

Application for a Planning Permit

If you need help to complete this form, read **MORE INFORMATION** at the end of this form.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987. If you have any questions, please contact Council planning department.

⚠ Questions marked with an asterisk (*) must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet

i Click for further information.

The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

| | | |
|------------------------------|--------------|-------------------------|
| Unit No: | St. No.: 338 | St. Name: Gordon Street |
| Suburb/Locality: MARIBYRNONG | | Post Code: 3032 |

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.:

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application

i For what use, development or other matter do you require a permit? *

Propose three double storey dwellings on a lot

🔗 Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

i Estimated cost of any development for which the permit is required *

⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the Planning and Environment Act 1987) and the estimated cost of the development exceeds \$1.093 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application.


Visit www.sro.vic.gov.au for information.

Existing Conditions i

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

A single storey dwelling


 Provide a plan of the existing conditions. Photos are also helpful.

Title Information i

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

| | | |
|-------------------------------|-----------------|--|
| Title: | First Name: Chi | Surname: Phan |
| Organisation (if applicable): | | |
| Postal Address: | | If it is a P.O. Box, enter the details here: |
| Unit No: UNIT 303 | St. No: 47 | St. Name: Nelson Place |
| Title: | State: VIC | Postcode: 3016 |

Contact information for applicant OR contact person below

| | |
|----------------------------|---------------------------------|
| Business phone: 0434142987 | Email: info@betterdesign.com.au |
| Mobile phone: 0434142987 | Fax: |

Contact person's details*

Name: Same as applicant


| | | |
|-------------------------------|-----------------|--|
| Title: | First Name: Chi | Surname: Phan |
| Organisation (if applicable): | | |
| Postal Address: | | If it is a P.O. Box, enter the details here: |
| Unit No: UNIT 303 | St. No: 47 | St. No: 47 |
| Suburb/Locality: WILLIAMSTOWN | State: VIC | Postcode: 3016 |

Name: Same as applicant

| | | |
|-------------------------------|---|--|
| Title: NA | First Name: Hoa | Surname: Kim |
| Organisation (if applicable): | | |
| Postal Address: | | If it is a P.O. Box, enter the details here: |
| Unit No: | St. No: 338 | St. No: Gordon Street |
| Suburb/Locality: MARIBYRNONG | State: VIC | Postcode: 3032 |
| Postcode: 3032 | Date : 20 05 2024 day / month / year | |

Declaration

This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Chi Phan

Date:

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for his application and obtain a planning permit checklist. Insufficient or unclear information may delay your application

Has there been a pre-application meeting with a council planning officer

No Yes

If 'Yes', with whom?:

Date:


day / month / year

Checklist

Have you:

Filled in the form completely?

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site

A plan of existing conditions.

Plans showing the layout and details of the proposal.

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts)

If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void

Completed the relevant council planning permit checklist?

Signed the declaration?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Maribyrnong City Council
PO Box 58
Footscray VIC 3011
Cnr Napier and Hyde Streets
Footscray VIC 3011

Contact information:

Phone: (03) 9688 0200

Email: email@maribyrnong.vic.gov.au

DX: 81112

Deliver application in person, by post or by electronic lodgement.

MORE INFORMATION

The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

How is land identified


Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description - the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

 Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting Planning Schemes Online at planning-schemes.delwp.vic.gov.au

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au Contact your local Council to obtain a planning certificate in Central Gol fields, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.


Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee. Fees are exempt from GST.

 Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook

 Contact the Council to determine the appropriate fee. Go to planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

Metropolitan Planning Levy refer Division 5A of Part 4 of the Planning and Environment Act 1987 (the Act). A planning permit application under section 47 or 96A of the Act for a development of land in metropolitan Melbourne as defined in section 3 of the Act may be a leviable application. If the cost of the development exceeds the threshold of \$1 million (adjusted annually by consumer price index) a levy certificate must be obtained from the State Revenue Office after payment of the levy. A valid levy certificate must be submitted to the responsible planning authority (usually council) with a leviable planning permit application. Refer to the State Revenue Office website at www.sro.vic.gov.au for more information. A leviable application submitted without a levy certificate is void

Existing Conditions

How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block)

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

Title Information

What is an encumbrance?

An encumbrance is a formal obligation on the land, with the most common type being a mortgage. Other common examples of encumbrances include:

- **Restrictive Covenants:** A restrictive covenant is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A section 173 agreement is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- **Easements:** An easement gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A building envelope defines the development boundaries for the land.
- signed the declaration on the last page of the application form

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

What documents should I check to find encumbrances

Encumbrances are identified on the title (register search statement) under the header encumbrances, caveats and notices. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

What about caveats and notices?

A caveat is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of notices. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

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

VOLUME 05272 FOLIO 251

Security no : 124114838714P
Produced 09/05/2024 11:09 PM

LAND DESCRIPTION

Lot 174 on Plan of Subdivision 009942.
PARENT TITLE Volume 02226 Folio 154
Created by instrument 1316450 06/05/1927

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
THI HOA KIM of 18 IBIS PLACE MARIBYRNONG VIC 3032
AX691634B 31/01/2024

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT 1316450

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 TP713446U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

| NUMBER | | STATUS | DATE |
|---------------|-----------------------|------------|------------|
| AX691633D (E) | DISCHARGE OF MORTGAGE | Registered | 31/01/2024 |
| AX691634B (E) | TRANSFER | Registered | 31/01/2024 |

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

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

Street Address: 338 GORDON STREET MARIBYRNONG VIC 3032

DOCUMENT END

The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

| | |
|---|-------------------------|
| Document Type | Plan |
| Document Identification | LP009942 |
| Number of Pages (excluding this cover sheet) | 5 |
| Document Assembled | 22/03/2021 12:31 |

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

LP 9942
EDITION 2
 PLAN MAY BE LODGED
 10/04/1924

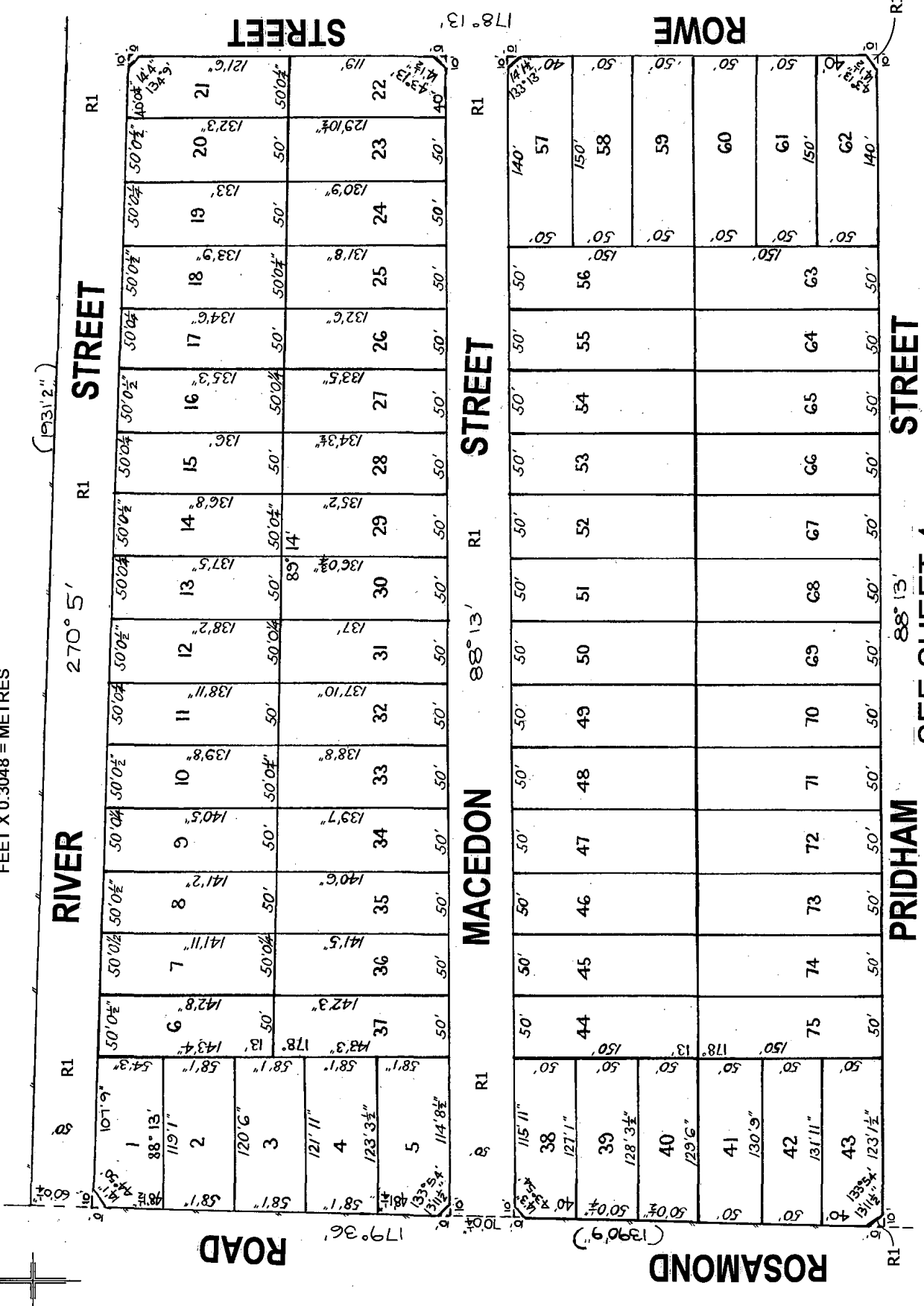
COLOUR CODE
 E-1 = BLUE
 R1 = BROWN
 ROADS COLOURED BROWN

PLAN OF SUBDIVISION
CROWN ALLOTMENT 12, SECTION 21
PARISH OF CUT-PAW-PAW

COUNTY OF BOURKE
 VOL.2226 FOL.154
Measurements are in Feet & Inches
 Conversion Factor
 FEET X 0.3048 = METRES

4 SHEETS
SHEET 1

ENCUMBRANCES
 AS TO ROAD R1
 ANY EASEMENTS AFFECTING
 THE SAME



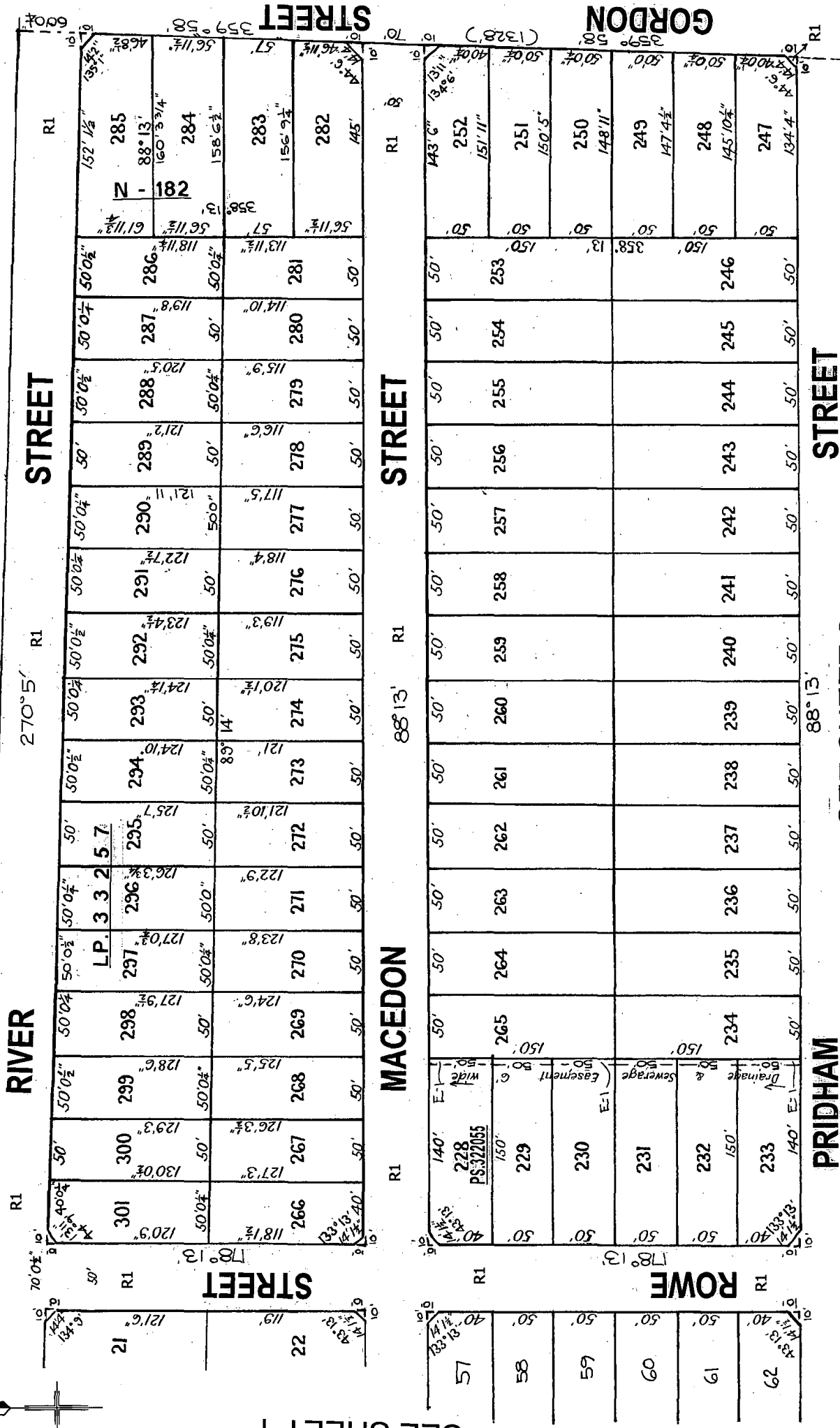
SEE SHEET 2

SEE SHEET 4

LP 9942

4 SHEETS
SHEET 2.

SEE SHEET 1

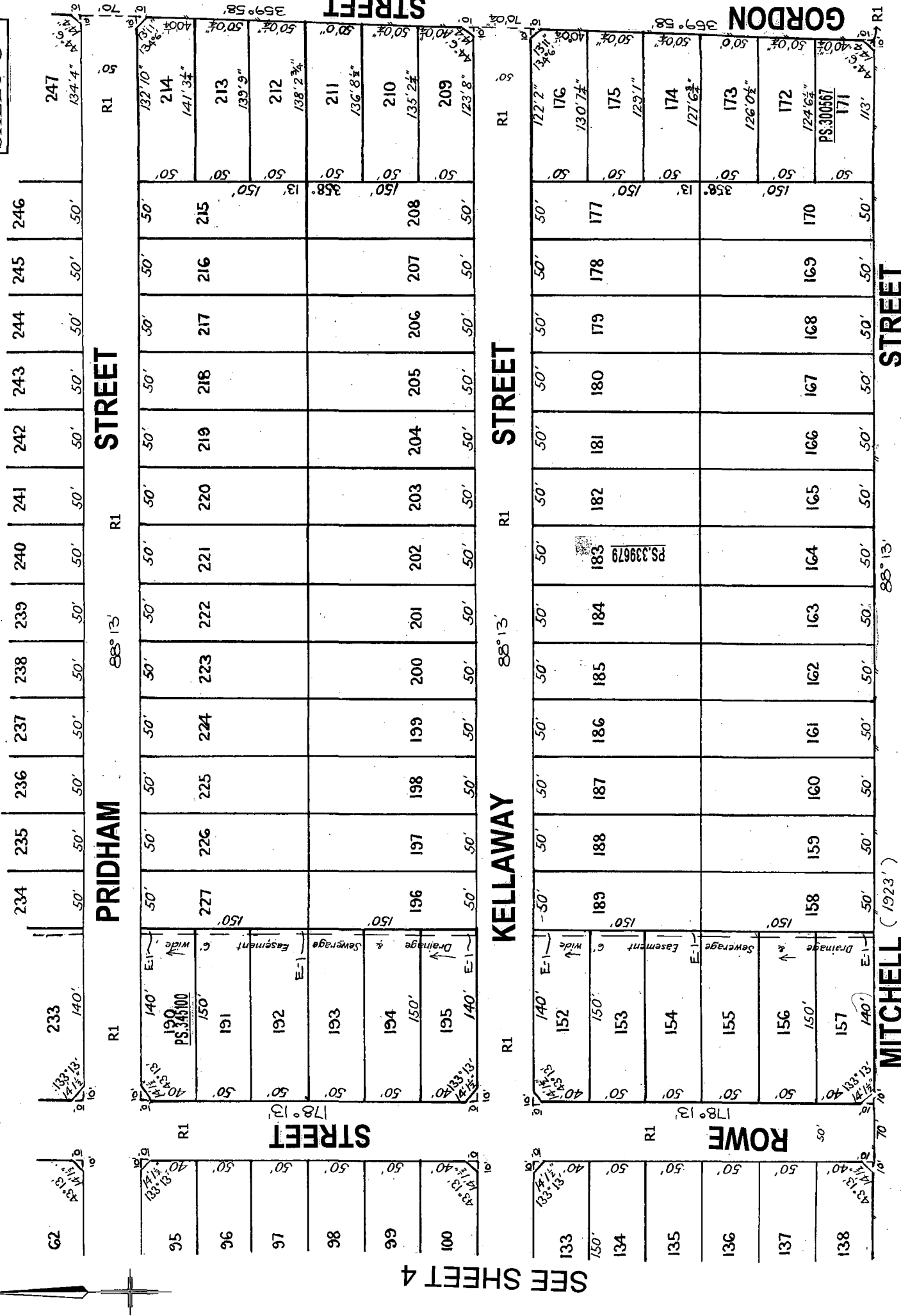


SEE SHEET 3

LP 9942

4 SHEETS
SHEET 3.

SEE SHEET 2



SEE SHEET 4



The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

| | |
|---|-------------------------|
| Document Type | Plan |
| Document Identification | TP713446U |
| Number of Pages (excluding this cover sheet) | 1 |
| Document Assembled | 22/03/2021 12:31 |

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

| | | | |
|------------|--|-----------|------------|
| TITLE PLAN | | EDITION 1 | TP 713446U |
|------------|--|-----------|------------|

| | |
|---|--|
| <p>Location of Land</p> <p>Parish: CUT-PAW-PAW Township: Section: 21 Crown Allotment: 12(PT) Crown Portion:</p> <p>Last Plan Reference: LP 9942 Derived From: VOL 5272 FOL 251 Depth Limitation: NIL</p> | <p>Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p> |
|---|--|

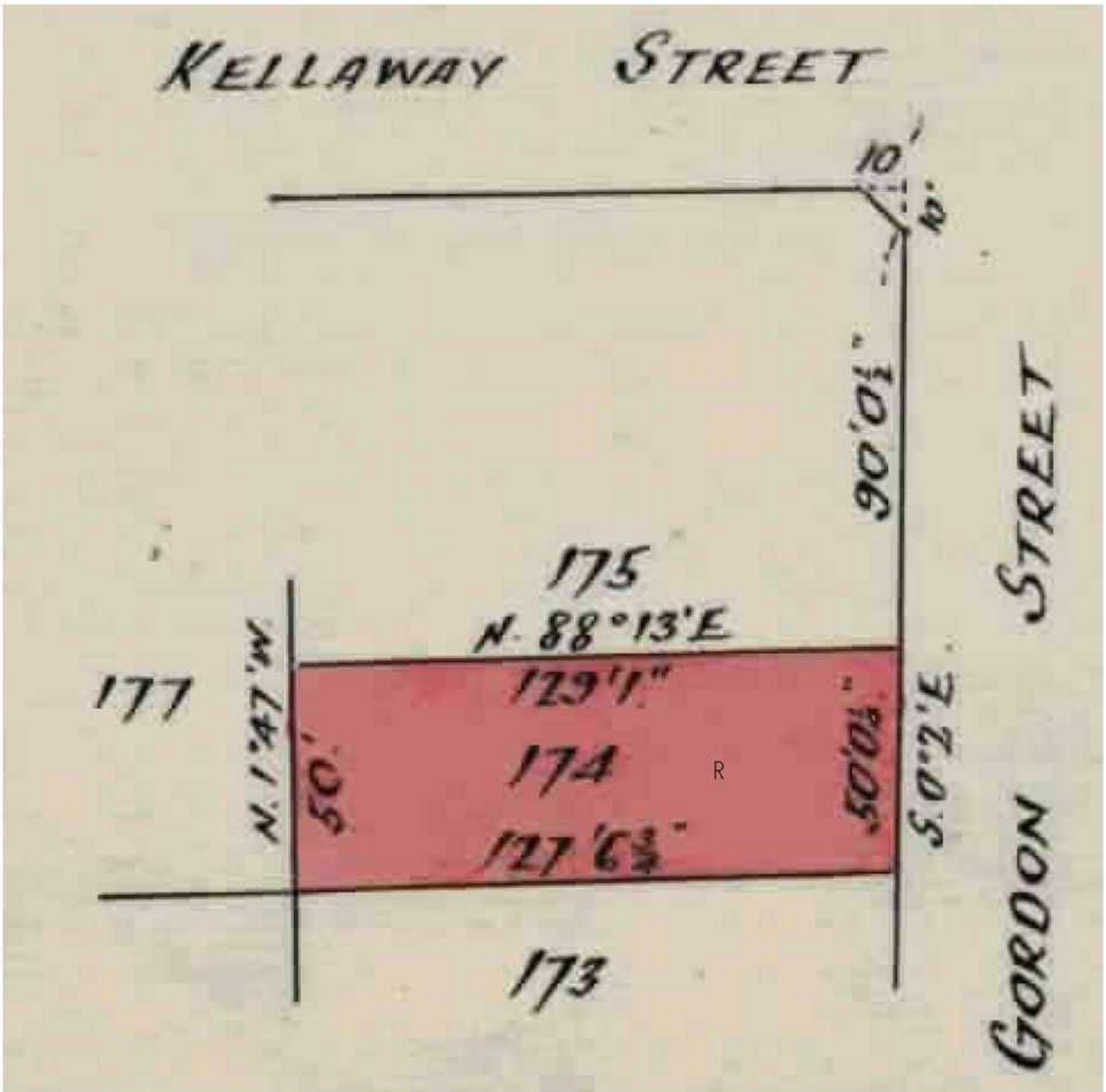
Description of Land / Easement Information

All that piece of Land delineated and coloured

red on the map in the margin being Lot 174 on Plan of Subdivision No.9942 lodged in---
 the Office of Titles and being part of Crown Allotment Twelve Section Twenty-one ---
 Parish of Cut Paw Paw County of Bourke Together with a right of carriage way over the
 roads colored brown on said Plan of Subdivision- - - - -

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT
 COMPILED: 08/12/2000
 VERIFIED: CP

COLOUR CODE
 R=RED



| | | | |
|---|--|--|----------------------------|
| <p>LENGTHS ARE IN FEET & INCHES</p> | <p>Metres = 0.3048 x Feet Metres = 0.201168 x Links</p> | | <p>Sheet 1 of 1 sheets</p> |
|---|--|--|----------------------------|

The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

| | |
|---|-------------------------|
| Document Type | Instrument |
| Document Identification | 1316450 |
| Number of Pages (excluding this cover sheet) | 4 |
| Document Assembled | 22/03/2021 12:31 |

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

1810420

last
1/10/27

excavate carry away or remove or permit to be excavated carried --
away or removed from the said land ^{heretofore transferred} any earth clay stone gravel or
sand except for the purpose of excavating for the foundation of any
building to be erected thereon or use or permit or allow the said
land to be used for the manufacture or winning of bricks tiles or
pottery ware and I the said John Albert Switzer consent to the ---
foregoing covenant appearing as an encumbrance on the Certificate
of Title to be issue in respect of the said land running with such
land.

D A T E D this 14th day of April One
thousand nine hundred and twenty seven.

THE COMMON SEAL of THE COLONIAL AMMUNITION)
COMPANY (AUSTRALIA) PROPRIETARY LIMITED was)
hereto affixed in the presence of:-)

Thomas Macdonald)
John J. Cartwright) Directors
..... Thomas Macdonald) Secretary

SIGNED by the said THOMAS LAURENCE McNAMARA) Th. L. McNamara
in Victoria in the presence of:-

A. Stinson
Clifford Stuart Dunsford
John Kella

SIGNED by the said ISAAC FOSTER in Victoria) Isaac Foster
in the presence of:-

W. L. L. L.
Clifford Stuart Dunsford
John Kella

SIGNED by the said John Albert Switzer in) J. A. Switzer
Victoria in the presence of:-

W. L. L. L.

ENCUMBRANCES REFERRED TO

DAIED 1927

2

THE COLONIAL AUCTIONEER COMPANY

by direction of

Mr. T. J. McNAMARA
and Mr. I. FOSTER

to

Mr. J. A. SWITZER

TRANSFER

Wm. Broucket & Co.
352 Collins Street,
Melbourne.

MEMORIAL OF INSTRUMENT.

| NATURE OF INSTRUMENT | TIME OF ITS PRODUCTION FOR REGISTRATION | TO WHOM GIVEN | NUMBER OR SYMBOL THEREON |
|--|---|---|--------------------------|
| Transfer as to part and Creation of Basement | THE 6 th DAY OF May 1927. | John Albert Switzer | 13/6450 |
| <p>I Certify THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED, AT THE TIME LAST ABOVE MENTIONED IN THE REGISTER BOOK VOL. 2226 FOL. 445154</p> | | <p><i>Geo Sacey</i> ASSISTANT REGISTRAR OF TITLES.</p> <p><i>Geo Sacey</i> ASSISTANT REGISTRAR OF TITLES.</p> | |

2/0
2/3/16

