delegated Planning Committee Meeting Agenda

30 April 2024

## **1. Apologies**

## **2. Disclosure of a Conflict of Interest**

In accordance with section 130 of the Local Government Act 2020, a Councillor must disclose a conflict of interest in accordance with section 15.3 of the Hobsons Bay Governance Rules.

**Disclosure must occur immediately before the matter is considered or discussed.**

## **3. Business**

Item 1

Application: PA231137

Address 7-45 Epsom Street, Laverton VIC 3028

Proposal: Two Lot Subdivision and Creation of a Reserve

## **ITEM 1: PA231137 – 7-45 EPSOM ST LAVERTON VIC 3028**

Appendix: Yes

### **Purpose**

This planning application relates to a proposal to restructure the land formerly occupied by Laverton Primary School via a two-lot subdivision and creation of a reserve for public recreation (Curlew Community Park).

### **Recommendation**

That the Delegated Planning Committee resolve to:

1. Issue a Notice of Decision to Grant a Planning Permit in respect to Planning Application PA231137 at 7-45 Epsom St Laverton VIC 3028 for Subdivision of Lot 2 on PS405697Y, Lot 1 on TP812799G, Lot 1 on TP812794S, Lot 2 on TP968351G, Lot 2 on TP968350J and Lots 1 and 2 on TP812797L into 2 Lots and creation of a reserve in accordance with the endorsed plans, subject the conditions contained in the Draft Notice of Decision in Appendix 2.
2. Delegate the authority to settle any matter before the Victorian Civil and Administrative Tribunal (VCAT) which may arise to the Council's Manager Planning, Building and Health.

### **Key Issues**

- The proposed subdivision creates two lots as part of a masterplan for an affordable housing development and formalises the vesting of Curlew Community Park as public open space to Council as a reserve.
- The proposed subdivision is supported by state and local planning policies and meets the requirements of the planning scheme.
- The application attracted community attention due to its connection to the Epsom Street affordable housing project. The application does not propose any buildings or works. Any subsequent development of the proposed Lots 1 and 2 for the purpose of an affordable housing project would be subject to a separate approval process.

### **Policy Implications**

The proposal demonstrates compliance against the relevant State Planning Policy Framework and Local Planning Policy Framework of the Hobsons Bay Planning Scheme.

### **Consultation and Communication**

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. All owners and occupiers of adjoining land were notified by mail and a sign was placed on site.

Council has received 13 objections with the main concerns relating to Impacts of future development of the proposed lots, decrease of property value, uncertainty of the ongoing status and utilisation of Curlew Community Park, process of ownership of the land for the affordable housing project and subdivision layout concerns.

The application is exempt from the requirement to refer to the relevant servicing authorities pursuant to Clause 66.01 of the Hobsons Bay Planning Scheme. A plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

## **Conclusion**

The proposal for a two lot subdivision and creation of a reserve is considered appropriate and complies with the requirements of the relevant policy of the Hobsons Bay Planning Scheme.

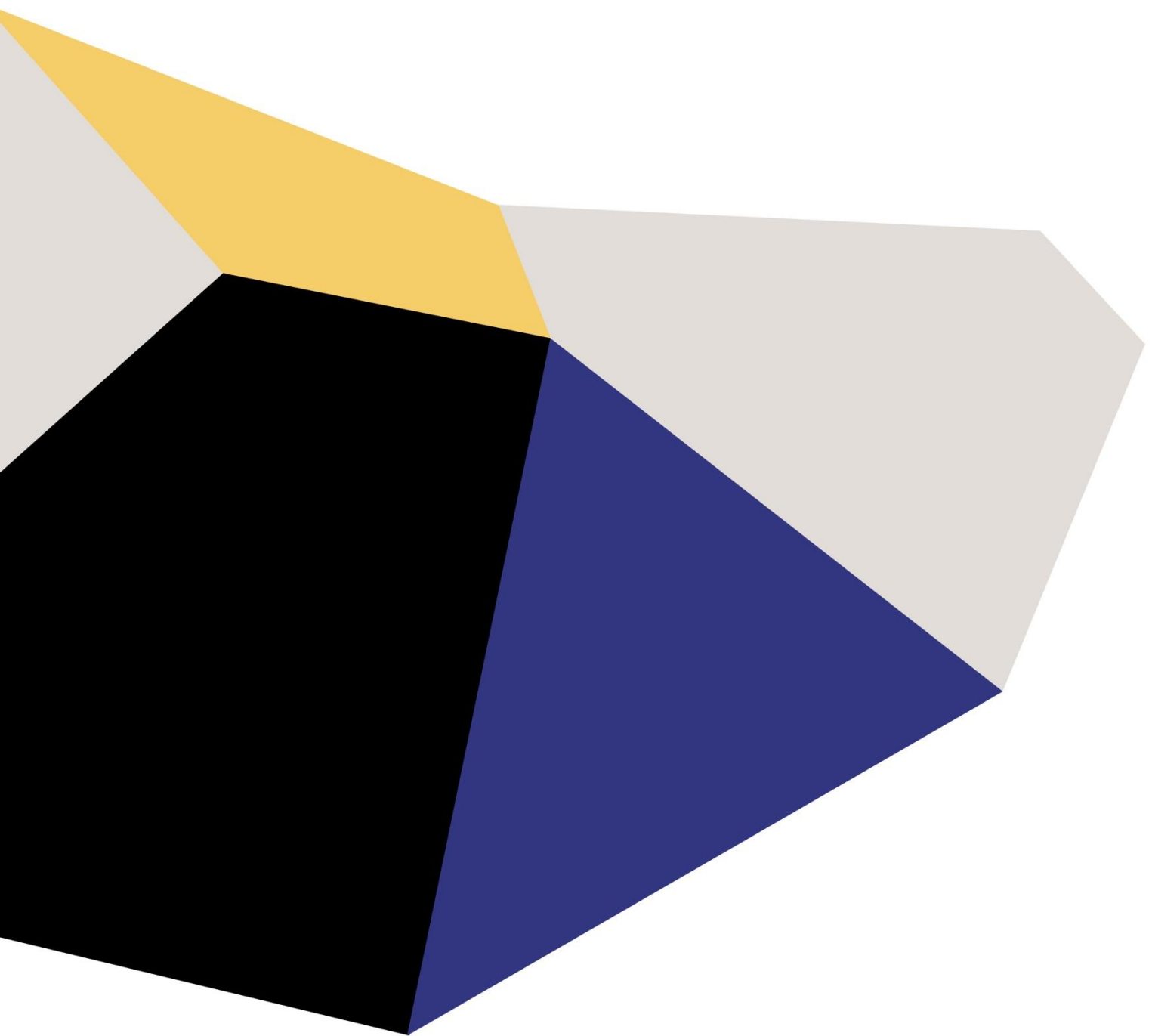
## **Appendices**

1. Officer's Report
2. Draft Notice of Decision
3. Advertised Plans

## **Officer Declaration of Conflict of Interest**

Section 130 of the Local Government Act 2020 requires members of Council staff and persons engaged under contract to provide advice to the Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.



---

**HOBSONS BAY CITY COUNCIL**

---

115 Civic Parade, Altona  
PO Box 21, Altona 3018  
Phone (03) 9932 1000  
Fax (03) 9932 1039  
NRS phone 133 677 and quote 03 9932 1000  
Email [customerservice@hobsonsbay.vic.gov.au](mailto:customerservice@hobsonsbay.vic.gov.au)

---

 [www.twitter.com/HobsonsBayCC](https://www.twitter.com/HobsonsBayCC)

---

 [www.facebook.com/HobsonsBayCityCouncil](https://www.facebook.com/HobsonsBayCityCouncil)

---

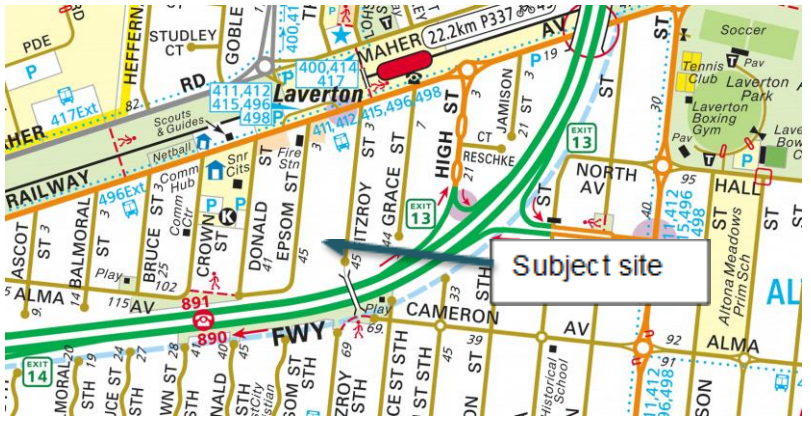
 [www.hobsonsbay.vic.gov.au](http://www.hobsonsbay.vic.gov.au)

---

**APPENDIX 1**

## Officer's Report

<b>Planning Application No:</b>	PA231137
<b>Address:</b>	7-45 Epsom Street, Laverton
<b>Application is for:</b>	Subdivision of Lot 2 on PS405697Y, Lot 1 on TP812799G, Lot 1 on TP812794S, Lot 2 on TP968351G, Lot 2 on TP968350J and Lots 1 and 2 on TP812797L into 2 Lots and Creation of a Reserve
<b>Applicant:</b>	jREdwards Land Surveyors c/o Hobsons Bay City Council
<b>Date Received:</b>	21 December 2023
<b>Amended Application:</b>	23 January 2024 - Plan of Subdivision amended in relation to updated Title Plan details (TP968350J and TP968351G). 29 January 2024 - Public Land Manager Consent submitted (as per Public Use Zone 2 requirement).
<b>Counter Days (as at date of DPC meeting):</b>	92 Days
<b>SPEAR Reference:</b>	S223791B
<b>Plan No. and Version (as assessed):</b>	PS 920 997 M Version 3
<b>Zoning:</b>	Clause 32.07 – Residential Growth Zone Schedule 1 Clause 36.01 – Public Use Zone 2 Education Adjacent to TRZ2: No
<b>Overlays:</b>	N/A
<b>Under what clause(s) is a permit required:</b>	Clause 32.07-3 of the Residential Growth Zone. Clause 36.01-2 of the Public Use Zone. No Overlay triggers apply.
<b>Number of Objections:</b>	13
<b>Easements/Drainage:</b>	Easement E-1 – Sewerage – Benefit/In favour of M.M.B.W Easement E-2 – Sewerage – Benefit/In favour of Greater Western Water Corporation

<b>Restrictive Covenants on the title:</b>	None.
<b>Public Open Space Contribution:</b>	Applies.
<b>Cultural Heritage Management Plan</b>	Site not located within an area of Cultural Sensitivity.
<b>Coastal Inundation:</b>	Not Applicable
<b>Major Hazard Facility buffer:</b>	Not Applicable
<b>Site inspection:</b>	Yes – 8 January 2024
<b>Location</b>	
<b>Referrals:</b>	<p><u>Planning Application</u></p> <p>Pursuant to Clause 66.01 an application for a two-lot subdivision is exempt from the requirement to refer to the relevant servicing authorities.</p> <p><u>Certification Application</u></p> <p>The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.</p>
<b>Previous Permits:</b>	No applicable previous Planning Permits.

## BACKGROUND

Hobsons Bay City Council (Council) purchased what was known as Nos. 7-43 Epsom Street, Laverton in 2014. This land was previously utilised as the Laverton Primary School. In 2019, the Council later obtained No. 45 Epsom Street, Laverton which was previously a single residential dwelling lot.

Since 2014, the masterplan of Council has been to create an area of open space as well as provide affordable housing on this site. In 2019, the first stage of the project was realised with the opening of Curlew Community Park.





**Figures 1 & 2:** Views of the land included in Lot 1



**Figures 3 & 4:** Views of the land included in Lot 2



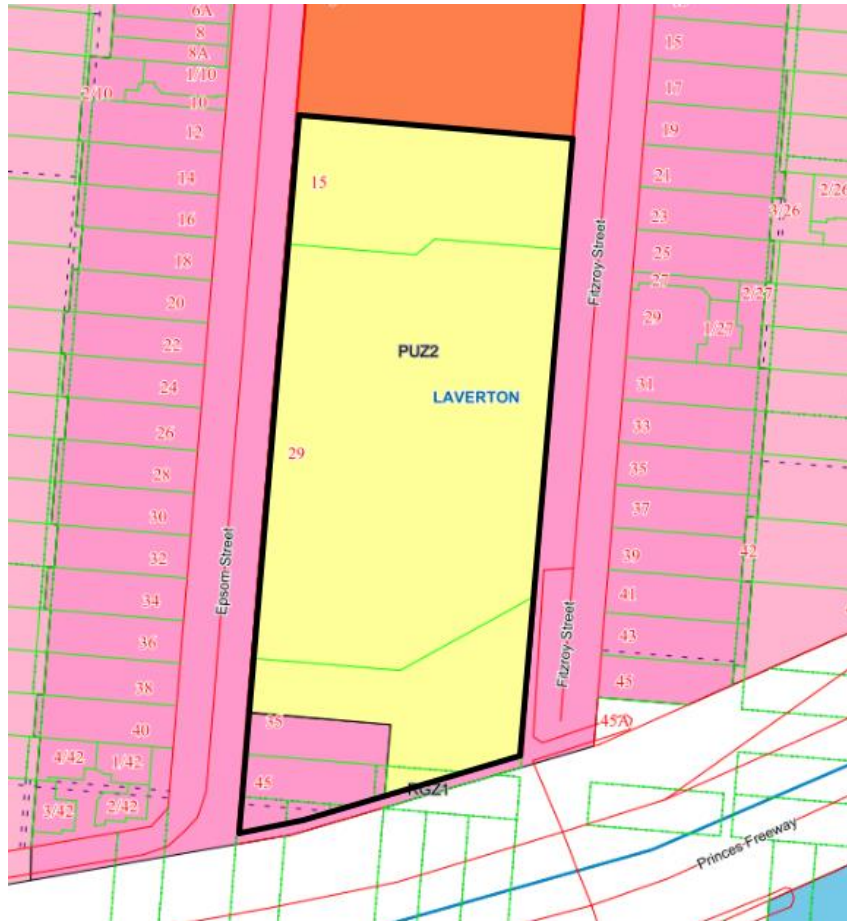
**Figures 5 & 6:** Views of Curlew Community Park.

This subdivision application is a step in the process to realise the affordable housing development on Lots 1 and 2 as well as formalise and vest Curlew Community Park as a reserve to Council. It is proposed to rezone this park as Public Park and Recreation Zone in the future, following this subdivision application. The vesting of the park area and the subsequent rezoning will ensure it is maintained for public use.

It is noted that despite its connection to this affordable housing project, assessment of the built form of this development will be subject to a separate permit process. As such, this assessment has considered subdivision related matters only.

### Zone

The site is partially zoned both Residential Growth Zone – Schedule 1 and the Public Use Zone 2 – Education. The majority of the site is zoned Public Use Zone 2, with a small portion of the site to the south west section zoned Residential Growth Zone. A planning scheme amendment to rezone the land is proposed to occur following completion of the subdivision.



**Figure 7:** Subject site as affected by the Public Use Zone 2 (Yellow) and Residential Growth Zone (Pink). The entirety of the site is shown in black outline. (Intramaps, February 2024).

### PROPOSAL

The application proposes a Two Lot Subdivision and the creation of a reserve. The land to be subdivided includes seven existing lots which incorporates land currently utilised as Curlew Community Park.

The plan proposes the creation of Lot 1 (2,717 sqm), Lot 2 (3,348 sqm) and Reserve No. 1 (9,152 sqm).

The layout of the proposed subdivision is shown below in Figure 8:

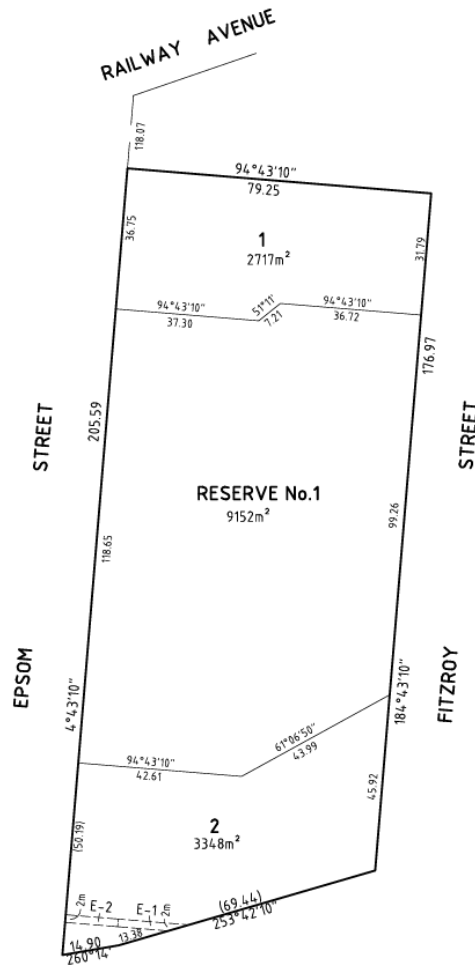


Figure 8: Proposed Plan of Subdivision (JREdwards, 23 January 2024)

## PLANNING SCHEME REQUIREMENTS

Pursuant to **Clause 32.07-3 of the Residential Growth Zone** and **Clause 36.01-2 of the Public Use Zone** a planning permit is required to subdivide land.

## SECTION 50 AMENDMENT TO APPLICATION

A request to amend the application was received on 23 January 2024 and 29 January 2024. The application was amended in accordance with the request and made the following changes to the proposal:

- Plan amended as per new Title Plans TP968350J and TP968351G.
- Public Land Manager Consent submitted as per Public Use Zone 2 requirement.

## PUBLIC NOTICE

The site is owned by Hobsons Bay City Council, and as such Clause 67 - *Land owned or permit required by Responsible Authorities* applies and notice must be given.

Notice of the Application was given pursuant to Section 52 of the *Planning and Environment Act 1987* to all owners and occupiers of adjoining and surrounding land by mail together with four signs on site.

Thirteen objections were received which are summarised in Table 1 below.

Table 1 – Objection Concerns

Concerns Raised	Council Officer Response
<p><i>Impacts of future development of the lots including:</i></p> <ul style="list-style-type: none"> <li>• <i>Loss of privacy.</i></li> <li>• <i>Safety and anti-social behaviour.</i></li> <li>• <i>Parking and Traffic congestion.</i></li> <li>• <i>Number of dwellings proposed and increase in population.</i></li> <li>• <i>Increased noise.</i></li> <li>• <i>Overshadowing.</i></li> <li>• <i>Impact to natural light.</i></li> <li>• <i>Loss of amenity.</i></li> <li>• <i>Construction of this development will mean I need to move.</i></li> <li>• <i>Impact to TV Reception.</i></li> <li>• <i>Scale of the proposed development.</i></li> <li>• <i>Construction issues (including parking concerns).</i></li> <li>• <i>Social Housing Development should be located elsewhere.</i></li> <li>• <i>Lack of transport and community services.</i></li> <li>• <i>Increase congestion on Emergency Services.</i></li> <li>• <i>Change to 'neighbourhood feeling'</i></li> </ul>	<p>The application is for a two lot subdivision and creation of a reserve, no buildings are proposed as part of the application.</p> <p>The impact of the future development of the lots will be considered under a separate approval process and is not relevant to the proposed subdivision.</p> <p>The land is appropriately located and serviced to be subdivided.</p>
<p><i>Decrease of Property Value</i></p>	<p>VCAT has held that the impact to the valuation of property is not a relevant planning matter.</p>
<p><i>Park unable to be utilised for public events and uncertainty of the ongoing status of Curlew Community Park</i></p>	<p>The proposal formalises Curlew Community Park as a Reserve vested to Council for public recreation and forms approximately 60% of the total area of the land.</p>
<p><i>Land to be gifted to Housing Choices Australia</i></p>	<p>This matter is not a relevant consideration for the proposed subdivision.</p>

	Housing Choices Australia are the Trustees of the Hobsons Bay Affordable Housing Trust. At the Council meeting of 12 September 2023, it was resolved to transfer the parcels of land at 7-45 Epsom St, Laverton to Housing Choices Australia, in its capacity as the trustee of the Hobsons Bay Affordable Housing Trust, for non-monetary consideration for the purposes of developing and operating affordable housing on the site.
<i>Alternative designs for the subdivision should be considered.</i>	The proposed form of the subdivision reflects the masterplan put in place by Council dating back to 2014 and includes a mixture of open space and land made available for an affordable housing project.

### INTERNAL REFERRALS

No Internal referrals were undertaken.

### ASSESSMENT

#### Residential Growth Zone – Schedule 1 (RGZ1)

An application to subdivide land in the RGZ (Clause 32.07-3), other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in Clause 32.07-3 (2 Lots).
- Should meet all of the standards included in the clauses specified Clause 32.07-3 (2 Lots).

For a two Lot subdivision the objectives and standards to be met are contained within Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

These requirements only apply to the land in the expanded title (RGZ1), a response to these is provided below:

Table 2 – Objectives and Standards of Clause 56 – 2 Lot Subdivision

<p><b>56.03-5</b></p> <p><b>Neighbourhood character objective</b></p> <p>Standard C6</p>	<p><b>COMPLIES.</b></p> <p>The proposed subdivision layout would introduce a new pattern of subdivision within the immediate locality of Epsom and Fitzroy St. This is considered suitable given that the new pattern of subdivision would integrate appropriately to its existing context and would also ensure site features and vegetation will be retained centrally in the form of Curlew Community Park.</p> <p>It is noted that the surrounding area is located within a Substantial Housing Change area as per the Strategic Framework Plan.</p> <p>As such, the neighbourhood character would be altered, however it is deemed the change would not be detrimental or result in unsuitable future development outcomes.</p>
<p><b>56.04-2</b></p>	<p><b>COMPLIES.</b></p>

<p><b>Lot area and building envelopes objective</b> Standard C8</p>	<p>Proposed Lot 1 contains an area of 2,717sqm and Proposed Lot 2 contains an area of 3,348sqm. Both Lots are therefore capable of accommodating future residential development.</p>
<p><b>56.04-3</b> <b>Solar orientation of lots objective</b> Standard C9</p>	<p><b>COMPLIES.</b> The proposed lots will be provided with good solar orientation and solar access for future residential development.</p>
<p><b>56.04-5</b> <b>Common area objectives</b> Standard C11</p>	<p><b>NOT APPLICABLE.</b> There is no common area proposed.</p>
<p><b>56.06-8</b> <b>Lot access objective</b> Standard C21</p>	<p><b>COMPLIES.</b> The proposed lots have appropriate vehicle access via both Epsom and Fitzroy Street.</p>
<p><b>56.07-1</b> <b>Drinking water supply objectives</b> Standard C22</p>	<p><b>COMPLIES.</b> The proposed lots will be appropriately connected to the relevant water services.</p>
<p><b>56.07-2</b> <b>Reused and recycled water objective</b> Standard C23</p>	<p><b>COMPLIES.</b> The proposed lots will be appropriately connected to the relevant water services.</p>
<p><b>56.07-3</b> <b>Waste water management objective</b> Standard C24</p>	<p><b>COMPLIES.</b> The proposed lots will be appropriately connected to the relevant waste water services.</p>
<p><b>56.07-4</b> <b>Stormwater management objectives</b> Standard C25</p>	<p><b>COMPLIES.</b> Any development on either lot will have to meet stormwater drainage requirements under the building regulations and planning scheme.</p>
<p><b>56.08-1</b> <b>Site management objectives</b></p>	<p><b>COMPLIES.</b> Any construction works on each lot would be appropriately managed by the relevant building surveyor.</p>

Standard C26	
<b>56.09-1</b> <b>Shared trenching objectives</b> Standard C27	<b>COMPLIES.</b> Each lot can be suitably developed to ensure utility connection does not adversely impact upon the street reserve.
<b>56.09-2</b> <b>Electricity, telecommunications and gas objectives</b> Standard C28	<b>COMPLIES.</b> Each lot can be suitably connected to utility services.

The proposed two lot subdivision and creation of a reserve would introduce a new pattern of subdivision within the immediate locality of Epsom and Fitzroy Streets. This would not have a detrimental impact upon the existing subdivision pattern along either Epsom or Fitzroy Streets given that this would be a distinct form which responds to its park adjoining context.

It is to be noted that the location of the proposed subdivision is within an area designated for Substantial Housing Change. The subdivision pattern allows for adequate spacing and separation from the established pattern of development within the adjoining streets. As such there is suitable space available to avoid any adverse design or amenity impacts through the creation of these 2 lots and the retention of a significant reserve area.

Public Use Zone 2 – (PUZ2)

An application requirement for a permit within the Public Use Zone is the written consent of the public land manager. The public land manager for the land contained within this subdivision is Hobsons Bay City Council. Land manager consent was given for the application being made.

The decision guidelines of the zone indicate that the responsible authority must consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

The proposed subdivision is deemed to be in accordance with the Municipal Planning Strategy and Planning Policy Framework. No comments have been received from the public land manager regarding the proposal, noting that the application has been submitted on behalf of Hobsons Bay City Council which would give weight to the intent of the proposed outcome to formalise the public park and plan for the development of the site for affordable housing, as established by Councils masterplan.

No residential development is proposed as part of this application. Any future development will be subject to subsequent applications. However, it is accepted that given the size of the resultant lots proposed suitable development could be satisfactorily accommodated, with any amenity issues able to be appropriately resolved.

## **CLAUSE 53.01 – PUBLIC OPEN SPACE CONTRIBUTION**

A Council acting as a Responsible Authority may make a requirement for public open space where a need has been determined in respect to the demand placed on public open space through increased population density.

Pursuant to Clause 53.01 of the Hobsons Bay Planning Scheme, a person who proposes to subdivide land for residential, industrial or commercial purposes must make a contribution to the council for public open space in accordance with the Schedule to the Zone. If there is no requirement for open space specified in the planning scheme, it may require an open space contribution of up to five per cent on land subdivisions under Section 18 of the *Subdivision Act*.

### **Is the subdivision exempt from a public open space requirement?**

With regard to Clause 53.01-2 and for the purposes of Section 18(8)(a) of the *Subdivision Act 1988*, the proposed subdivision does not fall under either class and the exemption does not apply.

Pursuant to Section 18(8)(c) of the *Subdivision Act 1988*, if the subdivision subdivides land into two lots and the Council considers it unlikely that each lot will be further subdivided then no requirement will be made.

The proposed subdivision will result in the creation of two lots and the creation of a reserve. The Council in its capacity as the Responsible Authority for the subdivision of the land does not consider it unlikely that either Lot created will not be further subdivided and determines that the exemption from the requirement does not apply.

### **Is Council precluded from requiring a public open space contribution?**

A public open space contribution may be made only once for any of the land to be subdivided (Section 18(5) other than Section 18(6) (Subdivision of Existing Buildings which is not applicable in this instance).

It is necessary to examine the subdivision history of the land being subdivided to determine whether subsection (5) applies. The subdivision history of the land being subdivided has been examined post 1 June 1967, that being the date the legislation governing the subdivision of land first authorised councils to require a public open space contribution. There was no statutory requirement before that date.

The subdivision history failed to reveal any public open space requirement in the period post 1 June 1967, either by the payment of money or the setting aside of land as a reserve. Section 18(5) does not therefore preclude Council from requiring a public open space contribution.

### **Is there a need for more open space as a result of a subdivision?**

Section 18(1A) states:

*The Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space...*

As Lots 1 and 2 could be further subdivided and the surrounding public open space areas utilised more intensively, there is deemed a need for adequate open space. As such, a public open space requirement is applicable.

Given the structure of the proposed subdivision and the vesting of Reserve No.1 to Hobsons Bay City Council, a requirement for a Public Open Space Contribution of no less than 5% of the land in the subdivision to be vested as a Reserve. The total area of the subdivision is noted to be 15, 217sqm and the creation of Reserve No. 1 would account for 60.14% of the land included within the subdivision.



Accordingly, A condition is included on the Draft Notice of Decision at Appendix 2 to be issued which requires a public open space requirement of at least 5% of the area included in the subdivision, which is deemed satisfied through the provision of the vesting of Reserve No. 1.

**CLAUSE 53.03 – RESIDENTIAL RETICULATED GAS SERVICE CONNECTION**

The proposed subdivision is exempt from the requirements pursuant to Clause 53.03-5 as it was lodged prior to 1 January 2024.

A subsequent planning application for the Affordable Housing Development would need to be assessed under Clause 53.03.

**CLAUSE 64.03 – SUBDIVISION OF LAND IN MORE THAN ONE ZONE**

The provisions of Clause 64.03 are not applicable as neither the RGZ1 or PUZ2 contain a minimum lot size requirement.

**CLAUSE 66.01 – SUBDIVISION REFERRALS:**

Pursuant to Clause 66.01 an application for a two-lot subdivision is exempt from the requirement to refer to the relevant servicing authorities.

The proposed subdivision is not exempt from the mandatory conditions pursuant to Clause 66.01. These conditions are included in the Draft Notice of Decision at Appendix 2.

Telecommunications

As the proposal is not a realignment of a common boundary, subdivision of existing buildings already connected to telecommunication services, or subdivision in a public land zone where connection to telecommunications services is not warranted, the mandatory conditions pursuant to Clause 66.01-1 apply. These conditions are included in the Draft Notice of Decision at Appendix 2.

**CONCLUSION**

The proposed subdivision has been considered against the relevant requirements of the *Planning and Environment Act 1987* and the Hobsons Bay Planning Scheme, including Clause 62.02 and has been found to be acceptable.

## **APPENDIX 2**

Notice of Decision to Grant a Planning Permit

## NOTICE OF DECISION TO GRANT A PERMIT

### Application No: PA231137

---

**Planning Scheme:** Hobsons Bay Planning Scheme

**Responsible Authority:** Hobsons Bay City Council

---

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.**

**THE PERMIT HAS NOT BEEN ISSUED.**

---

**ADDRESS OF THE LAND:** 7-45 Epsom St Laverton Vic 3028

**WHAT WILL THE PERMIT ALLOW:** 2 Lot Subdivision and Creation of a Reserve.

**WHAT WILL THE CONDITIONS OF THE PERMIT BE:**

---

#### **Compliance with Endorsed Plans and Documents**

1. The lot layout and dimensions of the proposed subdivision as shown on the endorsed plan/s must not be altered without the prior written consent of the Responsible Authority. No amendment is required to be made to the endorsed plans where the plan submitted for Certification is altered as a result of a request made under either Section 9(1)(b) or Section 10(1) of the Subdivision Act 1988.

#### **Public Open Space Contribution**

2. Pursuant to Section 18 of the Subdivision Act, the Plan of Subdivision submitted for Certification must set aside no less than 5% of the area of the land in the subdivision as a Reserve for public open space to be vested to Hobsons Bay City Council.

#### **Plan for Certification**

3. The Plan of Subdivision submitted for Certification under the Subdivision Act 1988 must:
  - a) Include any alterations or amendments requested by a referral authority under Section 8 of that Act.
  - b) Accord with the plan/s endorsed as part of this permit and the Subdivision (Registrar's Requirements) Regulations 2021.

- c) Include the correct last plan references of PS405697Y L2 and TP812797L L1 & 2. to the satisfaction of the Responsible Authority.

#### **Clause 66.01 – Mandatory Conditions for Subdivision Permits**

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

#### **Telecommunications**

7. The owner of the land must enter into an agreement with:
  - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### **Permit Expiry**

9. This permit will expire if:
  - a) The plan of subdivision is not Certified within two years of the date of this permit.

- b) The registration of the subdivision is not completed within five years of the date of Certification.

The Responsible Authority may extend the time to Certify a plan if a request is made in writing before the permit expires or within six months afterwards.

DRAFT

## **APPENDIX 3**

### Advertised Plans

[PA231137 Advertised Plans](#)