

Department of Environment, Land, Water and Planning (DELWP)

Planning Enquiries Phone: 1800 789 386 Web: planning.vic.gov.au

Clear Form

Office Use Only				
Application No.:	Date Lodged:	/	/	

# 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*. See MORE INFORMATION at the end of this form to read our privacy statement. If you have any questions, please contact the relevant DELWP office.

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

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

Click for further information.

## Name of Planning Scheme

The Land 🚺

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

Street Address \*

## Formal Land Description \* Complete either A or B.

This information can be found on the certificate of title

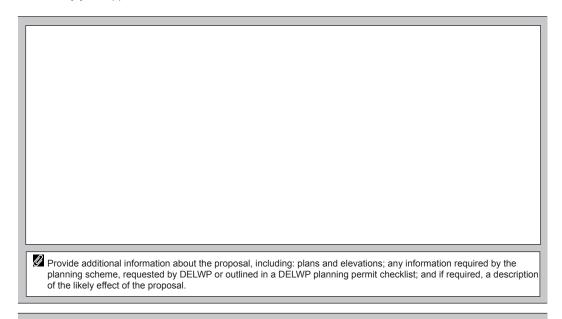
If this application relates to more than one address, attach a separate sheet setting out any additional property details.

reet Address and one of the Formal Land Descriptions.					
Un	it No.: St. No.:	St. No.: St. Name:			
Su	burb/Locality:	Postcode:			
Α	Lot No.: OLodged Plan	Title Plan OPlan of Subdivision No.:			
OR					
В	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.

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



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

Cost \$

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 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 <a href="https://www.sro.vic.gov.au">www.sro.vic.gov.au</a> for information.

### Existing Conditions II 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. Provide a plan of the existing conditions. Photos are also helpful. Does the proposal breach, in any way, an encumbrance on title such as a restrictrive covenant, section 173 agreement or other obligation such as an easement or building envelope? Encumbrances on title \* Yes (If 'yes' contact DELWP 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 \* Name: First Name: Surname: The person who wants the permit. Title: Organisation (if applicable): Postal Address: If it is a P.O. Box, enter the details here: Unit No.: St. No.: St. Name: Postcode: Suburb/Locality: State: Please provide at least one contact Contact information for applicant OR contact person below phone number Business phone: Email: Mobile phone: Fax: Contact person's details\* Where the preferred contact person Same as applicant for the application is different from Name: the applicant, provide the details of First Name: Title: Surname: that person. Organisation (if applicable): Postal Address: If it is a P.O. Box, enter the details here: Unit No.: St. No.: St. Name: Suburb/Locality: State: Postcode: Owner \* Same as applicant Name: The person or organisation First Name: Title: Surname: who owns the land Where the owner is different Organisation (if applicable):

Postal Address:

Suburb/Locality:

Owner's Signature (Optional):

Unit No.:

St. No.:

from the applicant, provide

the details of that person or

organisation.

Postcode:

day / month / year

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

State:

Date:

St. Name:

## Declaration I

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:	Date:			

## Need help with the Application?

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

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

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

Has there been a pre-application meeting with a DELWP planning officer?	No Yes If 'Yes', with whom?:  Date: day / month / year
Checklist 💶	Filled in the form completely?
Have you:	Paid or included the application fee?  Most applications require a fee to be paid. Contact DELWP 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 DELWP or outlined in a DELWP 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 DELWP planning permit checklist?  Signed the declaration above?

## Lodgement I

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

## Department of Environment, Land, Water and Planning

To obtain the address details for the relevant planning office, go to the department's Planning Contacts page at <a href="mailto:planning.vic.gov.au/contact-us">planning.vic.gov.au/contact-us</a> or email <a href="mailto:development.approvals@delwp.vic.gov.au/contact-us">development.approvals@delwp.vic.gov.au/contact-us</a> or email <a href="mailto:development.approvals@delwp.vic.gov.au/contact-us</a> or emailto:development.approvals@delwp.vic.gov.au/contact-us</a> or emailto:devel

Deliver application in person, by post or by email.

## **Payment**

Please select the relevant payment method.

A Electronic Funds Transfer (EFT)						
	On	Date:	(day / month / year) an EFT pay	ment		
	of	\$				
OR	BSE	made to: 3 – 033 222 3 – 13 11 46 4 – 90 719 052 204				
В	Che	que*				
	A ch	neque was made payable on	Date:	(day / month / year)		
	in accordance with the Planning and Environment (Fees) Regulations.  *Cheques must be made payable to the Department of Environment, Land, Water and Planning.					

## 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.

A Planning schemes use specific definitions for different types of use and development. Contact the DELWP 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 DELWP's planning department or by visiting the Planning Schemes Online section of the department's website http://planning-schemes.delwp.vic.gov.au

A You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlavs 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 for 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 DELWP 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.

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

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

A Contact the DELWP 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 relevant DELWP office 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 responsible authority 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.

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 granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the DELWP for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

A You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

#### Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

#### What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

A Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

#### Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

The responsible authority may require that title information must have been searched within a specified time frame. Contact the DELWP for advice on their requirements.

▲ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.landata.vic.gov. au - go direct to "titles & property certificates".

## Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the DELWP will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See Example 4.

### Privacy statement

The Department of Environment, Land, Water and Planning (DELWP) is committed to protecting personal information provided by you in accordance with the principles of the Victoria privacy laws.

The information you provide will be used for the following purposes:

- · correspond with you about your permit application
- if necessary, notify affected parties who may wish to inspect your application so that they can respond - this may be a notice onsite, in a newspaper and/or by post

- if necessary, forward your application to a referral authority who must also keep a register available for inspection by any person
- be recorded in the Minister's permit register (no name or personal details are visible in the online register).

The information you provide will be made available to:

- any person who may wish to inspect your application until the application process is concluded, including any review at VCAT
- relevant officers in DELWP, other Government agencies or Ministers directly involved in the planning process.
- Persons accessing information in accordance with the Public Records Act 1973 or the Freedom of Information Act 1982.

This information is being collected in accordance with the *Planning and Environment Act* 1987

If all requested information is not received, DELWP may not be able to process your application.

You may access the information you have provided to DELWP by emailing: <a href="mailto:development.approvals@delwp.vic.gov.au">development.approvals@delwp.vic.gov.au</a>

### Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration.

▲ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit.

## Need help with the Application?

If you have attended a pre-application meeting with a DELWP planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged.

#### Checklist

## What additional information should you provide to support the proposal?

You should provide sufficient supporting material with the application to describe the proposal in enough detail for a decision to be made. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- · provided all the required information on the form
- · included payment of the application fee
- · attached all necessary supporting information and documents
- · completed the relevant DELWP planning permit checklist
- · signed the declaration on the last page of the application form

▲ The more complete the information you provide with your permit application, the sooner a decision can be made.

### Lodgement

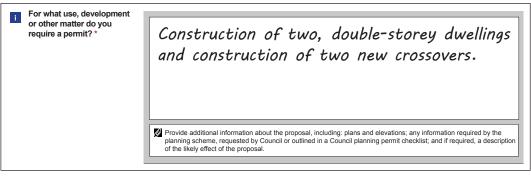
The application must be lodged with the DELWP office responsible for the planning scheme in which the land affected by the application is located. To obtain the address details for the relevant DELWP office, go to the department's Planning Contacts page at planning.vic.gov.au/contact-us

Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or DELWP departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

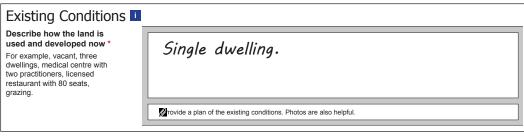
## Example 1

#### The Land 💶 Address of the land. Complete the Street Address and one of the Formal Land Descriptions. 26 Unit No.: 4 St. Name: Planmore Avenue St. No.: HAWTHORN Postcode: 3122 Suburb/Locality: Formal Land Description \* OLodged Plan Title Plan Plan Plan of Subdivision No.: LP93562 Complete either A or B. A Lot No.: 2 ⚠ This information can be found on the certificate of title. Section No.: Crown Allotment No.: If this application relates to more than one address, attach a separate sheet setting out any additional property Parish/Township Name:

### Example 2



### Example 3



## Example 4

