

PP279/2018-1

319 Murray Street COLAC

Lot: 1 LP: 14425 V/F: 8352/912

Creation of Carriageway Easement

Rod Bright & Associates Pty Ltd

Officer - Ian Williams

EXHIBITION FILE

This 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 any Copyright.

Submissions to this planning application will be accepted until a decision is made on the application.

If you would like to make a submission relating to a planning permit application, you must do so in writing to the Planning Department

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

12 November 2018

REF: 12-37

Colac Otway Shire
PO Box 283
COLAC VIC 3250

Attention: Ms Bláithín Butler, Statutory Planning Coordinator

Dear Bláithín,

**RE: PLANNING PERMIT APPLICATION & APPLICATION FOR CERTIFICATION
CREATION OF EASEMENT
319 MURRAY STREET, COLAC
MR P. WALTERS**

Please find enclosed a summary page of the application for a planning permit and certification of the plan of subdivision, which has been submitted to Colac Otway Shire using SPEAR.

The application comprises the following documents:

- Planning permit application;
- Application for certification;
- Copy of titles;
- Plan of creation of easement with aerial image;
- Plan of creation of easement
- Owner's consent – Form 1.

A cheque for \$1456.60 comprising the planning permit application fees (\$1286.10) and certification (\$170.50) fees is attached.

Planning permit PP10/2013-1 was issued for the proposal on 8 March 2013, extended on 9 April 2015, and expired on 8 March 2017. The current application for permit and certification follows the expiry of the former permit and plan. The original application was not completed due to an oversight on our behalf.

The subject land (Lot 1 LP14425) is located on the northern side of Murray Street, and currently operates as a fruit/vegetable shop. Our client owns the adjacent land to the east at 317 Murray Street (Lot 1 TP240231) which is used in conjunction with the shop. Both premises are accessed by the rear laneway for loading and supplies. Lot 1 LP14425 has frontage to the laneway (road). Lot 1 TP240231 is informally accessed over the neighbouring lot.

This application proposes to create a formal carriageway easement to enable legal access to Lot 1 TP240231 from the rear lane, should the lots be sold separately.

Incorporating the Colac Office of Meudell Gillespie & Co.

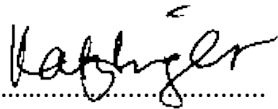
The accompanying site context plan indicates the current and future arrangements. We note a permit is required (Clause 52.02) before a person proceeds under Section 23 of the *Subdivision Act 1988* to create, vary or remove an easement or restriction, and the decision guidelines of clause 65 and the interest of affected people are relevant considerations.

The land is not located in an area considered to be of Aboriginal Cultural Heritage Sensitivity as noted in the *Aboriginal Heritage Regulations 2007*.

Please refer to the accompanying plans for further detail.

We trust the information provided is satisfactory and look forward to receiving the planning permit in due course.

Yours faithfully,



Katy Bright
ROD BRIGHT & ASSOCIATES P/L

encl.
copy. P. Walters

Supplied by Katy Bright
Submitted Date 12/11/2018

Application Details

Application Type	Planning Permit and Certification under the Subdivision Act Version 1
Applicant Reference Number	12-37
Application name or Estate name	Walters
Responsible Authority Name	Colac Otway Shire
Responsible Authority Reference Number(s)	(Not Supplied)
SPEAR Reference Number	S130909T

The Land

Primary Parcel	319 MURRAY STREET, COLAC VIC 3250 Lot 1/Plan LP14425 SPI 1\LP14425 CPN 4091
Zone:	34.01 Commercial 1 Zone 32.08 General Residential Zone
Overlay:	43.02 Design and Development 45.09 Parking Overlay

The Proposal

Subdivision Act (1988) Dealing Type	Section 23 (Creation of Easement)
Plan Number	(Not Supplied)
Number of lots	0
Proposal Description	Creation of carriageway easement
Estimated cost of the development for which a permit is required \$	0

Existing Conditions

Existing Conditions Description	Land subject to the easement currently used for access.
Title Information - Does the proposal breach an encumbrance on Title?	Encumbrances on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope do not apply.

Applicant Contact

Applicant Contact	Ms Katy Bright Rod Bright and Associates Pty Ltd 26 Murray Street, Colac, VIC, 3250 Business Phone: (03)5231 4883 Mobile Phone: 0415 635 420 Fax: (03)5231 4883 Email: katy@rodbrightlds.com.au
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Applicant**Applicant**

Mr Paul Walters
17 Murray Street, Colac, VIC, 3250 Australia
Business Phone: 52316160

Owner**Owner**

Ms Raelene Walters
22 Hewitt Street, Colac, VIC, 3250 Australia

Declaration

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

I, Katy Bright, declare that all the information supplied is true.

I, Katy Bright, have certified that steps have been taken to bring this land under the Transfer of Land Act 1958.

I, Katy Bright, apply to have the attached plan of subdivision / consolidation certified under the Subdivision Act 1988 and to have advice of street numbers allocated.

**Authorised by
Organisation**

Katy Bright
Rod Bright and Associates Pty Ltd

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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

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26 Murray Street,
Colac 3250
P.O. Box 371

OWNERS CONSENT

To **COLAC OTAY SHIRE**

We, Rod Bright & Associates Pty. Ltd., Licensed Surveyors, of 26 Murray Street, COLAC 3250;
Telephone 5231 4883 hereby advise that we have been appointed to act on behalf of the land owners in
obtaining certification for the Plan of Creation of Easement.

Copies of this submission will be provided to the land owners for their information and records, and
payment of council fees will be met by the land owners as evidence of their consents.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 05044 FOLIO 638

Security no : 124074827873J
Produced 09/11/2018 01:34 PM

LAND DESCRIPTION

Lot 1 on Title Plan 240231C.
PARENT TITLE Volume 03589 Folio 670
Created by instrument 1227165 28/09/1925

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
RAELENE MARY WALTERS of 22 HEWITT STREET, COLAC VIC 3250
AJ206005T 20/09/2011

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AJ206006R 20/09/2011
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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 set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP240231C 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: 317 MURRAY STREET COLAC VIC 3250

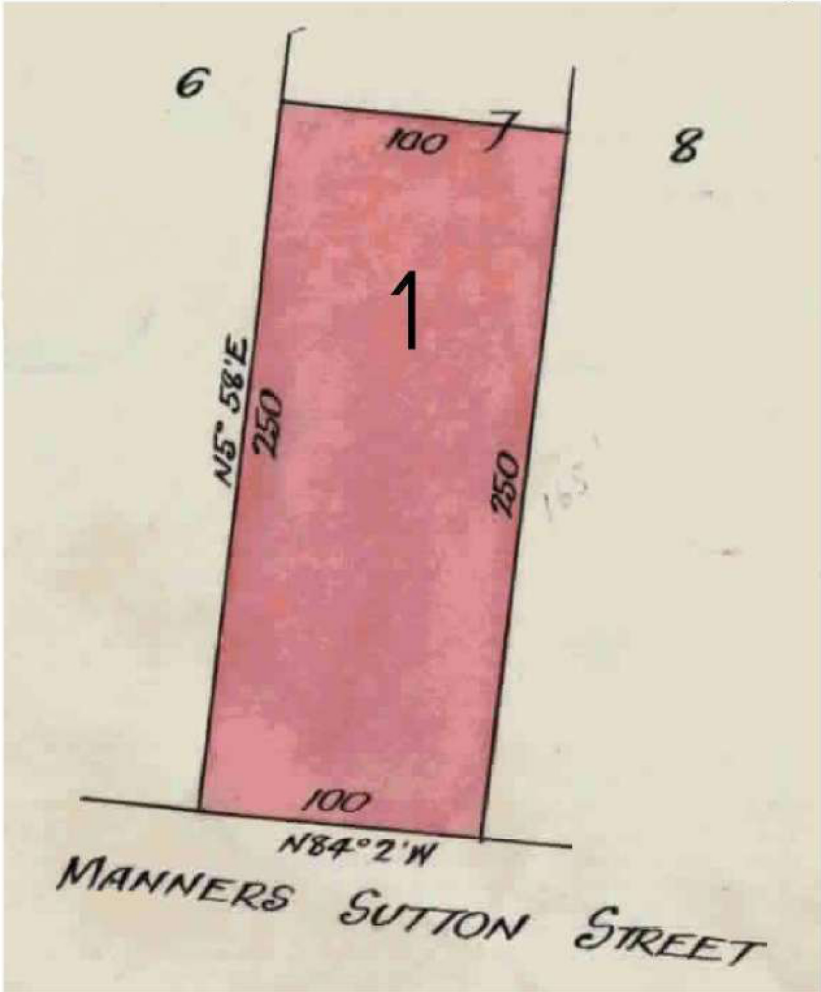
ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS
Effective from 23/10/2016

DOCUMENT END

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TITLE PLAN		EDITION 1	TP 240231C						
Location of Land Parish: COLAC Township: COLAC Section: 32 Crown Allotment: 7 (PT) Crown Portion: Last Plan Reference: Derived From: VOL 5044 FOL 638 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
Description of Land / Easement Information			THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 08/12/1999 VERIFIED: PC						
<div></div>									
<table border="1"><tr><th colspan="2">TABLE OF PARCEL IDENTIFIERS</th></tr><tr><td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td></tr><tr><td colspan="2">PARCEL 1 = CA 7 (PT)</td></tr></table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 7 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CA 7 (PT)									
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets						

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08352 FOLIO 912

Security no : 124074827894L
Produced 09/11/2018 01:35 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 014425.
PARENT TITLE Volume 06247 Folio 385
Created by instrument B314001 13/11/1961

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
RAELENE MARY WALTERS of 22 HEWITT STREET, COLAC VIC 3250
AJ206005T 20/09/2011

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AJ206006R 20/09/2011
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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 LP014425 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: 319 MURRAY STREET COLAC VIC 3250

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS
Effective from 23/10/2016

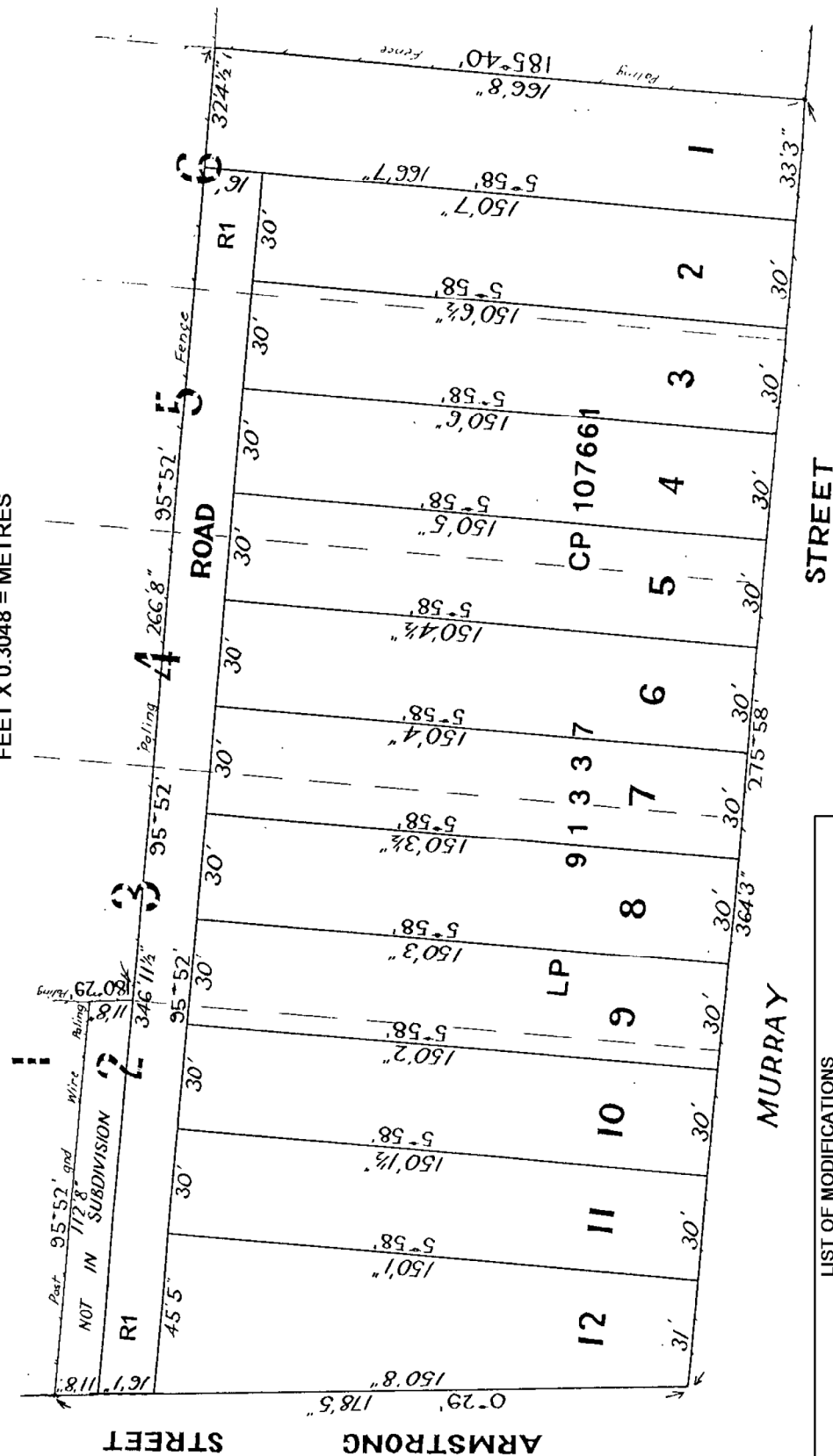
DOCUMENT END

PLAN OF SUBDIVISION OF

Measurements are in Feet & Inches

Conversion Factor

FEET X 0.3048 = METRES



LIST OF MODIFICATIONS					
LAND	I.D.	MODIFICATION	DEALING NUMBER	EDITION	A.R.T.
ROAD	R1	CREATION OF EASEMENT	2194148	2	AD

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.



PLAN OF CREATION OF EASEMENT

EDITION 1

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LOCATION OF LAND

PARISH: of Colac

TOWNSHIP: of Colac

SECTION: 32

CROWN ALLOTMENT: 6 (Part)

CROWN PORTION:

TITLE REFERENCE: Vol. 8352 Fol. 912
(land giving benefit)

Vol. 5044 Fol. 638
(land benefited)

LAST PLAN REFERENCE: Lot 1 on LP14425

POSTAL ADDRESS: 319 Murray Street,
(at time of subdivision) Colac 3250

MGA 94 CO-ORDINATES: E: 725 320 ZONE: 54
(of approx centre of land N: 5 753 500
in plan)

EASEMENT INFORMATION

NOTATIONS

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

DEPTH LIMITATION

Does not apply.

Purpose of plan:

To create the easement E-1 & E-2

Grounds for easement creation:

By direction in Planning Permit
No. PP10/2013-1

SURVEY:

This plan ~~is~~ is not based on survey.
This survey has been connected to
permanent marks No(s).

In Proclaimed Survey Area No.

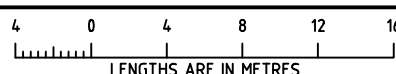
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1 & E-2	Carriageway	4.88	This Plan	Certificate of Title Vol. 5044 Fol. 638
E-2	Pipeline or Ancillary Purposes	2.20	This Plan - Section 136 of the Water Act 1989	Barwon Region Water Corporation



SURVEYORS FILE REF: 12-37

ROD BRIGHT & ASSOCIATES PTY LTD
LICENSED SURVEYORS & TOWN PLANNERS
26 MURRAY STREET COLAC 3250
TEL 5231 4883 ACN 007 206 975

SCALE
1:400



ORIGINAL SHEET
SIZE: A3

SHEET 1 OF 1 SHEETS

ANTHONY EDWARD BRIGHT, VERSION 2

PLAN OF CREATION OF EASEMENT

EDITION 1

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SECTION: 32

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(at time of subdivision) Colac 3250

MGA 94 CO-ORDINATES: E: 725 320 ZONE: 54
(of approx centre of land N: 5 753 500
in plan)

Council Name: Colac Otway Shire

SPEAR Reference Number: S130909T

EASEMENT INFORMATION

NOTATIONS

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

DEPTH LIMITATION

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Purpose of plan:

To create the easement E-1 & E-2

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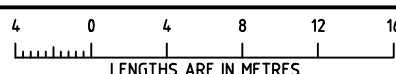
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TEL 5231 4883 ACN 007 206 975

SCALE
1:400



ORIGINAL SHEET
SIZE: A3

SHEET 1 OF 1 SHEETS

ANTHONY EDWARD BRIGHT, VERSION 2

Planning Property Report

from www.planning.vic.gov.au on 12 November 2018 02:22 PM

Address: 319 MURRAY STREET COLAC 3250

Lot and Plan Number: Lot 1 LP14425

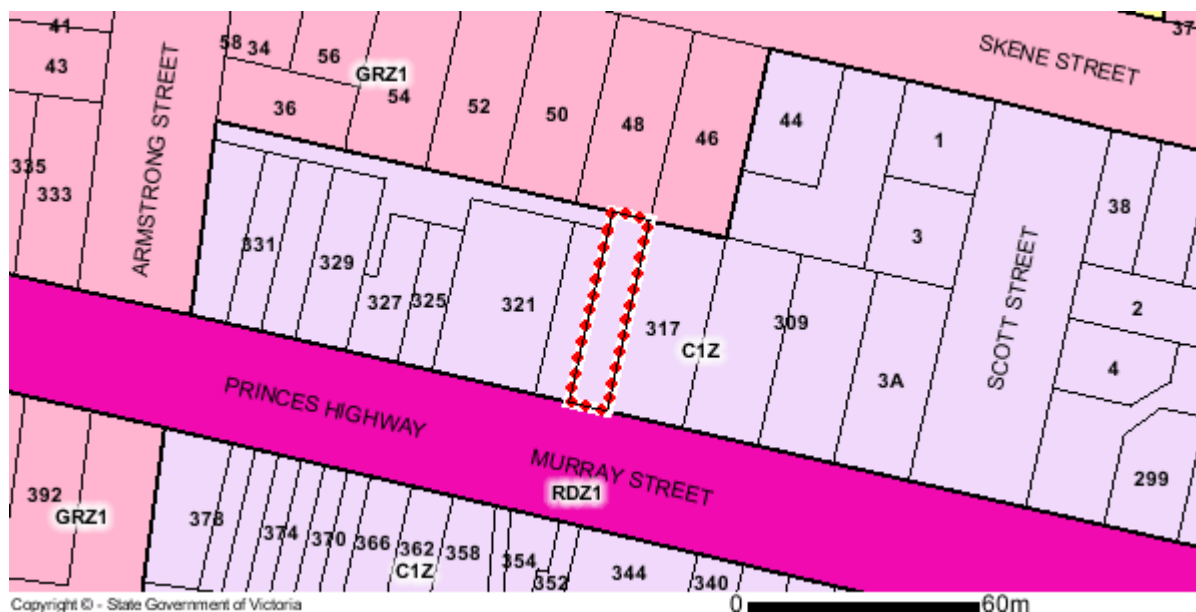
Local Government (Council): COLAC OTWAY **Council Property Number:** 4091

Directory Reference: VicRoads 520 D4

Planning Zone

COMMERCIAL 1 ZONE (C1Z)

SCHEDULE TO THE COMMERCIAL 1 ZONE (C1Z)



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

Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	

- - - - - Urban Growth Boundary
 + + + + + Railway - - - - - Tram - - - - - River, stream Lake, waterbody

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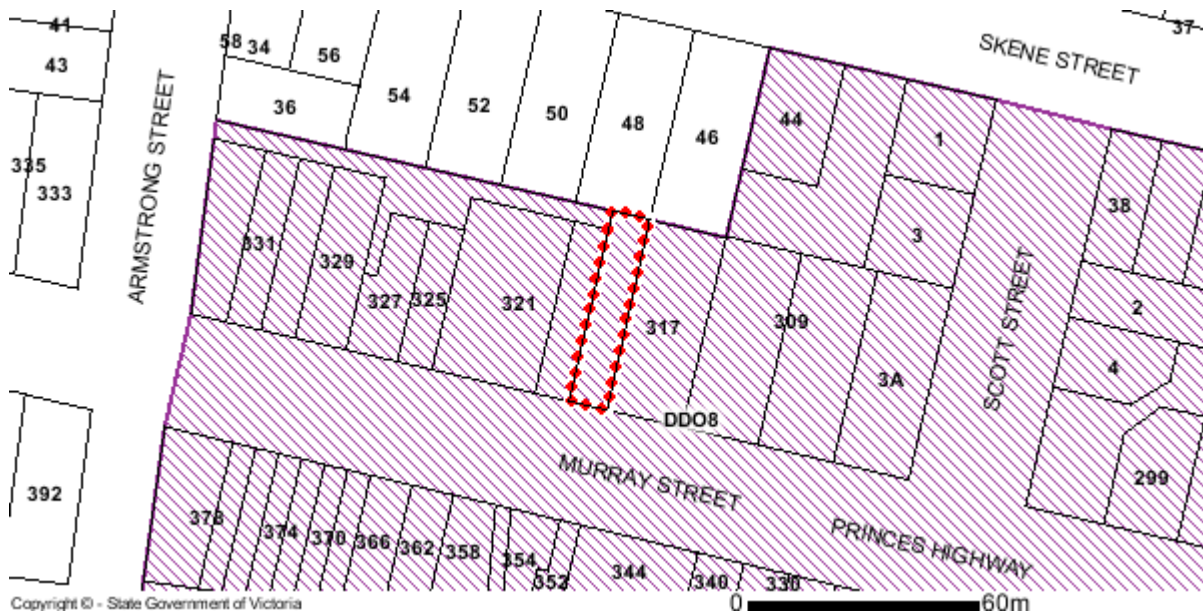
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Planning Overlays

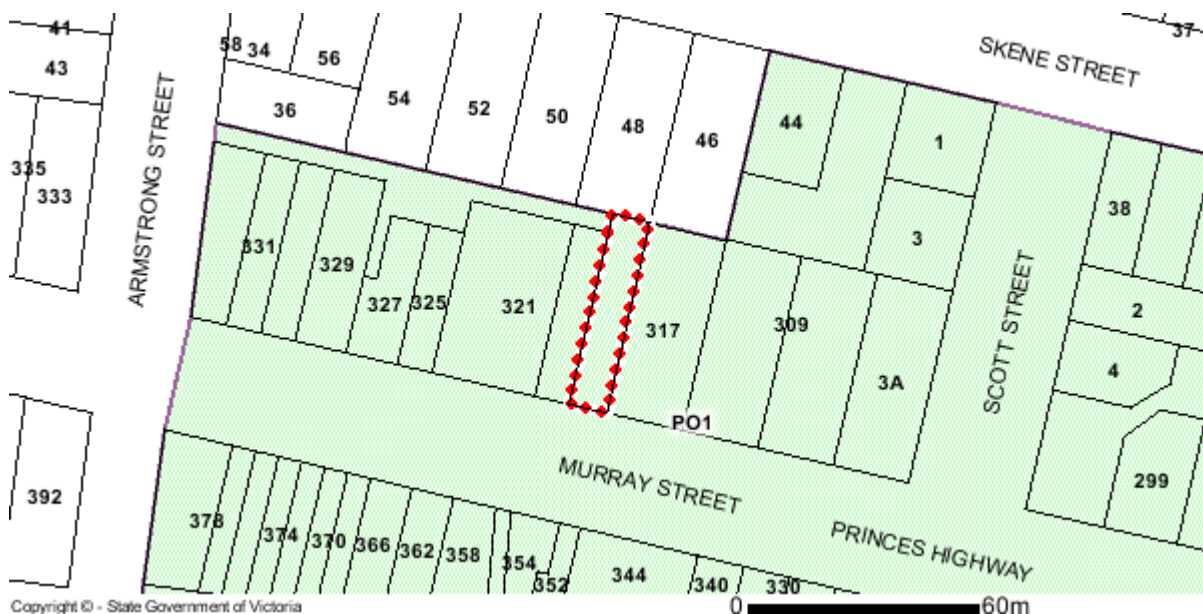
DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8 (DDO8)



PARKING OVERLAY (PO)

PARKING OVERLAY - PRECINCT 1 SCHEDULE (PO1)



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Planning Overlays Legend

Overlays Legend

 AEO - Airport Environs	 IPO - Incorporated Plan
 BMO - Bushfire Management	 LSIO - Land Subject to Inundation
 CLPO - City Link Project	 MAEO1 - Melbourne Airport Environs 1
 DCPO - Development Contributions Plan	 MAEO2 - Melbourne Airport Environs 2
 DDO - Design & Development	 NCO - Neighbourhood Character
 DDOPT - Design & Development Part	 PD - Parking
 DPO - Development Plan	 PAO - Public Acquisition
 EAO - Environmental Audit	 RO - Restructure
 EMO - Erosion Management	 RCO - Road Closure
 ESO - Environmental Significance	 SBO - Special Building
 FO - Floodway	 SLO - Significant Landscape
 HO - Heritage	 SMO - Salinity Management
 ICPO - Infrastructure Contributions Plan	 SRD - State Resource
	 VPD - Vegetation Protection
 Railway	 Tram
 River, stream	 Lake, waterbody

Note: due to overlaps some colours on the maps may not match those in the legend.

Further Planning Information

Planning scheme data last updated on 7 November 2018.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit www.planning.vic.gov.au