PP14/2019-1

960 Larpent Road LARPENT, 910 Larpent Road LARPENT

Lot: 10 LP: 11315 V/F: 5542/328, Lot: 9 LP: 11315 V/F: 8659/845

Subdivision - Realignment of Boundary

BRIGHT, ROD AND ASSOCIATES

Officer - Ian Williams



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ROD BRIGHT & ASSOCIATES PTY. LTD.

LAND SURVEYORS & TOWN PLANNERS A.C.N. 007 206 975 A.B.N. 50 007 206 975

> Tel. (03) 5231 4883 Fax. (03) 5231 4883

31st January 2019.

REF: 18-61

Planning Co-Ordinator, Colac Otway Shire, P.O. Box 283, **COLAC...VIC. 3250**

Dear Sir,

RE: PLAN SHOWING PROPOSED SUBDIVISION PART OF CROWN ALLOTMENTS A & H – SECTION 26 PART OF SECTION 25 (IRREWILLIPE PRE-EMPTIVE RIGHT) PART OF CROWN ALLOTMENT A – SECTION 31 PART OF CROWN ALLOTMENT B – SECTION 32 PARISH OF NALANGIL 910 – 960 LARPENT ROAD, LARPENT C/T's Vol. 8659 Fol. 845 & Vol. 5542 Fol. 328 RE: L.M. CONSEDINE and P.S. & C.L. HARRIS

Please find enclosed a summary page of the Planning Permit Application of the Plan of Proposed Subdivision for the above property, which has been submitted to Colac Otway Shire using **SPEAR**.

The application comprises the following documents:

- Planning Permit Application;
- Copy of Titles;
- Plan of Proposed Subdivision;
- Existing Conditions Diagram.

We have attached our client's cheques totaling \$1286.10 covering Planning Permit Fees.

We await receipt of the Planning Permit in due course and offer the following in support of our Application.

The property currently consists of two titles in separate ownership. Certificate of Title Vol 8659 Fol. 845 (Lot 9 on LP11315) in the name of L.M. Consedine, comprises of approximately 31.93ha of cleared grazing land with an existing dwelling and associated farm shedding. Certificate of Title Vol 5542 Fol. 328 (Lot 10 on LP11315) in the name of P.S. & C.L. Harris, comprises of cleared grazing land with an existing dwelling and dwelling and dairy on approximately 33.56ha.

Incorporating the Colac Office of Meudell Gillespie & Co.

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This permit application seeks approval to realign the boundaries between these twolent MUST NOT BE lots to create a smaller lot around our client's dwelling and consolidating the ACH COPYRIGHT. remaining land onto the neighbouring property to the south to expand their dairying enterprise. The land in C/T Vol. 8659 Fol. 845 is leased by the neighbouring dairy farm and has been fenced into paddocks for dairy cattle with existing farm tracks and infrastructure for some time. The location of the proposed new title boundary will allow for a greater buffer between the existing dwelling on proposed lot 1 and the adjacent farming activities.

The proposed Lot 1 will be approximately 2.434ha, incorporating an existing dwelling, associated shedding and cleared grazing land. The proposed Lot 2 will consist of an existing dwelling, dairy and cleared grazing land and will be approximately 63.03ha.

The land is within the Farming Zone of the Colac Otway Shire Planning Scheme and under this zone the minimum lot size for subdivision is 40 hectares. The local planning policy for Colac Otway Shire allows for lots to be less than the minimum lot size under certain criteria. Dot point number 1 under Clause 35.07-3 notes a permit may be issued to create smaller lots if the subdivision is to create a lot for an existing dwelling, provided the subdivision is only for two lots. Dot point number 2 under Clause 35.07-3 also allows a permit to be issued to create a lot smaller than the minimum lot size if it is a re-subdivision of existing lots and the number of lots is not increased. Both of these clauses are met in this scenario.

The purpose of the zone is set out in clause 35.07 and is in summary to preserve agricultural activities. The scheme also sets out that subdivision should promote effective land management practices and infrastructure provision.

It is held that the subdivision as proposed will not impact on the agricultural use of the land and therefore meets the criteria and objectives of the Farming Zone.

The provisions of the Farming Zone have been drafted to allow for the outcome proposed by this subdivision. It is intended that these subdivisions do not prejudice the longer-term use of the land for farming purposes. The subdivision as proposed achieves this outcome as it is placing one of the existing dwellings and associated infrastructure within one smaller land parcel and leaving the second existing dwelling, dairy and balance of the farming land on its own title.

- 1.1 The subject site is currently described in C/T Vol. 8659 Fol. 845 and Vol. 5542 Fol. 328.
- 1.2 The land is irregular in shape, approximately 1070m deep and approximately 555m wide at the road frontage fronting Larpent Road.
- 1.3 The site is located on the western side of Larpent Road, at the intersection of Middletons Road and is approximately 9.5km west of the township of Colac.
- 1.4 The land is predominately cleared grazing land with two separate dwellings as shown on the "Existing Conditions Diagram".

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1.5 Topography of the subject land and surrounding area is gently rising to the MUST NOT BE north. USED FOR ANY PURPOSE WHICH

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

Compliance with the relevant objectives of Clause 35.07-6 is indicated below.

<u>Agricultural Issues</u>

Whether the use or development will support and enhance agricultural production.

• As we are realigning the existing title boundaries, there will be no change to the agricultural production of the land, only a change in ownership.

Whether the use or development will permanently remove land from agricultural production.

 As previously advised, we are working within what already exists i.e.: the proposed Lot 2 is predominately cleared grazing land, with an existing dwelling and dairy and will continue to be utilized for agricultural production.

The potential for the use of development to limit the operation and expansion of adjoining and nearby agricultural uses.

 The existing dwelling on the proposed lot 1 has existing gardens and some tree plantations around it acting as a buffer to the surrounding farm land. The proposed boundary takes into account these existing features and increases the available area to enable further plantings if required, ensuring privacy for both parties and surrounding landholdings.

The capacity of the site to sustain the agricultural use.

• Not applicable as we are not applying for a change of use.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

 Not applicable as we are working within existing conditions, only changing the ownership patterns.

Dwelling Issues

Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

• Not applicable as the dwellings are existing along with the infrastructure associated with it.

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Whether the dwelling is reasonably required for the operation of the agricultural UMENT MUST NOT BE activity conducted on the land.

 The dwelling on proposed lot 2 is required for the agricultural activity conducted on the land and will be continued to be used as such.

Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

• The dwellings are existing, as too are the adjacent activities providing good transparency for prospective purchasers.

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

• The existing dwelling on proposed Lot 1 will have a reasonable buffer surrounding it, protecting it from the surrounding farm land and similarly protecting the surrounding farm land from the dwelling.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

 Not applicable, as already discussed the dwellings are existing. The proposed Lot 2 is greater than 40ha, this being the minimum "viable" lot size under the Colac Otway Shire Planning Scheme.

Decision Guidelines

The decision guidelines require the Responsible Authority to have regard to a number of issues associated with the preservation of rural land prior to considering applications of this type. These include State and Local policies, catchment and land protection issues, land capabilities and rural land use.

In this particular application it is held that the proposal meets state and local policies because it is explicitly outlined in the planning scheme. The issues associated with land capability, drainage etc. are not affected by this subdivision, primarily because we are working within what already exists.

The significant issues are considered to be those listed under the heading "Rural Issues"; these issues pertain to the long-term operation of the farm for agricultural purposes and whether the proposal impacts on this operation. No discernable additional impact will occur as a result of the proposed subdivision. Rural production from the land will not alter after the subdivision takes place as we are not applying to create or change anything that is not already in existence.

Local Planning Policy

The local planning policy for the Colac Otway Shire permits the realignment of existing title boundaries. Thus, this proposal accords with the provisions of the planning scheme.

ROD BRIGHT & ASSOCIATES PTY. LTD. PERMIT APPLICATION FOR 910 – 960 Larpent Road, Larpent.

Overlays

There are no planning overlays affecting this land.

Summary

This type of application is permitted under the provisions of the Colac Otway Shire Planning Scheme, under the Farming Zone. It is considered to be a relatively straight forward application that meets the relevant criteria and policies of the scheme. It will not have an impact on farm production from the land and will provide for improved utilization of the current land holding for agricultural purposes.

Yours faithfully,

A.E. Bright, ROD BRIGHT & ASSOCIATES encl. copy: L.M. Consedine. P.S. & C.L. Harris. THIS COPIED DOCUMENT IS MADE AVAILABLE FOR THE SOLE PURPOSE OF ENABLING ITS CONSIDERATION AND REVIEW AS PART OF A PLANNING PROCESS UNDER THE PLANNING AND ENVIRONMENT ACT 1987. THE DOCUMENT MUST NOT BE USED FOR ANY PURPOSE WHICH MAY BREACH COPYRIGHT.



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Supplied by	Brett Quickensted					
Submitted Date	31/01/2019					
Application Details						
Application Type	Planning Permit for a Subdivision Version 1 18-61					
Applicant Reference Number						
Application name or Estate name	Consedine					
Responsible Authority Name	Colac Otway Shire (Not Supplied)					
Responsible Authority Reference Number(s)						
SPEAR Reference Number	S135706T					
Application Status	Submitted					
Planning Permit Issue Date	NA					
Planning Permit Expiry Date	NA					
The Land						
Primary Parcel	960 LARPENT ROAD, LARPENT VIC 3249 Lot 10/Plan LP11315 Volume 5542/Folio 328 SPI 10\LP11315 CPN 8520					
	Zone:	35.07 Farming				
Parcel 2	910 LARPENT ROAD, LARPENT VIC 3249 Lot 9/Plan LP11315 Volume 8659/Folio 845 SPI 9\LP11315 CPN 8523					
	Zone:	35.07 Farming				
The Proposal						
Plan Number	(Not Supplied)				
Number of lots	2					
Proposal Description	Two (2) Lot Subdivision, Realignment of Boundaries.					
Estimated cost of the development for which a permit is required \$; O					
Existing Conditions						
Existing Conditions Description	Two existing dwellings, associated shedding, dairy and cleared grazing land.					
Title Information - Does the proposal breach an encumbrance on Title?	The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.					
Applicant Contact						
Applicant Contact	Mr Anthony Bright Rod Bright and Associates Pty Ltd 26 Murray Street, Colac, VIC, 3250 Business Phone: 03 5231 4883					

D19/12148

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AND REVIEW AS PART OF A

PLANNING AND ENVIRONMENT ACT

L.M. Consedine 910 Larpent Road, Larpent, VIC 3249 Australia Mobile Phone: 0406761793 Email: lukeconsedine@gmail.com

(Owner details as per Applicant) P.S. & C.L. Harris 895 Larpent Road, Larpent, VIC, 3249 Australia Mobile Phone: 0419332267 Email: phil@writhgil.com.au

Declaration

Applicant

Applicant

Owner **Owner 1**

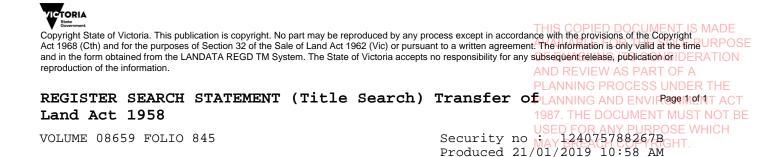
Owner 2

I, Brett Quickensted, declare that the owner (if not myself) has been notified about this application.

I, Brett Quickensted, declare that all the information supplied is true.

Brett Quickensted Rod Bright and Associates Pty Ltd

Authorised by Organisation



LAND DESCRIPTION

Lot 9 on Plan of Subdivision 011315. PARENT TITLES : Volume 06381 Folio 135 to Volume 06381 Folio 136 Created by instrument C684512 16/01/1967

REGISTERED PROPRIETOR

Estate Fee Simple Sole Proprietor LUKE MICHAEL CONSEDINE of 910 LARPENT ROAD LARPENT VIC 3249 AN210118V 24/10/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AN210119T 24/10/2016 WESTPAC BANKING CORPORATION

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP011315 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

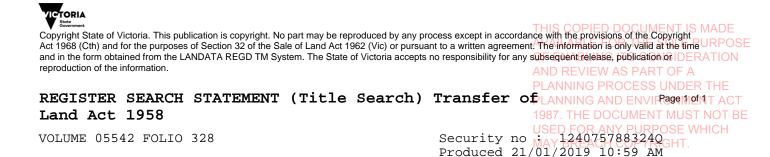
Street Address: 910 LARPENT ROAD LARPENT VIC 3249

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION Effective from 25/10/2016

DOCUMENT END



LAND DESCRIPTION

Lot 10 on Plan of Subdivision 011315. PARENT TITLE Volume 05542 Folio 324 Created by instrument 1387279 11/10/1928

REGISTERED PROPRIETOR

Estate Fee Simple Joint Proprietors PHILLIP SAMUEL HARRIS CATHERINE LOIS HARRIS both of 895 LARPENT ROAD LARPENT VIC 3249 AN179832R 14/10/2016

ENCUMBRANCES, CAVEATS AND NOTICES

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NIL

-----END OF REGISTER SEARCH STATEMENT------

Additional information: (not part of the Register Search Statement)

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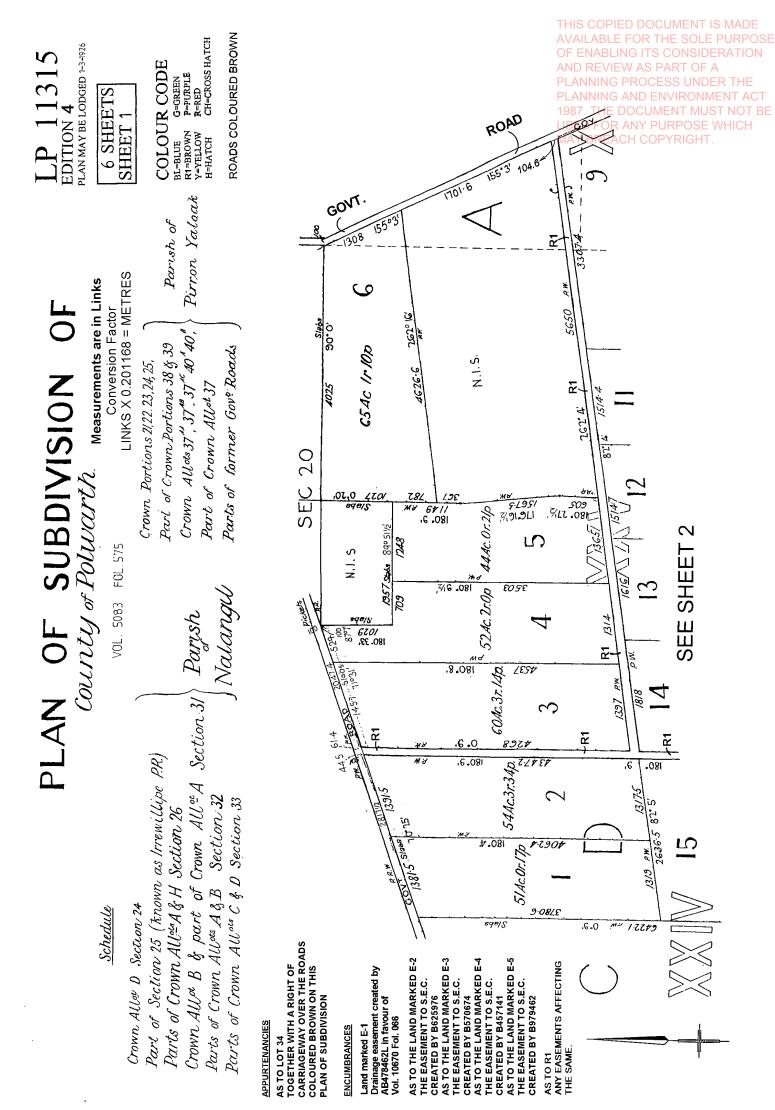
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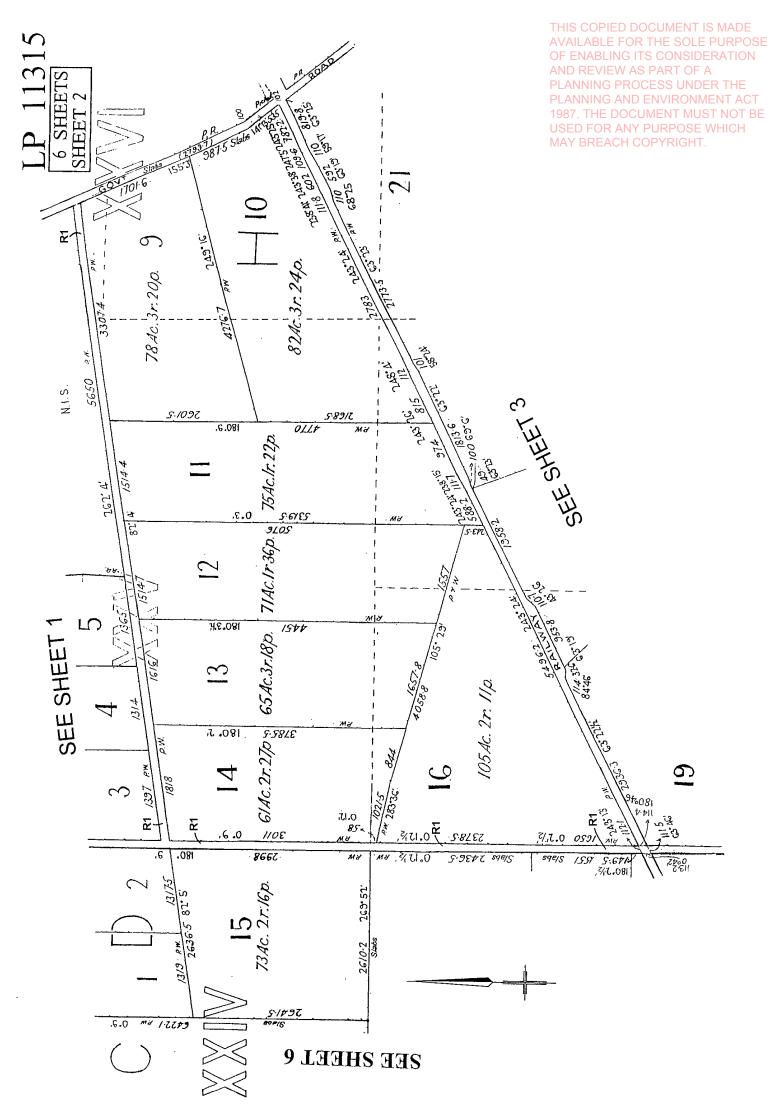
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Document Identification	LP011315
Number of Pages	7
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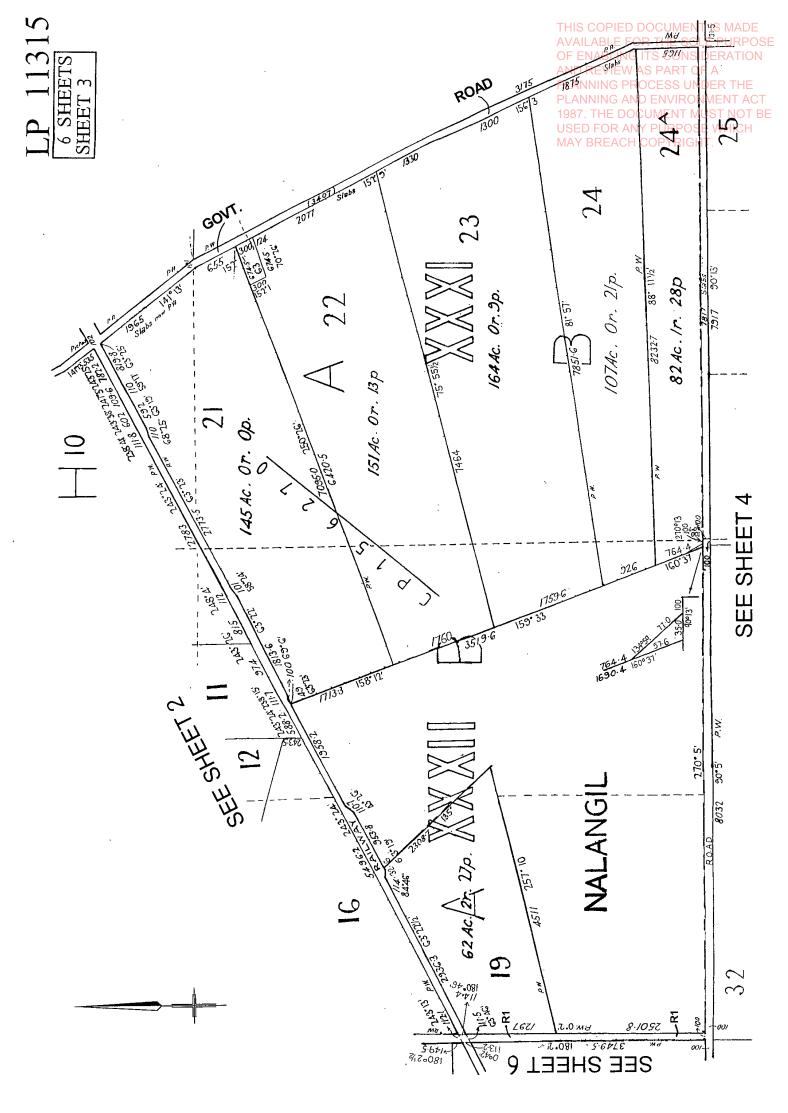
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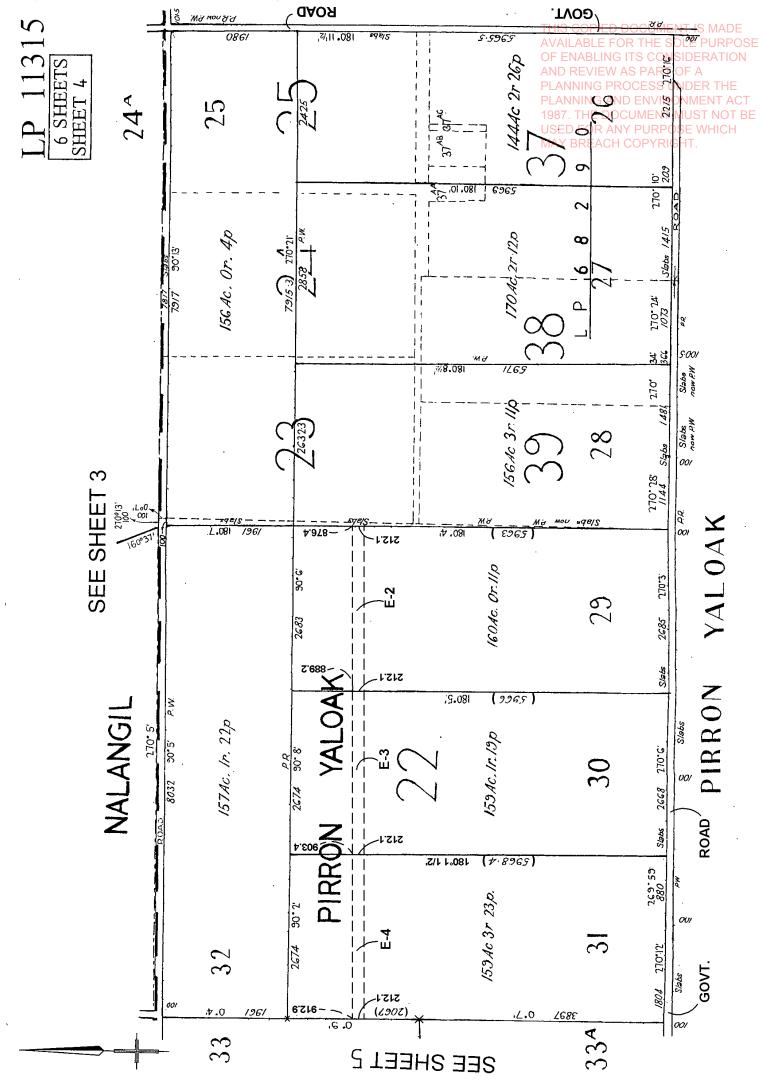
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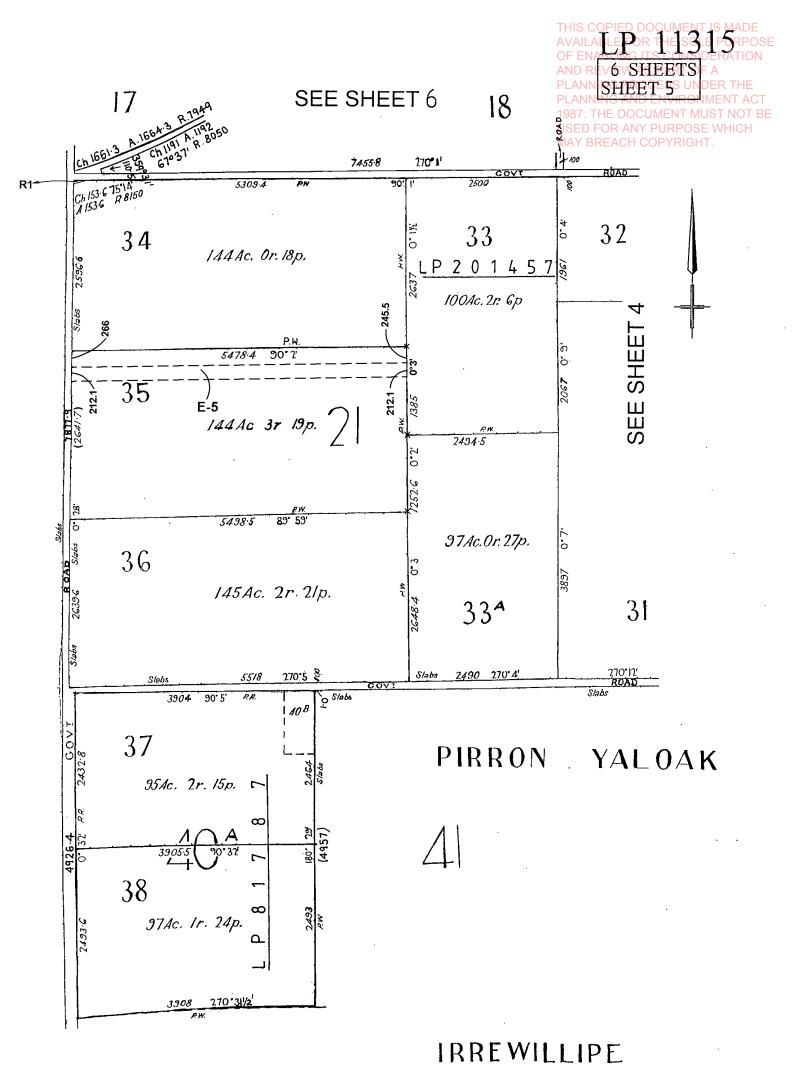




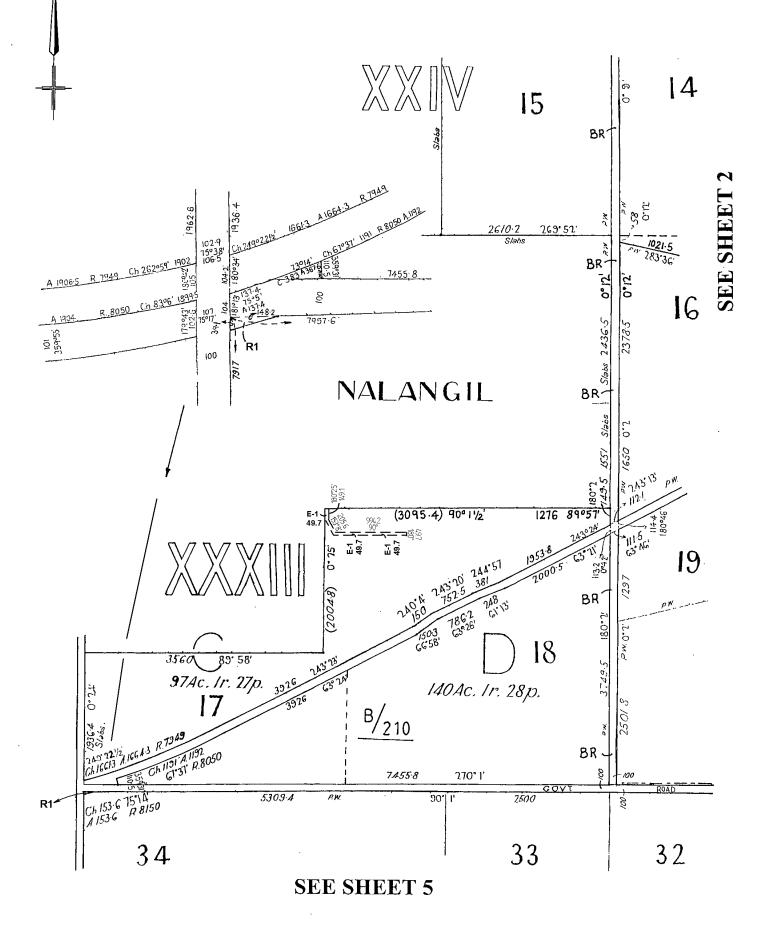


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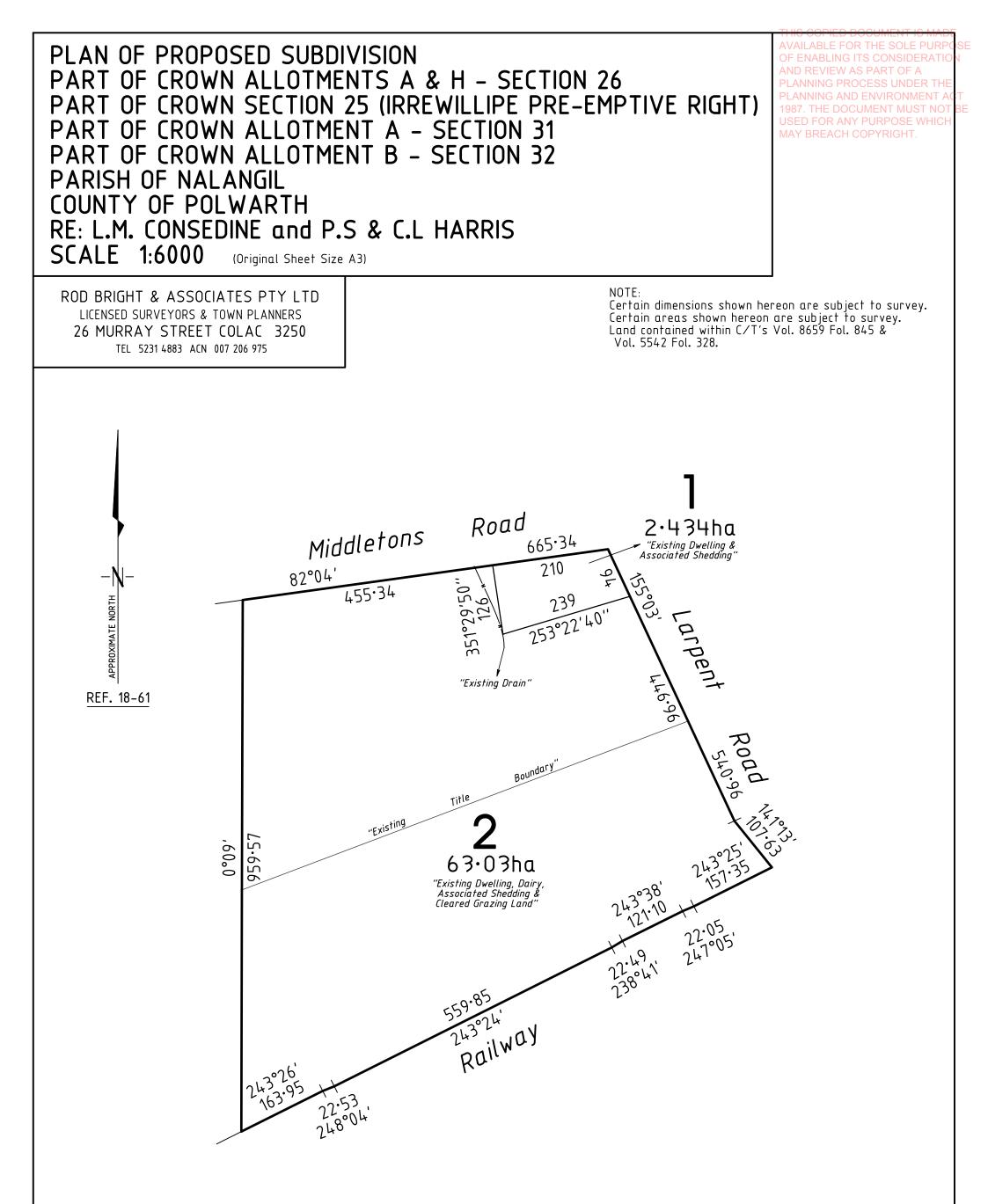


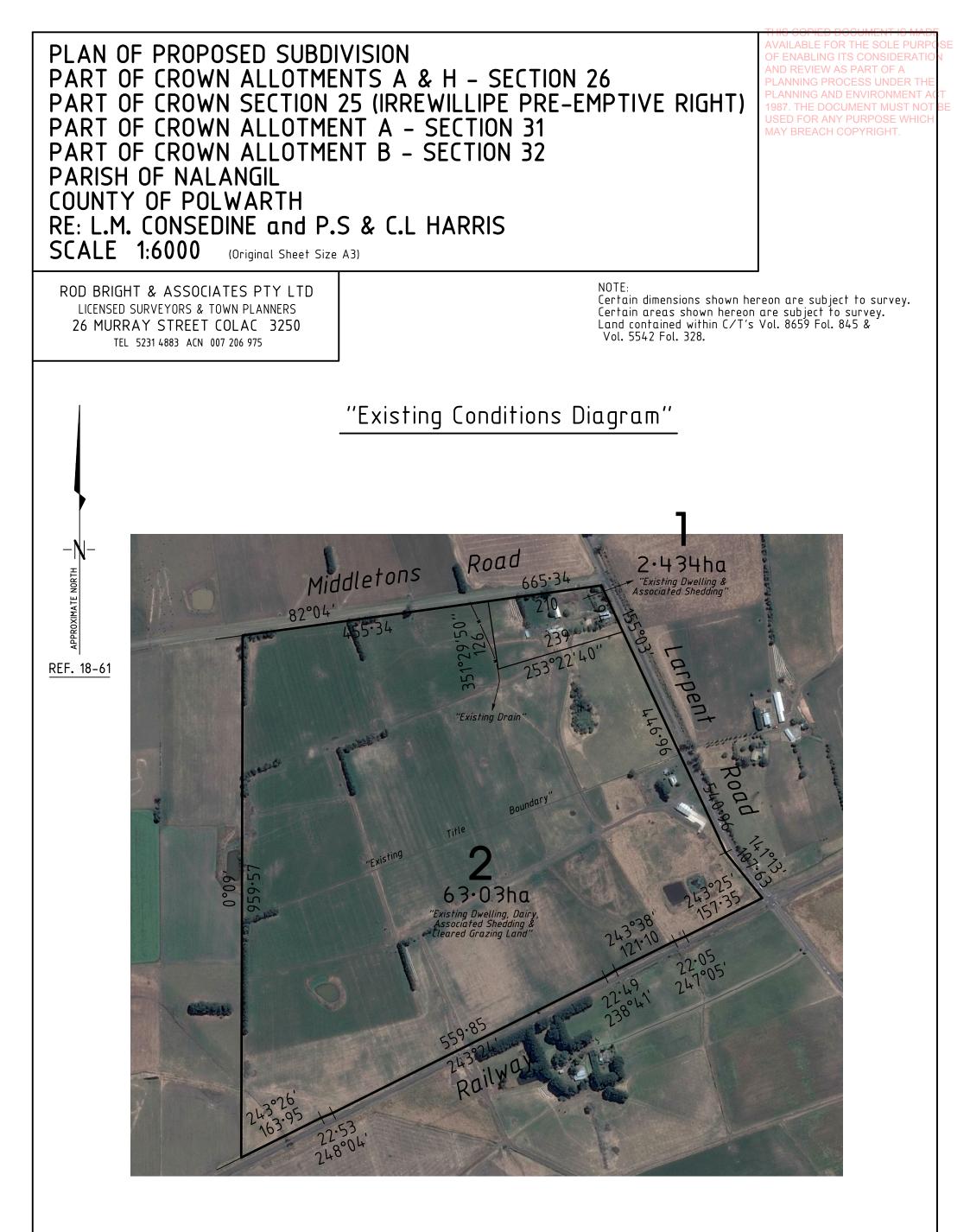


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AN	LP	DATE				16/12/2002						
PL ,		DEALING NUMBER	CRB Plan No. 8630	D439817 Sec 526	TR 2361356	AB478462L	B625976	B570674	B457141	B979462		
MODIFICATION TABLE RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN	WARNING: THE IMAGE OF THIS PLAN/DOCUMENT HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL PLAN/DOCUMENT.	MODIFICATION	CRB Road	Excised	Transfer to King	Creation of Easement	Creation of Easement	Creation of Easement	Creation of Easement	Creation of Easement	APPURTENANCY NOTATION ADDED	EASEMENTS ENHANCED
		LAND/PARCEL IDENTIFIER CREATED				Ē	E-2	E-3	E-4	E-5		R1
		AFFECTED LAND/PARCEL	Lots 3 and 4 (part)	Road	Lot 25	Lot 17	LOT 29	LOT 30	LOT 31	LOT 35	LOT 34	ROADS





Planning Property Report

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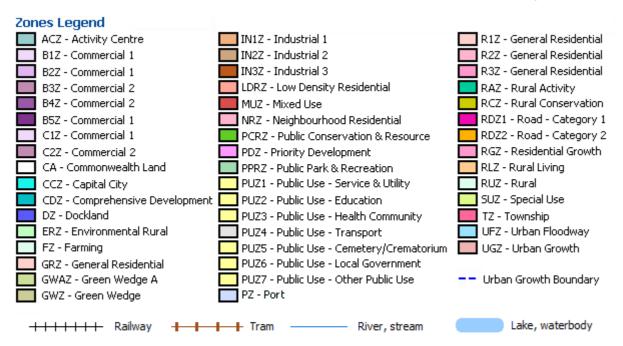
Lot and Plan Number: Lot 10 LP11315 Address: 960 LARPENT ROAD LARPENT 3249 Local Government (Council): COLAC OTWAY Council Property Number: 8520 Directory Reference: VicRoads 91 J7

Planning Zone

FARMING ZONE (FZ) SCHEDULE TO THE FARMING ZONE (FZ)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.



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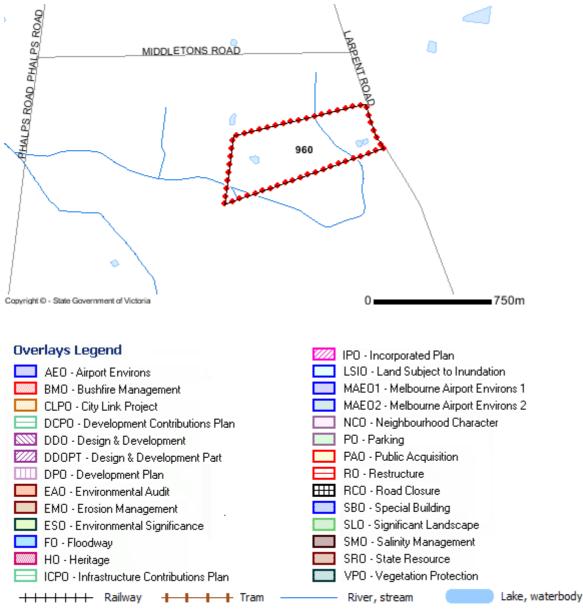
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Planning Overlay

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Further Planning Information

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Planning Property Report

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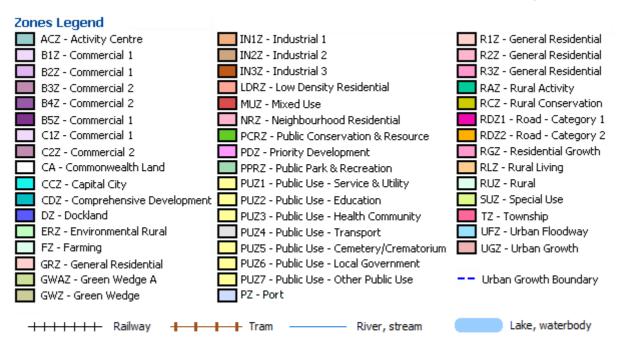
Lot and Plan Number: Lot 9 LP11315 Address: 910 LARPENT ROAD LARPENT 3249 Local Government (Council): COLAC OTWAY Council Property Number: 8523 Directory Reference: VicRoads 91 J7

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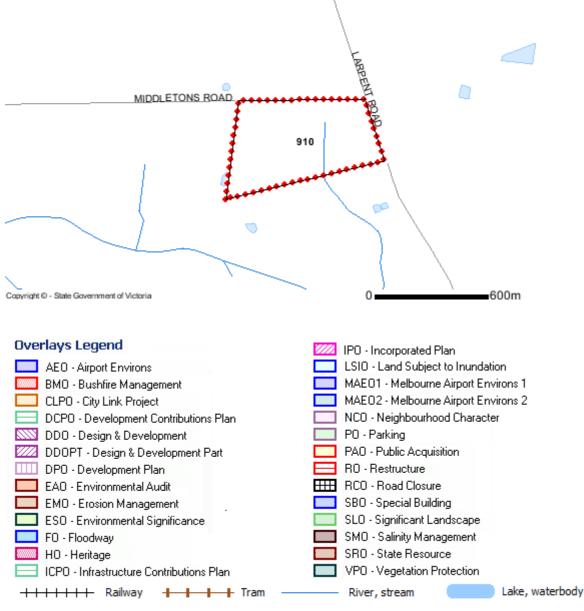
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Planning Overlay

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