

The exemptions listed in the 2011 and 2021 Instrument are very different to a Victorian Council's Statutory requirements. These statutory requirements are Victorian Planning Provisions listed in all Planning Schemes under Clause 66.01-1. This requires documentation proving that all lots are ready for connection to telecommunications services, or demonstrate that the land is in an area where NBN will not be provided by optical fibre. The exemptions listed are based on land zoning, boundary realignments or subdivisions of existing buildings where telecommunications are already connected. The requirements and exemptions that Council's assess these by is very different to those mentioned in these Instruments. There needs to be further clarity provided in this area, especially if there is discussion of the pit and pipe being vested with Council's (which should not be happening).

66.01-1

18/02/2013
VC81

Mandatory conditions for subdivision permits

A permit for subdivision must contain the following conditions:

The owner of the land must enter into an agreement with:

- 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
- 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.

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 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

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- 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.

This requirement does not apply to a permit granted to:

- Subdivide land in a rural zone, public land zone, Urban Floodway Zone or Special Use Zone if the responsible authority is satisfied that connection to telecommunication services is not warranted.
- Realign the common boundary between two lots (boundary realignment).
- Subdivide an existing building already connected to telecommunication services.