

This version of **Application for a Planning Permit: Department of Environment, Land, Water & Planning** has been prepared for use with screen reader software. The PDF version contains various design features that have been necessarily omitted from this version. In other respects this document contains identical text to that in the PDF version of the document which is available at planning.vic.gov.au.

Application for a Planning Permit – Department of Environment, Land, Water & Planning

Office Use Only

Application No.:

Date Lodged:

(End of 'Office Use Only' section)

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

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

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. If you have any questions, please contact the [relevant DELWP office](#).

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

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

Name of planning scheme:

The Land

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

Street Address*

Unit No.:

St. No.:100

St. Name: Gap Road (and adjoining road reserve along Gap Road)

Suburb/Locality: Cowes

Postcode: 3922

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:

- Plan of Subdivision

No.:531085 (Lot 2)

OR

B: Crown Allotment No.:

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Section No.:

Parish/Township Name:

ADVERTISED PLAN

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?*

To use the land for a Utility Installation (Section 2 use), buildings and works, and native vegetation removal on the land and adjacent road reserve.

Approval is sought for buildings and works within:

- » 20 metres of a local road (i.e. Gap Road)
- » 5 metres of a property boundary (i.e. northern boundary)
- » 100 metres of a watercourse (i.e. Saltwater Creek).

Estimated cost of development for which the permit is required*

Cost \$:12,000,000

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

Existing Conditions

Describe how the land is used and developed now*

Vacant farmland. For additional information please refer to the accompanying Planning Assessment Report prepared by Phillip Island Planning Services Pty Ltd.

Title Information

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?

No

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

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

Applicant*

TEC-C (on behalf of Mondo)

Name

Title: Mr

First Name: Thomas

Surname: Macneish

Organisation (if applicable): TEC-C

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

Unit No.:

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ADVERTISED PLAN

St. No.: [REDACTED]

St. Name: [REDACTED]

Suburb/Locality: [REDACTED]

State: [REDACTED]

Postcode: [REDACTED]

Contact information for applicant OR contact person below

*Please provide at least one contact phone number**

Business phone:

Email: [REDACTED]

Mobile phone: [REDACTED]

Fax:

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

Contact person's details*

Same as applicant? Yes

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address: If it is a PO Box, enter the details here:

Unit No.:

St. No.:

St. Name:

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: Bass Coast Shire Council

Title:

First Name:

Surname:

Organisation (if applicable): Bass Coast Shire Council

Postal Address: If it is a PO Box, enter the details here:

Unit No.:

St. No.: 76

St. Name: McBride Avenue

Suburb/Locality: Wonthaggi

State: Victoria

Postcode: 3995

Owner's Signature (Optional):

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Date: 22/11/2021

ADVERTISED PLAN

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:



Date: (day / month / year)

08/12/2021

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 council planning officer?

Yes?

If 'Yes', with whom?:



Date: (day / month / year) **Tue 24/08/2021**

Checklist

Have you:

Filled in the form completely?

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?

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Lodgement

Lodge the completed and signed form, the fee payment 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 www.planning.vic.gov.au/contact-us or email development.approvals@delwp.vic.gov.au

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

Payment

Please select the relevant payment method.

A: Electronic Funds Transfer (EFT)

On: Date (day / month / year) and EFT payment of \$

Was made to:

BSB – 033 222

ACC – 13 11 46

ABN – 90 719 052 204

OR

B: Cheque (must be made payable to the Department of Environment, Land, Water and Planning)

A cheque was made payable on Date: (day / month / year) in accordance with the Planning and Environment (Fees) Regulations.

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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.

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 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 72.06 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>

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 for Central Goldfields, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

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.

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 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.

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.

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- **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.

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.

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".

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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.

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: development.approvals@delwp.vic.gov.au

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.

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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 council 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.

DOCUMENT ENDS

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