

5 May 2009

Dear Sir/Madam

Thank you for your opportunity to submit comments on behalf of Gippsland Water – Planning Department in relation to the *Planning and Environment Act Review*.

The document has been reviewed and the following comments are made:

6.2 Lodging an application, 6.5 Referrals – Currently Gippsland Water is referred all 2 lot subdivisions via Section 8 of the Subdivision Act 1988 as they are exempt from referral under Clause 66.01. All Councils (Baw Baw Shire, Latrobe City and South Gippsland Shire) utilise this method of referral with the exception of one local council (Wellington Shire) who continues to refer under Section 55 of the Planning and Environment Act 1987. If all 2 lot subdivisions were referred at Section 55 it would eliminate the developer not having a clear understanding of their requirements. The developer will only know their requirements at the time the Plan of Subdivision is referred to the authorities and an agreement is entered into outlining the conditions. This can become very costly and developers often complain that if conditions and costs were known up front they may not have proceeded with the development.

6.3 Notice of an application – Section 52 of the Act should allow for a referral authority (eg Gippsland Water) to assess ***all*** applications and not only the referrals considered appropriate by the responsible authority (eg Local Councils).

Gippsland Water in the past have seen limited referrals of this kind but may see these referrals if there are existing easements benefited in favour of our Authority. If no easements exist on title in favour of the authority (eg Gippsland Water) these applications are not referred. This is problematic due to construction beginning and other policies having to be enforced and the developer not knowing Gippsland Water's requirements prior to construction. This in the past has been very costly to the developer. In one example a reticulated sewer main was required to be re-aligned by the developer at a cost of \$26,000 and this requirement was not known until the development was about to commence.