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Our Ref: 24047

Planning Department
Moirā Shire Council

Application for Planning Permit Removal of Easements 2-6 Colgan Street, Cobram

This letter is provided in support of an application for a planning permit to remove three redundant easements from land at 2-6 Colgan Street, Cobram.

The land at 2-6 Colgan Street, Cobram, consists of a number of land parcels, including two former roads. The site is in the process of being consolidated into a single lot and is being developed for a new supermarket and associated facilities. The site is encumbered by three easements – **E-1 on LP58039, A on TP61859Y**, and **Red on TP313040F** which must be removed to enable the permitted development.

Please find attached the following documents in support of the proposal:

- **Certificates of Title**
 - C/T Vol. 08037, Fol. 878 (Lot 1 LP22274)
 - C/T Vol. 08037, Fol. 872 (Lot 2 LP22274)
 - C/T Vol. 08037, Fol. 873 (Lot 3 LP22274)
 - C/T Vol. 08913, Fol. 389 (Lot 1 TP434807S)
 - C/T Vol. 08426, Fol. 297 (Lot 2 LP58039)
 - C/T Vol. 08426, Fol. 298 (Lot 3 LP58039)
 - C/T Vol. 08426, Fol. 299 (Lot 4 LP58039)
 - C/T Vol. 08426, Fol. 300 (Lot 5 LP58039)
 - C/T Vol. 09205, Fol. 716 (C.A. 40D, TP312239L)
 - C/T Vol. 09287, Fol. 294 (C.A. 4E, TP313040F)
 - C/T Vol. 09576, Fol. 702 (C.A. 40G, TP61859Y)
- **Plan of Removal of Easement CS&A Drg. No. 24047/01; Rev. 0 (for endorsement)**
- **Signed Application for a Planning Permit Form**

In addition, the following information explains the subject land and origin of the easements to be removed, as well as the proposal, the planning provisions enabling it and how it promotes the orderly planning of the land and the wider area.

The Subject Land

The subject land is located in a long-established commercial precinct, at the western end of Cobram's main commercial area. The precinct had been developed into lots – over the years – that had been used for commercial/manufacturing businesses. Accordingly, the subject land currently consists of a number of land parcels, including two former roads.

The site has been purchased and is in the process of being developed for a new supermarket and associated facilities. The land is also being consolidated into a single lot, to enable the development.

The land was previously bisected by a government road, that passed through centrally, with a north-south alignment. This road was closed by the shire some time ago (circa 1999) and the land was sold to the adjoining landholder. The (former) road included drainage and water supply assets. Accordingly, easements were created to enable the continuance of maintenance and operation of those assets, as follows:

- The land marked **A on TP61859Y** – the right of the Municipal or other Authority having management or control of water supply and drainage.
- The land marked **RED on TP313040F** – the right of the Municipal or other Authority or body ... concerned with the control and management of public or municipal water supply watercourses or drains.

The land to the west of the Government Road was also further developed – being subdivided into five commercial lots and a small cul-de-sac road off Cobram-Koonoomoo Road by LP58039. This plan set aside a water supply easement, being the land coloured blue – **E-1 on LP58039** for the benefit of the lots in the Plan.

Proposal

It is proposed to remove the easements - **E-1 on LP58039, A on TP61859Y, Red on TP313040F** to enable the permitted development of the land for a supermarket and associated facilities as shown on the Plan of Removal of Easements submitted herewith for endorsement.

We are advised by the developer/owner of the site that – as part of the development design and approval, alternative water supply and drainage servicing arrangements have been designed and that the assets in the easements are no longer required and have been decommissioned. Accordingly, the removal of the easements is sought to enable the supermarket building to be built on unencumbered land.

Permit Trigger

Under Clause 52.02 (Easements, Restrictions and Reserves) of the Moira Shire Planning Scheme, a permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary, or remove an easement or restriction or vary or remove a condition in an easement in a Crown grant.

Accordingly a permit is sought that allows ***"Remove the easements - E-1 on LP58039, A on TP61859Y, and Red on TP313040F in accordance with the endorsed plans"***.

Upon issue of the sought permit, the easement removal will be included on a Plan of Consolidation, that will be submitted to Council for Certification and then lodged with Land Use Victoria. The easement removal will be effected (accomplished) upon Registration of the Plan of Consolidation.

Clause 52.02

The decision guidelines of Clause 52.02 state:

“Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.”

It is submitted that the proposed easement removal upholds the decision guidelines of Clause 65.01 and 52.02 as it:

- provides for the orderly planning of the area by enabling an approved commercial development to proceed on land that is within the Commercial 1 Zone and a long-established commercial area in one of the municipality’s four principal towns.
- will have no physical affect on the land or the wider area as the purpose for the easements has become redundant, as alternative servicing arrangements have been designed and approved, and are being built.

Should you require any further information in relation to this matter, please do not hesitate to contact the undersigned.

Yours sincerely,



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Director

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enc: as listed

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