

# 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  
ADVERTISED PLAN**

## The Land **i**

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

### Street Address \*

Unit No:	St. No.: 143	St. Name: Chirnside Street
Suburb/Locality: KINGSVILLE		Post Code: 3012

### 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.

<b>A</b>	Vol.: 4686	Folio.: 071	Suburb.: Kingsville
<b>OR</b>	Lot No.: 20	Type.: Lot/Lodged Plan	
<b>B</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? \*

Renovation, alterations and extension to the rear north boundary side

**🔗** 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 \*

470500.00	<b>⚠</b> You may be required to verify this estimate. Insert '0' if no development is proposed.
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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](http://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.

single 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).
- Not Sure

 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.

Name:

Title: CO	First Name: BCT	Surname: P/L
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Organization (if applicable):

Unit No: UNIT 1 b	St. No: 67-69	St. Name: Gamon Street
Suburb: SEDDON	State: VIC	Postcode: 3011
Business phone: 0434182990	Email: hayley@bctgroup.com.au	
Mobile phone: 9687 1624	Home:	

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: CO	First Name: BCT	Surname: P/L
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Organization (if applicable):

Unit No: UNIT 1 b	St. No: 67-69	St. Name: Gamon Street
Suburb: SEDDON	State: VIC	Postcode: 3011
Business phone: 0434182990	Email: hayley@bctgroup.com.au	
Mobile phone: 9687 1624	Home:	

### Owner \*

The person or organisation who owns the land

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

Name: Same as applicant

Title: MR	First Name: Ryan	Surname: Hehir
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Organization (if applicable):

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

Unit No:	St. No: 143	St. Name: Chirnside Street
Suburb: KINGSVILLE	State: VIC	Postcode: 3012
Business Phone: 0396871624	Email: hayley@bctgroup.com.au	
Mobile phone:	Home:	

## 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:

BCTP/L

Date

02 / 10 / 2024

day / month / year

## Need help with the Application?

General information about the planning process is available at [planning.vic.gov.au](http://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

Officer Name: Joshua Seger

21 / 06 / 2024


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](mailto:email@maribyrnong.vic.gov.au)

DX: 81112

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



## **i** MORE INFORMATION

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### **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**.

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### **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](http://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](http://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](http://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](http://www.sro.vic.gov.au) for more information. A leviable application submitted without a levy certificate is void

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### **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**.

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### **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 04686 FOLIO 071

Security no : 124118708330K  
Produced 02/10/2024 02:29 PM

### LAND DESCRIPTION

Lot 20 on Plan of Subdivision 002236.  
PARENT TITLE Volume 03243 Folio 429  
Created by instrument 1098379 12/04/1923

**CITY OF MARIBYRNONG  
ADVERTISED PLAN**

### REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors  
RYAN THOMAS HEHIR  
ALEXANDRA MARY HEHIR both of 50 BUCKINGHAM STREET FOOTSCRAY VIC 3011  
AW494926U 27/01/2023

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AW494927S 27/01/2023  
COMMONWEALTH BANK OF AUSTRALIA

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 LP002236 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: 143 CHIRNSIDE STREET KINGSVILLE VIC 3012

### ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA  
Effective from 27/01/2023

DOCUMENT END



# Imaged Document Cover Sheet

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Plan  
of Survey of  
part of portion B section XIV  
Parish Cut Paw Paw  
County Bourke  
Queensville Estate  
Measurements are in Feet & Inches

Conversion Factor  
FEET X 0.3048 = METRES VOL.1817 FOL.337

**APPURTENANCIES**

AS TO LOTS 7, 8, 23, 24, 35, 36, 39, 98, 113, 117, 118, 120, 123 TO 128 (B.1.)  
130 TO 136 (B.1.), 145 & 146  
TOGETHER WITH A RIGHT OF CARRIAGEWAY OVER THE ROADS  
COLOURED BROWN

AS TO LOTS 53, 54, 72 & 73  
TOGETHER WITH A RIGHT OF CARRIAGEWAY OVER THE ROADS COLOURED  
BLUE ON VOL.3220 FOL.847

AS TO LOT 76 - TOGETHER WITH A RIGHT OF CARRIAGEWAY OVER THE ROADS  
COLOURED BROWN SHOWN ON THE IMAGE OF VOL. 5286 FOL. 095

**LP 2236**  
EDITION 4

PLAN MAY BE LODGED 22/1/88

**COLOUR CODE**

R1 & E-1 = BROWN  
E-2 = RED HATCHED

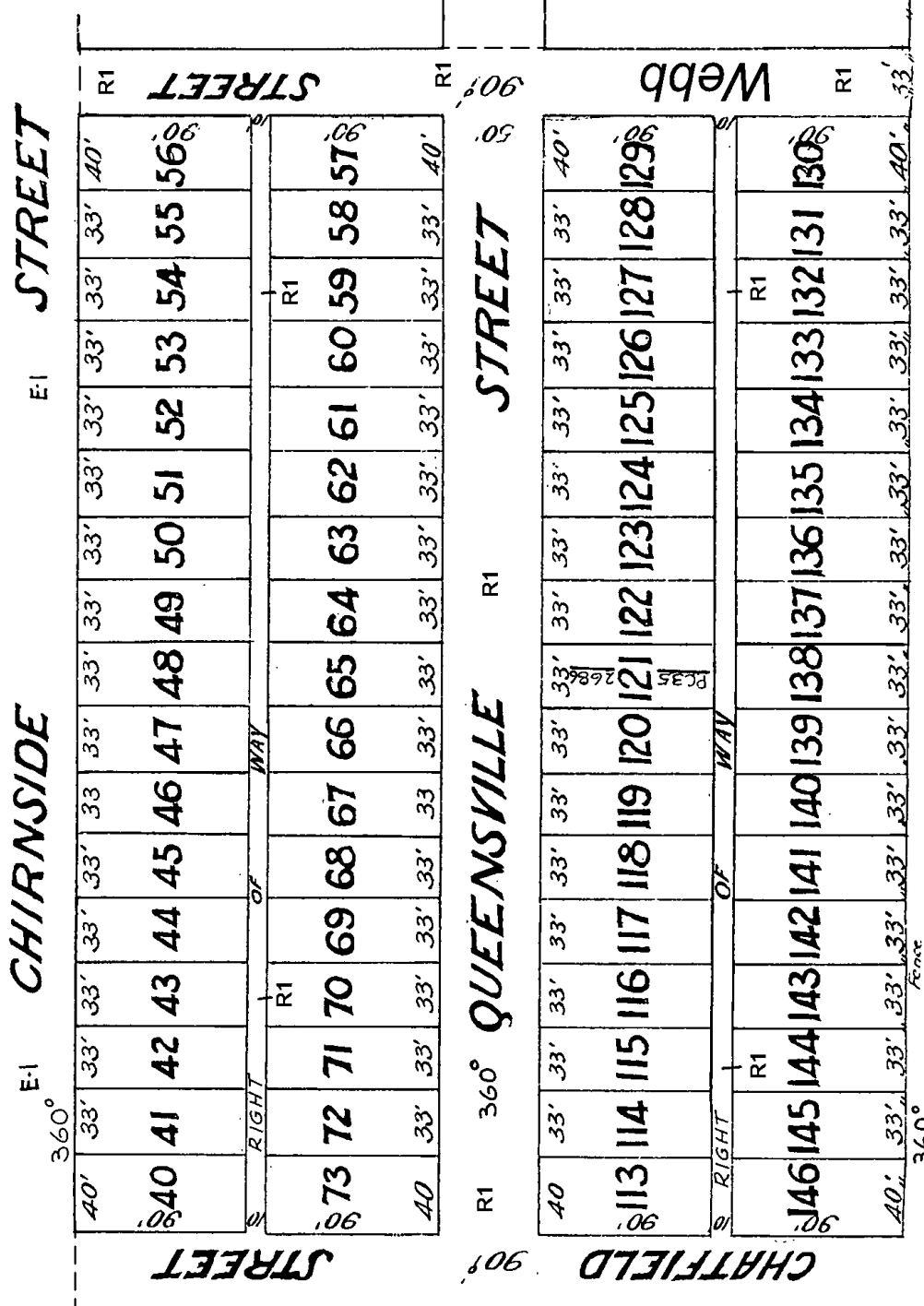
ROADS COLOURED BROWN

**ENCUMBRANCES**

AS TO THE ROADS COLOURED  
BROWN ANY EASEMENTS  
AFFECTING THE SAME

**NOTE:**

DIRECTION OF NORTH POINT  
STREET NAME AMENDED  
FROM MOORE STREET  
TO WEBB STREET  
VIDE CORR. 28/19643  
30/7255



SEE SHEET 2

2 SHEETS  
SHEET 1

WILLIAMSTOWN ROAD







**Town Planning Application Report**

**Date:** 2/10/24  
**Property:** 143 Chirnside St, Kingsville  
**Owners Name:** Ryan & Alexandra Hehir

**Applicant Name:** Hayley Burke – BCT Group  
**Address:** 289 Geelong Rd Kingsville 3011  
**Ph:** 0434182990  
**Email:** [hayley@bctgroup.com.au](mailto:hayley@bctgroup.com.au)

**Planning Zones & overlays - NRZ1 & Heritage Overlay (HO8 – Queensville Estate heritage area)**

**SCHEDULE 1 TO CLAUSE 32.9 NEIGHBOURHOOD RESIDENTIAL ZONE – None specified**

- 32.09-5 - construction and extension of one dwelling on a lot – Refer clause 54 assessment response

**HERITAGE OVERLAY HO8 – Queensville Estate heritage area**

<b>Objectives &amp; policy</b>	<b>Response</b>
<p>Objectives:</p> <ul style="list-style-type: none"> <li>To ensure that new buildings and additions and extensions to contributory buildings do not detract from the character of the heritage area or overwhelm the existing contributory buildings.</li> <li>To discourage new building that closely imitates, replicates or mimics the contributory buildings in the heritage area.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed alterations are recessed towards the rear of the home which will be of less/if any significance to the streetscape.</li> <li>The new works will be a valued addition to the home by increasing &amp; providing larger living spaces for the client, allowing natural light &amp; all features will be of a high-quality finish enhancing the family home.</li> </ul>

**Guidelines for Alterations & Additions to Heritage Dwellings September 2010**

### Response

- The proposed extension is concealed behind the original dwelling minimizing visibility to the streetscape.
- The proposal replacement of the front façade windows will see the same style being used, reduced to 2 panels in lieu of 3 . The clients want to install timber double hung windows consistent with other properties within the street and allows for them to double glaze them.
- Colours & materials to the front façade and part of the dwelling will be maintained.

Objectives and Standards of Clause 54 Rescode



**Address: 143 Chirnside St, Kingsville**

<i>Standard</i>	<i>Objectives</i>		<i>Compliance</i>	<i>Response</i>
Standard A1 - Neighborhood character objective	<p>To ensure that the design respects the existing neighborhood character or contributes to a preferred neighborhood character.</p> <p>To ensure that the design responds to the features of the site and the surrounding area.</p>		Yes	<p>The general neighborhood character of Chirnside St is made up of a mixture of both brick veneer &amp; timber Edwardian homes.</p> <p>The proposed works to the front façade, will be in keeping with the neighborhood character through its use of retaining existing materials &amp; the color scheme of the home</p> <p>The verandah appears to be an added addition to the dwelling and not an original part of the house era, therefore the removal of it will have no effect on the neighborhood character.</p> <p>The front window will be replaced as a timber double hung, consistent with the neighborhood character. The proposed extension has been recessed towards the rear of the home, utilizing the small sized site.</p>
Standard A2 - Integration with the street objective	To integrate the layout of development with the street.		Yes	The proposed extension & addition has been positioned & recessed to the rear of the home to ensure it integrates with the existing home and doesn't dominate the streetscape.
Standard A3 - Street Setback	Development Context	Minimum Setback from Front Street	Yes	No changes to the front setback.
	There is an existing building on the north facing the same street, to the south is a corner	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9		

Objectives and Standards of Clause 54 Rescode



**Address: 143 Chirnside St, Kingsville**

		metres, whichever is the lesser		
Standard A4 - Building Height	The maximum allowable building height is 9m		Yes	Max building height is 5100mm
Standard A5 – Site Coverage	The maximum allowable site coverage is 60%		Yes	Proposed site coverage is 50.7%
Standard A6 – Permeability	At least 20 per cent of the site must not be covered by hard surfaces including pervious surfaces.		Yes	Proposed permeability is 48.8%
Standard A7 - Energy Efficiency	<p>Oriented to make appropriate use of solar energy.</p> <p>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</p> <p>Living areas and private open space should be located on the north side of the dwelling, if practicable.</p> <p>Dwellings should be designed so that solar access to north-facing windows is maximised.</p>		Yes	The existing building upgrades will provide opportunity for the highest standard of insulation and building protection in accordance with the energy report requirements
Standard A8 – Significant Trees Objectives	Development should provide for the retention or planting of trees, where these are part of the neighborhood character.		Yes	No landscaping forms part of our contract works
Standard A10 - Side and Rear Setbacks	A new building not on or within 200mm of a boundary should be set back from side or rear boundaries at least the distance specified in the zone, or if no distance is specified in the schedule to the zone, 1 metre, plus 0.3 metres		No	<p>North boundary wall extension is setback 225mm from the title boundary &amp; will be built to the boundary fence.</p> <p>The neighboring properties verandah &amp; the title boundary fence between 141 Chirnside, is not on the title boundary.</p>



Objectives and Standards of Clause 54 Rescode



**Address: 143 Chirnside St, Kingsville**

	for every meter of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.		
Standard A11 – Walls on Boundaries	To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighborhood character and limits the impact on the amenity of existing dwellings.	Yes	North boundary wall extension is a length of 5720mm & average height of 3.07mtrs
Standard A12 – Daylight to existing windows	To allow adequate daylight into existing habitable room windows.	Yes	The position of the new works does not affect daylight to any existing habitable windows on neighboring properties, achieving 1mtr clear to the sky
Standard A13 - North-facing windows	To allow adequate solar access to existing north-facing habitable room windows.	Yes	South boundary wall is being retained in its existing position & retaining the existing setback.
Standard A14 - Overshadowing open space	To ensure buildings do not unreasonably overshadow existing secluded private open space.	Yes	No proposed additional shadows are cast from the proposed works.
Standard A15 – Overlooking Objective	To limit views into existing secluded private open space and habitable room windows.	Yes	Proposed new living room window is 1.7mtrs above FL and is screened by the boundary fence.
Standard A16 - Daylight to new windows objective	To allow adequate daylight into new habitable room windows.	No	The proposed new living room window does not achieve 1mtr clear to the sky, however the placement of the rear external doors will allow ample daylight into the living area.
Standard A17 – Private Open Space	To provide adequate private open space for the reasonable recreation and service needs of residents.	Yes	No changes to the POS

Objectives and Standards of Clause 54 Rescode



**Address: 143 Chirnside St, Kingsville**

Standard A18 - Solar access to open space objective	To allow solar access into the secluded private open space of a new dwelling.	Yes	The proposed works do not cause any changes to the POS
Standard A19 - Design Detail	To encourage design detail that respects the existing or preferred neighborhood character.	Yes	The proposed alterations & extension will be of a high quality finish, that will compliment & match the existing fabric & features of the home & neighborhood. It will therefore have no detrimental effects on the neighborhood character
Standard A20 - Front Fence Height	The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.	Yes	Proposed new 1.2mtr high timber picket fence