

(ba) The council shall not consider the application until at least 21 days after it has notified in writing—

Para. (ba) inserted by No. 9283 s. 20 (b).

- (i) every water supply authority and sewerage authority within whose district the land is located; and
- (ii) the Melbourne and Metropolitan Board of Works if the land is located in the metropolis as defined in section 3 of the *Melbourne and Metropolitan Board of Works Act 1958*.

(c) If after having considered the application the council is of the opinion that having regard to all the circumstances the proposed subdivision should be exempted from the provisions of this subdivision it may cause a declaration under the seal of the municipality to that effect to be endorsed on the plan and the provisions of this subdivision shall not apply to any subdivision made in accordance with such plan.

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Ss. (4) inserted by No. 7052 s. 3 (b), amended by No. 7332 s. 2 (1st Sch. Item 73), repealed by No. 7898 s. 4 (a) (ii).

Ss. (5) inserted by No. 7052 s. 3 (b), repealed by No. 7898 s. 4 (a) (ii).

Ss. (6) inserted by No. 7052 s. 3 (b), repealed by No. 7272 s. 6 (c) (ii).

Ss. (7) inserted by No. 7052 s. 3 (b), repealed by No. 7898 s. 4 (a) (ii).

569E. (1) The council may require the owner of any land in respect of which a notice in or to the effect of the Thirtieth Schedule has been given to the council to do such one of the following acts or things as the council by writing served upon the owner requires namely—

Power to council to require construction or part construction of roads or security therefor.

S. 569E inserted by No. 6975 s. 23.

By OWNER (a) to cause the whole or any specified part of any new street road lane or passage shown on the plan—

WHOLE

- (i) to be constructed within the meaning of Division 10 of this Part or within the meaning of section six hundred and fifty-one of this Act (as the case requires) to the satisfaction of the council in accordance with plans and specifications approved by the council (and such construction as hereinafter called "full construction"); or

PART

- (ii) to be constructed within the meaning of the said Division 10 or the said section six hundred and fifty-one to the satisfaction of the council, but only to a stage specified by the council by notice in writing to the owner, in accordance with plans and specifications

AT ALL TIMES  
BY COUNCIL  
WHOLE OR PART

BY OWNER  
WITH TIME LIMIT

BY OWNER  
PART

BAL BY COUNCIL

BAL BY OWNER  
WITH TIME LIMIT

approved by the council (and construction to the specified stage is hereinafter called "part construction");

- (b) to pay to the council or to give to the council security to its satisfaction for an amount equivalent to the cost, as estimated by the council, of the carrying out by the council, in respect of the whole or any specified part of any new street road lane or passage shown on the plan, of the work of full construction or part construction thereof (as the council in writing requires);
- (c) to undertake to cause, in respect of the whole or any specified part of any new street road lane or passage shown on the plan, the work of full construction or part construction thereof (as the council in writing requires) to be carried out within such period, being not less than twelve months from the sealing of the plan, as the council before the sealing of the plan in writing directs, and to give or to cause to be given to the council security to its satisfaction for the performance of that undertaking or for the indemnification or recouping of the council as hereinafter provided; or
- (d) to cause in respect of the whole or any part of any new street road lane or passage, the work of part construction required by the council to be carried out, and either—
- (i) to pay to the council or to give to the council security to its satisfaction for an amount equivalent to the cost, as estimated by the council, of the carrying out by it of the completion of the work of full construction thereof; or
- (ii) to undertake to cause the work of full construction to be completed within such period, being not less than twelve months from the sealing of the plan as the council in writing directs before the sealing of the plan, and to give or cause to be given to the council security to its satisfaction for the performance of such undertaking or for the indemnification or recouping of the council as hereinafter provided.

Ss. (1A) inserted  
by No. 8531 s. 3  
(a), amended by  
No. 8781 s. 33,  
substituted by  
No. 9573 s. 18.

(1A) In addition to a requirement under sub-section (1) the council may require the owner of any land in respect of which a notice in or to the effect of the Thirtieth Schedule has been given to the council to undertake—

- (a) to cause to be provided the works of water supply, sewerage and drainage specified by the council;
- (b) to contribute toward the cost of existing or future works, including the operation thereof, for the supply of water to and the acceptance of sewage and surface and storm water from the land whether or not such works have been or will be situated within the boundaries of the land; and
- (c) where the requirement is made pursuant to a request under