
APPENDIX J
EASEMENT DISPENSATION

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REPORT AND CONSENT

Applicant: F Lambert
199 Churchill Road
PROSPECT SA 5082

Subject Address: 290-304 Yan Yean Road, PLENTY VIC 3090

Report:

Council consent is required to allow for the construction of a solar array located on the northern portion of the subject site.

The easement does not contain any Council drainage assets, as it was created to maintain overland flow paths. The ground levels have changed due to the use as a landfill. The landfill site manages the drainage in accordance with their permit.

The property is located on the north eastern side of Yan Yean Road with a frontage of approximately 150 metres. There is approximately 25 metres of fall from the north west to the south east of the property.

The solar array is proposed to encroach within the easement to a maximum length of 300 metres and width of 275 metres. Each footing individually encroaches a length of 1.8m and a width of 0.7, with multiple footings being installed.

The application is made under Regulation 130 of the Building Regulations 2018 (Build Over Easement).

Following a detailed assessment of the proposal, it is considered that subject to the standard conditions relating to easement access, the encroachment into the easement be permitted.

It is **REQUIRED** that:

- The ground level over the easement must not be altered.
- Footings associated with each of the solar panel frames must be constructed in accordance with the plans provided.
- Council shall have the right to enter into and upon the land and/or easement for the purpose of inspecting, maintaining, repairing or replacing the existing Council drain.
- The owner being solely responsible for all damage which may be caused by the encroachment by reason of or incidental to the carrying out of the inspection, maintenance, repair or replacement of the existing Council drain.

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DISPENSATION REPORT – (cont)

- The owner does not sell this property without first disclosing the contents of this consent to the purchaser.

CONSENT APPROVED UNDER COUNCIL DELEGATION

Date Approved 9 March 2022



**Patrick Wood
Acting Manager Infrastructure
Council Delegate**

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Enquiries: Katherine Robertson
Telephone: 9433 3162
Reference: 526/2021/ID1

9 March 2022

F Lambert
199 Churchill Road
PROSPECT SA 5082

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Dear Sir/Madam

**Re: Application for Infrastructure Report and Consent
Construction of a Solar Array
290-304 Yan Yean Road, PLENTY VIC 3090**

I refer to your application for dispensation dated Thursday, 23 December 2021 and accompanying plans with regard to the construction of a solar array at 290-304 Yan Yean Road, PLENTY VIC 3090.

I advise you that approval is granted for this application as shown on the plans and as detailed in the attached Report and Consent.

A copy of this letter and the report has been referred to Council's Building Department.

Notes

1. This consent expires if the application for a building permit to which it applies is not decided within 12 months of its being granted.
2. All material features of the design consented to that relate to the matter being reported on must be implemented in any building permit.
3. An owner has rights of appeal to the Building Appeals Board (Ph 1300 815 127) – including (within 30 days) – any:
 - Requirement of a reporting authority to give more information or amend a permit application (s138);
 - Building permit conditions or refusal of a permit (s138) + 149 (3A);
 - Council report determination or discretion (s144).
4. Pursuant to Schedule 2 of the Building Act, in deciding a building permit application to which this report relates, the relevant building surveyor **must implement** the recommendations in relation to the prescribed matter.
5. Drawings approved with a building permit must be consistent with the drawings which were referred in relation to this report.
6. Pursuant to 319 of the Building Regulations 2006 a copy of this report must be included with building permit documents given to Council under Section 30 of the Building Act 1993.

Should you require any further information please contact Katherine Robertson from this office on 9433 3162.

Yours sincerely

A handwritten signature in black ink that reads "Patrick Wood". The signature is written in a cursive style with a large initial 'P'.

Patrick Wood
Acting Manager Infrastructure

Enc.

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