

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.

CITY OF MARIBYRNONG

RECEIVED

30/7/2024

URBAN PLANNING

The Land **i**

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

Street Address *

Unit No:	St. No.: 62	St. Name: Geelong Road
Suburb/Locality: FOOTSCRAY		Post Code: 3011

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.:	<input checked="" type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> 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? *

Medical Centre (Orthodontist)

i 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 *

200000.00

⚠ 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.

Residential 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 'sregister 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.

Name:

Title: Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No: St. No: 99 A St. Name: Wales Street

Title: State: VIC Postcode: 3012

Please provide at least one contact phone number *

Contact information for applicant OR contact person below

Business phone: 0408342609 Email: toy_steve@hotmail.com

Mobile phone: Fax:

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

Contact person's details*

Name:

Same as applicant

Title: First Name: undefined Surname:

Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No: St. No: St. No:

Suburb/Locality: State: Postcode:

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:

Same as applicant

Title: NA First Name: Steven Surname: Toy

Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No: St. No: 62 St. No: Geelong Road


Suburb/Locality: FOOTSCRAY State: VIC Postcode: 3011

Postcode: 3011 Date : 29 07 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:

Steven Toy

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 Goldfields, 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 12541 FOLIO 327

Security no : 124118270389H
Produced 15/09/2024 09:24 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 438972S.
PARENT TITLE Volume 10545 Folio 388
Created by instrument AX886687S 09/04/2024

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
TOY PROPERTIES PTY LTD of 99A WALES STREET KINGSVILLE VIC 3012
AY188286V 09/07/2024

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AY188287T 09/07/2024
MACQUARIE BANK LTD

COVENANT 0981746 15/01/1921

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 PS438972S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AY188286V (E)	TRANSFER	Registered	09/07/2024
AY188287T (E)	MORTGAGE	Registered	09/07/2024

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

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

Street Address: 62 GEELONG ROAD FOOTSCRAY VIC 3011

ADMINISTRATIVE NOTICES

NIL

eCT Control 18440T MSA NATIONAL
Effective from 09/07/2024

DOCUMENT END



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

FINAL SEARCH STATEMENT

Land Use Victoria

Page 1 of 1

Security No : 124118270388J
Produced 15/09/2024 09:24 PM

Volume 12541 Folio 327

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AY188286V (E)	TRANSFER	Registered	09/07/2024
AY188287T (E)	MORTGAGE	Registered	09/07/2024

ADMINISTRATIVE NOTICES

NIL

eCT Control 18440T MSA NATIONAL
Effective from 09/07/2024

STATEMENT END



Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	PS438972S
Number of Pages (excluding this cover sheet)	2
Document Assembled	15/09/2024 21:24

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PLAN OF SUBDIVISION

Stage No. LTO use only

EDITION **1**

PS 4389725

Location of Land

County: BOURKE
 Parish: CUT PAW PAW
 Section 15
 Crown Allotment: 39 & 40 (PARTS)
 Crown Portion:

LTO base record: 7 CUT PAW PAW
 Title References:

Vol 10538 Fol 377 Vol 6282 Fol 342
 Vol 6282 Fol 341 Vol 4277 Fol 392

Last Plan Reference:

Postal Address: 60-62 GEELONG ROAD &
 14 HERBERT ROAD, FOOTSCRAY

AMG Co-ordinates: N 5 814 300
 (Of approx. centre of plan) E 314 400 Zone 55

Council Certification and Endorsement

Council Name: CITY OF MARIBYRNONG Ref: SUB 00/42

- This plan is certified under section 6 of the Subdivision Act 1988.
- ~~This plan is certified under section 11(7) of the Subdivision Act 1988.
 Date of original certification under section 6 / /~~
- This is a statement of compliance issued under section 21 of the Subdivision Act 1988.

Open Space

- A requirement for public open space under section 18 Subdivision Act 1988 ~~has~~ has not been made.
- ~~The requirement has been satisfied.~~
- ~~The requirement is to be satisfied in Stage~~

Council Delegate
~~Council Seal~~

Date 26 / 7 / 00

Re-certified under Section 11(7) of the Subdivision Act 1988.

Council Delegate
 Council Seal

Date / /

Vesting of Roads or Reserves

Identifier	Council/Body/Person
Nil	Nil

Notations

Depth Limitation: Does not apply

Staging This is/is not a staged subdivision
 Planning Permit No.

Survey:- This plan is / is not based on survey.

To be completed where applicable.

This survey has been connected to permanent marks no(s).

In proclaimed Survey Area no.

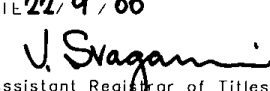
Easement Information

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	1.80	THIS PLAN	LOT 3 ON THIS PLAN

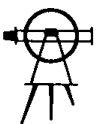
LTO use only _____
 Statement of Compliance / Exemption Statement

Received
 Date 4 / 9 / 2000

LTO use only _____
 PLAN REGISTERED
 TIME
 DATE 22 / 9 / 00

 Assistant Registrar of Titles

Sheet 1 of 2 Sheets

KEARNEY and TYRRELL PTY. LTD.
 LAND SURVEYORS
 PLANNING CONSULTANTS
 53 ROSE STREET
 ESSENDON 3040
 TELEPHONE 93314266
 FAX 93314366



LICENSED SURVEYOR (PRINT) PETER JOHN TYRRELL

SIGNATURE _____ DATE 28 / 3 / 2000

REF 8983ps VERSION 2 ZIP - JM

DATE / /
 COUNCIL DELEGATE SIGNATURE

Original sheet size A3

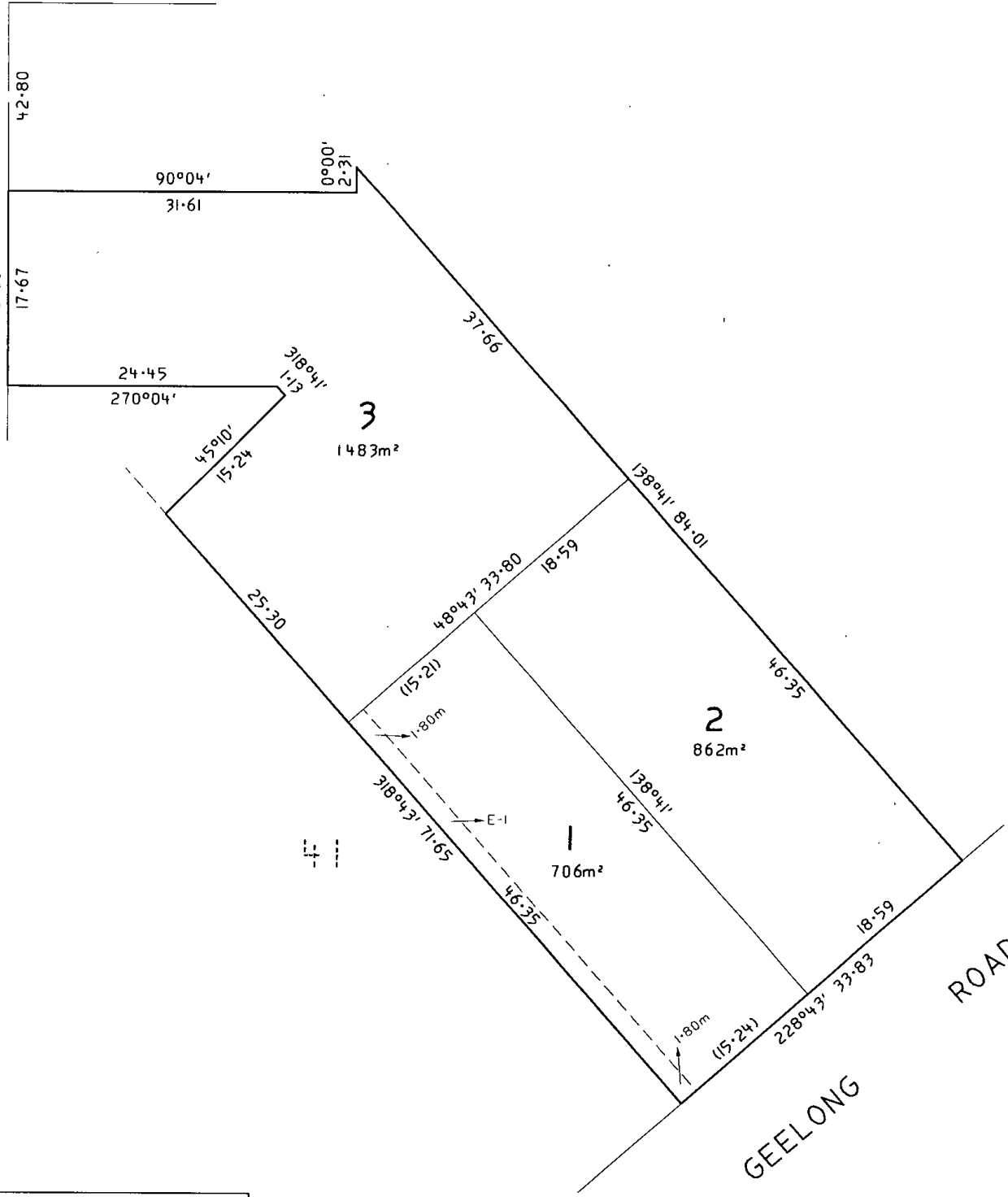
PLAN OF SUBDIVISION

Stage No. _____ Plan Number
PS 4389725

CATHERINE STREET

HERBERT STREET

GEE LONG ROAD



KEARNEY and TYRRELL PTY. LTD.
 LAND SURVEYORS
 PLANNING CONSULTANTS
 53 ROSE STREET
 ESSENDON 3040
 TELEPHONE 93314266
 FAX 93314366

ORIGINAL SCALE
 SHEET SIZE A3 SCALE 1:400

 LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT) PETER JOHN TYRRELL
 SIGNATURE _____ DATE 28/3/2000
 REF 8983ps VERSION 2 ZIP - JM

SHEET 2 OF 2 SHEETS
 DATE ____/____/____
 COUNCIL DELEGATE SIGNATURE _____



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Document Identification	0981746
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2125885

981746

FEE 8/- T.O. FEE 8/- T.O.

IMAGED

MICROFILM

KEEP

OFFICE OF TITLES
JAN 15 1921
10 19

MARTIN & MARTIN

209. 786 to Victoria

Richie TRANSFER OF LAND

I JAMES RICHIE JOHNSON of Geelong Road Footscray Iron Founder being registered as the proprietor of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of One thousand and ten pounds paid to me by ARTHUR HERBERT GRIFFITHS of Geelong Road Footscray Plumber DO HEREBY TRANSFER to the said Arthur Herbert Griffiths all my estate and interest in ALL THAT piece of land being part of Crown Allotment 39 Section 15 Parish of Cut Paw Paw County of Bourke being ^{part of} ~~the whole of~~ the land comprised in Certificate of Title Volume 3337 Folio 667332 and part of the land in Crown Grant Volume 209 Folio 41786 being the land delineated and colored red on the plan drawn hereon And the said Arthur Herbert Griffiths hereby for himself his heirs executors administrators and transferees covenants with the said James Richie Johnson his heirs executors administrators and transferees registered proprietor or proprietors for the time being of the balance of the land comprised in Crown Grant Volume 209 Folio 41786 that he the said Arthur Herbert Griffiths his heirs executors administrators or transferees registered proprietor or proprietors for the time being of the land hereby transferred will not at any time hereafter use the land hereby transferred for any other purpose than the erection of brick dwelling houses and shall not erect more than two such dwelling houses thereon at a cost of not less than Eight hundred pounds each exclusive of fencing and outbuildings and architect's fees and the said James Richie Johnson and Arthur Herbert Griffiths hereby request and direct that the above covenant shall be without any encumbrance at the foot of the Certificate of Title by reason in respect of the land hereby transferred and run with the said land

DATED the fifth day of October One thousand nine hundred and twenty.

SIGNED by the said JAMES RICHIE JOHNSON in Victoria in the presence of

SIGNED by the said ARTHUR HERBERT GRIFFITHS in Victoria in the presence of

ENCUMBRANCES REFERRED TO

Nil



209/5
24/1/21
ab

£10 duty

Conrad

209 part
786
3337 wh.
332

Under an acre
Inc. Cont. in T.
JRD 981746
28/1/21

sk.
H.M.C.
1.2.21

7/2/21

209/5
24/1/21

James M. Johnson

Arthur Herbert Griffiths

A. H. Griffiths

Encumbrances referred to

R.Y.
21.1.21

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OF SYMBOL THEREON
<i>Transfer and</i> Transfer as to part	THE 15 th DAY OF January 1921.	To Arthur Herbert Griffiths	981746.

W. W. Comport
ASSISTANT REGISTRAR OF TITLES.

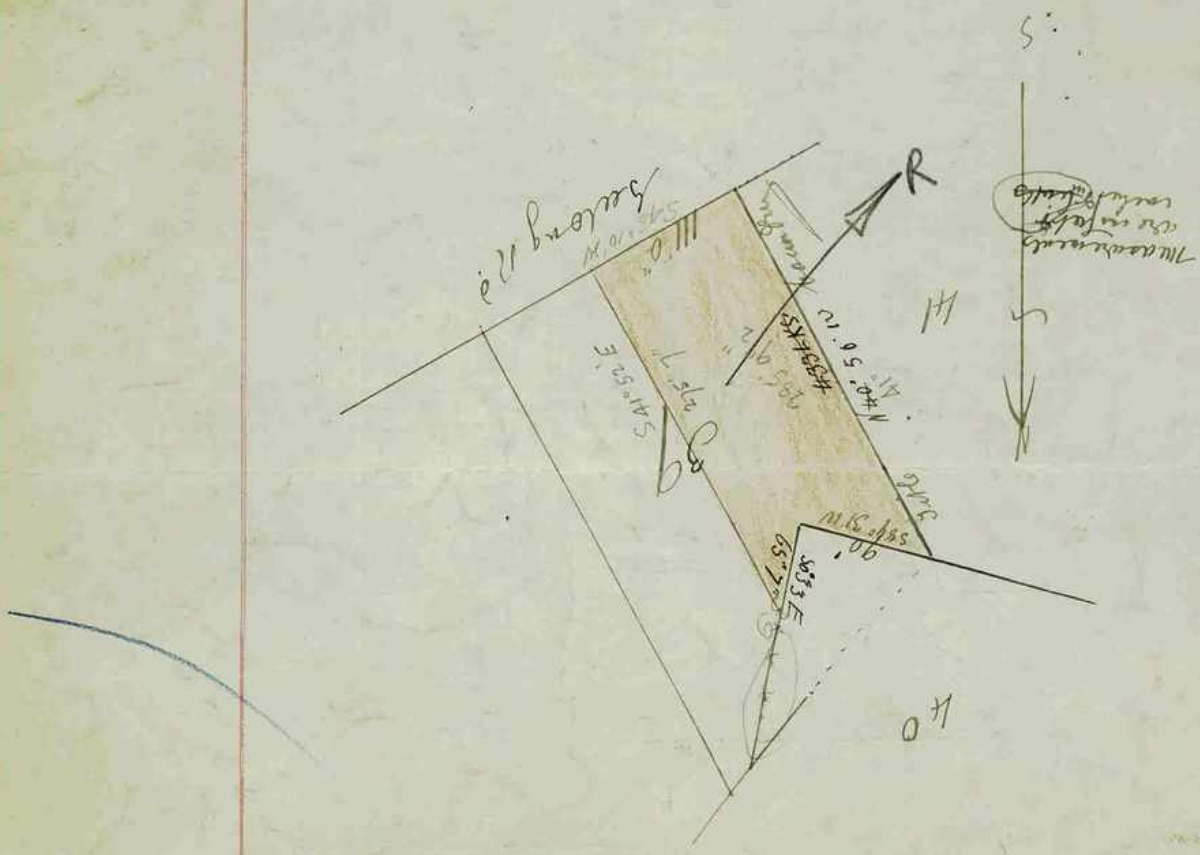
I CERTIFY THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED AT THE TIME LAST MENTIONED IN THE REGISTER BOOK VOLS. *209 FOLS 41786*
3334. 667332.

W. W. Comport
ASSISTANT REGISTRAR OF TITLES.

Collins
Collins Street Melbourne.
Martin & Martin
Equitable Building

J. R. JOHNSON
to
A. H. GRIFFITHS
T R A N S F E R

DATED 1920



16 September 2024

Maribyrnong City Council

Re: TP268/2024(1) Request for Further Information

In response to the request for further information submitted on the 15 August 2024 for the planning application TP268/2024(1) we respond as follows:

1. Please find attached recent title including owner details, site dimensions and covenant
2. Please send the invoice for the additional application fees and this will be paid
3. Swept path analysis is provided. Note the layout has been amended from the original planning drawings issued. These have been updated to an acceptable layout as per email correspondence with Joshua Seager (13/9/2024)
4. Amended site plans are attached to address
 - a. Adjoining Geelong Road (note the site adjoins the service road, Geelong Road is approximately 16m from the title boundary and as such this detail is shown on a separate drawing.
 - b. Vehicle crossover
 - c. Location and notation of existing brick fence and gate. Note the gate is proposed to be replaced with an automated gate of similar appearance. The current gate is relatively new (circa 10 years old) and not original.
 - d. Inclusion of a separate pedestrian pathway to the proposed access ramp
 - e. Sign location including dimensions
5. Patients will not be able to access the site from the building rear.
6. Material schedule is shown on drawing A101
7. The proposed operation for the medical (orthodontist) practice are:
 - a. Practitioners: up to 2
 - b. Staff: up to 5
 - c. Patient numbers at any given time: 4 (2 in treatment, 2 waiting)
 - d. Hours of Operation: 8.00-18.00 Monday – Friday
 - e. The likely effects on adjoining land are minimal. Additional traffic is likely on service road but unlikely to be significant compared to general traffic and that created by school (also on service road)
8. Site context, refer to drawing A110

Feel free to contact me on the details below if further clarification is required.

Regards,



Steve Toy

Toy Properties Pty Ltd

0408 342 609

toy_steve@hotmail.com