## **CITY OF MARIBYRNONG**

# **ADVERTISED PLAN**

waribyrnong

AMEND a Planning Permit

Planning Enquines Phone: (03) 9688 0200 Web: www.manbymong.vic.gov.au If you need help to complete this form, read MORE INFORMATION at the

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's planning department A This form cannot be used to:

 amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the amend a permit issued by the Minister under Divis

| Clear Form   | amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 97I of the Act).  Questions marked with an asterisk (*) must be completed.  Click for further information. |
|--|---|
| The Land  Address of the land. Complete the Street Address.  | De Street Address and one of the Formal Land Descriptions.  Unit No. St. No. St. Name: ROWE ST.   |
| Formal Land Description * Complete either A or B.  | Suburb/Locality MARIBYRNONG Postcode  A LOLNO 194 Olestone  |
| This information can be found on the certificate of title.   | OR OR OLOGged Plan OTitle Plan OPlan of Subdivision No. 100 9442  |
| If this application relates to more than<br>one address, attach a separate sheet<br>setting out any additional property<br>fetalis | B Crown Allotment No. Section No : Parish/Township Name:  |
| Planning Permit Det<br>Vhat permit is being<br>mended?   | Planning Permit No. TP 338 202 (1)  |
| he Amended Propo   | isal II   |
| That is the amendment applied for?"  | amendment being applied for Insufficient or unclear information will delay your application.  This application seeks to amend:  |
| Indicate the type of changes proposed to the permit.   | What the permit allows Plans endorsed and an  |
| List details of the proposed changes.  | Current conditions of the permit  Other documents endorsed under the permit   |
| he space provided is insufficient,<br>ach a separate sheet.  | Changes to the existing toward about  |

Changes to the existing town planning drawings are as follow.

- changing of front fence material a configuration

- LeloEation of Power group meter Condusad plans compliant.

Provide plans clearly identifying all proposed changes to the endorsed plans, together with any information required by the planning scheme, requested by Council or outlined in a Council checklist, and if required, include a description of the likely effect of the proposal.

Application to AMEND a Planning Permit

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### Development Cost

Estimate cost of development

If the permit allows development, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit. Cost of proposed amended development:

S 15,000.00 - S \$20,000 = \$ - \$5 K

Insert 'NA' if no development is proposed by the permit.

## 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.

Have the conditions of the land changed since the time of the original permit application?

Yes X No If yes, please provide details of the existing conditions.

## Title Information II

Encumbrances on title

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?

Yes (If 'yes' contact council for advice on how to proceed before continuing with this application.)

No Not applicable (no such encumbrance applies).

A You may be required to verify this estimate

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

| This person who wants the permit.  The person who wants the permit.  The person who wants the permit.  The provided at least one contact person declared from murber.  Suburbl. coality.  Contact Information for applicant OR contact person below.  Business phores.  Contact Information for applicant OR contact person below.  Contact Information for applicant OR contact person below.  Business phores.  Contact Information for applicant OR contact person below.  Contact person or or person details.  Name.  Tale:  First Name.  Contact person or organisation of application.  Tale:  First Name.  Suburbl. coality.  State:  First Name:  Sumame:  Contact person or organisation of application.  Tale:  First Name.  Suburbl. coality.  State:  First Name.  Suburbl. coality.  State:  Postcode  Name:  Tale:  First Name.  Suburbl. coality.  State:  First Name.  Sumame:  Contact person or organisation of application.  Tale:  First Name.  Suburbl. coality.  State:  First Name.  Suburbl. coality.  State:  Contact person or organisation of application.  Tale:  First Name.  Suburbl. coality.  State:  Contact person or organisation of application.  Tale:  First Name.  Suburbl. coality.  State:  Contact person or organisation.  Tale:  First Name.  Suburbl. coality.  State:  Contact person or organisation.  Tale:  T |   | the owner of the lan   | <b>~</b> ·  |   |                                       |   |  |  |
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| Posted Address.    If it is A P.D. Dox naive the glotals here.   | he person who wants the permit.   | Title:y//  | First Name: AL  | ved   | Surname: (a                           | idamone   |  |  |
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| Contact Information for applicant OR contact person below  Business phone:  Business glicard or contact person or or the applicant from the applicant, provide the details of the person or organisation who owns the land  Where the owner is different from the applicant, provide the details of the person or organisation who owns the land  Where the owner is different from the applicant, provide the details of the person or organisation who owns the land  Where the owner is different from the applicant, provide the details of the person or organisation who owns the land  Where the owner is different from the applicant provide the details of the person or organisation or organisation who owns the land  Where the owner is different from the applicant provide the details of the person or organisation who owns the land  Where the provide the details of the person or organisation who owns the land  Where the owner is different from the application is the application is true and correct, that all changes to the permit and plan have been listed as part of the amended proposal and that the owner (if not myself) has been notified of the permit application.  Signature:  Date: Business of the amended proposal and that the owner (if not myself) has been organisation and obtain a checklist. Insufficient or unclear information and yeldey your application.  No Yes If Yes, with whom?  |   | Unit No.:  | Unit No.:   St. No.: 8   St. Name FARUIEW ST  |   |                                       |   |  |  |
| Business phone:    Business phone:   Email Glfee and annual like   Mobile phone   O (  |   | Suburb/Locality  | GENR  | M   | State: VLC                            | Postcode: 301   | 16   |  |
| Where the preferred contact person or the applicant from the application is different from the application is different from the application is different from the application of the defails of half person.  Contact person's details'  Name.  Title: First Name: Surmame:  Crgamisation (if applicable):  Pettal Address:  Unit No.: St. No.: St. Name:  Suburbit.coality: State: Postcode  Name:  Title: M.R. First Name: M.C.H.A.C.L. Surmame:  Crgamisation (if applicable):  Pettal Address:  Unit No.: St. No.: St. Name:  Companisation (if applicable):  Pettal Address:  Unit No.: St. No.: St. Name:  Companisation (if applicable):  Postcode  Name:  Title: M.R. First Name: M.C.H.A.C.L. Surmame:  Corganisation (if applicable):  Postcode  Name:  Corganisation (if applicable):  Postcode  Title: M.R. First Name: M.C.H.A.C.L. Surmame:  Corganisation (if applicable):  Postcode  Organisation (if applicable):  Postcode  Title: M.R. First Name: M.C.H.A.C.L. Surmame:  Corganisation (if applicable):  Postcode  Organisation (if applicable):  Postcode  Organisation (if applicable):  Postcode  If it is a P.O. Box. enter the details here:  Unit No.: St. No.: I.G. St. Name: R.C.W.C. ST.  Suburbit.coality: M.R.H.B.YRNOWC State: V.L. Postcode 3-32  Coverer's Signature (Optional):  Dettal S. Name: R.C.W.C. ST.  Date: S. Name: R.C.W.C |   | Contact information for applicant OR contact person below  |   |   |                                       |   |  |  |
| Where the preferred contact person or the application is different from the application is different from the application of th | rong number   | Business phone   | 3<br>3  | Em  | air alfred                            | audamore R  | ve   |  |
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| Title: First Name: Surname:  Organisation (if applicable): Postal Address: If it is a P.O. Box, enter the details here: Unit No.: St. No.: St. Name: Suburbit Locality: State: Postcode:  Name: Title: M.C. First Name: M.C. H.A.C.I. Surname: TANCE  Organisation (if applicable): Postal Address in the law to when it address in the details of that person or againsation.  Organisation (if applicable): Postal Address in the law to provide false or malespaing information, which could result in a heavy fire and carculation of the permit.  Remember it is against the law to provide false or malespaing information, which could result in a heavy fire and carculation of the permit.  Remember it is against the law to provide false or malespaing information, which could result in a heavy fire and carculation of the permit.  Remember it is against the law to provide false or malespaing information, which could result in a heavy fire and carculation of the permit.  Signature: Date: Respectively application is true and correct, that all changes to the permit and plan have been listed as part of the amended proposal and that the owner (if not myself) has been notified of the permit application.  Signature: Date: Respectively application.  Signature: Date: Respectively application.  Signature: Date: Respectively application and obtain a checklist. Insufficient or unclear information about the planning process is available at planning vice, gov.au.  Contact Councils planning department to discuss the specific requirements for this application and obtain a checklist. Insufficient or unclear information may delay your application may delay your application.  |   |  | details*  |   |                                       | Same as applicant                                     | X  |  |
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| To provide false or misleading information, which could result in a heavy fine and cancellation of the permit.  I declare that I am me applicant; that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amended proposal and that the owner (if not myself) has been notified of the permit application.  Signature:  Date: ### Da | This form must be signed by the   | applicant*   | 6.5   |   |                                       |   |  |  |
| Need help with the Application?  If you need help to complete this form, read More Information at the end of this form or contact Council's planning department. General information about the planning process is available at planning.vic.gov.au  Contact Council's planning department to discuss the specific requirements for this application and obtain a checklist. Insufficient or unclear information may delay your application.  Has there been a pre-application meeting with a council planning  No Yes If 'Yes', with whom?  |   | I declare that I am the applicant; that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amended proposal and that the |   |   |                                       |   |  |  |
| Need help with the Application?  If you need help to complete this form, read More Information at the end of this form or contact Council's planning department. General information about the planning process is available at planning.vic.gov.au  Contact Council's planning department to discuss the specific requirements for this application and obtain a 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?   | Remember it is against the law<br>to provide false or misleading<br>information, which could result in  | all changes to the   | e permit and plan have t  | een listed as p   | art of the amende                     | is true and correct, that<br>ed proposal and that the |  |  |
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signed form and all documents with:

FO BOX 58 Footscray VIC 3011 Cnr Napier & Hyde Stre

Cnr Napier & Hyde Streets Footscray VIC 3011

### Contact information:

Phone: (03) 9688 0200 Email: email@manbyrnong.vic.gov.au DX: 81112

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

## The Land

It is important that your application to amend a planning permit includes details of the land, consistent with the Planning Permit, Refer to a copy of your Planning Permit, when completing the street address section of the form.

Also ensure you provide up-to-date details for the formal land description, using the current copy of the title.

### Planning Permit Details

You must identify the permit being amended by specifying the permit number. This can be found at the beginning of the permit.

#### The Amended Proposal

First select the type of amendment being applied for. This may include an amendment to:

- · the use and/or development allowed by the permit
- · conditions of the permit.
- · plans approved by the permit
- · any other document approved by the permit.

Then describe the changes proposed to the permit, including any changes to the plans or other documents included in the permit.

#### Development Cost

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 to be allowed by the amended permit and the difference between the development allowed by the permit.

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.

The cost difference is calculated as follows

Development cost related to the Application to Amend a Planning

Development cost related to the Application for Planning Permit

= Cost Difference

If the estimated cost of the proposed amended development is less than the estimated cost of the development allowed by the permit, show it as a negative number.

#### Example 1

Permit

Where the cost of the development to be allowed by the amended permit is lower than the cost of the development allowed by the permit:

\$180,000 - \$195,000 = -\$15,000

#### Example 2

Where the cost of the development to be allowed by the amended permit is higher than the cost of the development allowed by the permit;

\$250,000 - \$195,000 = \$55,000

▲ 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 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.

#### **Existing Conditions**

#### How should land be described?

If the conditions of the land have changed since the time of the original permit application, you need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (for example, single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant land).

Please attach to your application a plan of the existing conditions of the land, if the conditions have changed since the time of the original permit application. 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.

#### 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.

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.

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.



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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,

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

Page 1 of 1

VOLUME 05446 FOLIO 190

Security no : 124127851996S Produced 07/09/2025 12:29 PM

#### LAND DESCRIPTION

Lot 194 on Plan of Subdivision 009942.
PARENT TITLES:
Volume 05319 Folio 618 to Volume 05319 Folio 619
Created by instrument 1366838 24/05/1928

#### REGISTERED PROPRIETOR

Estate Fee Simple Sole Proprietor

TANG NGUYEN & DAUGHTERS PTY LTD of 5 WAIGANI AVENUE RAVENHALL VIC 3023 AU586724N 16/07/2021

#### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU586725L 16/07/2021 WESTPAC BANKING CORPORATION

**COVENANT 1366838** 

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 TP713462W 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)

#### ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION Effective from 16/07/2021

DOCUMENT END

Title 5446/190 Page 1 of 1

# **Imaged Document Cover Sheet**

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TITLE PLAN

**EDITION 1** 

TP 713462W

Location of Land

Parish:

CUT-PAW-PAW

Township:

Section: 2

Crown Allotment: 12(PT)

Crown Portion:

Last Plan Reference: LP 9942

Derived From: VOL 5446 FOL 190

Depth Limitation: NIL

Notations

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON

THIS TITLE PLAN

Description of Land / Easement Information

All that piece of Land, delineated and coloured

red and blue on the map in the margin being Lot 194 on Plan of Subdivision No.9942-ledged in the Office of Titles and being part of Crown Allotment Twelve Section --Twenty-one Parish of Cut Paw Paw County of Bourke - Together with a right of ---carriage way over the roads colored brown on said Plan of Subdivision - - - - -

THIS PLAN HAS BEEN PREPARED
FOR THE LAND REGISTRY, LAND
VICTORIA, FOR TITLE DIAGRAM
PURPOSES AS PART OF THE LAND
TITLES AUTOMATION PROJECT
COMPILED: 11/12/2000

COLOUR CODE

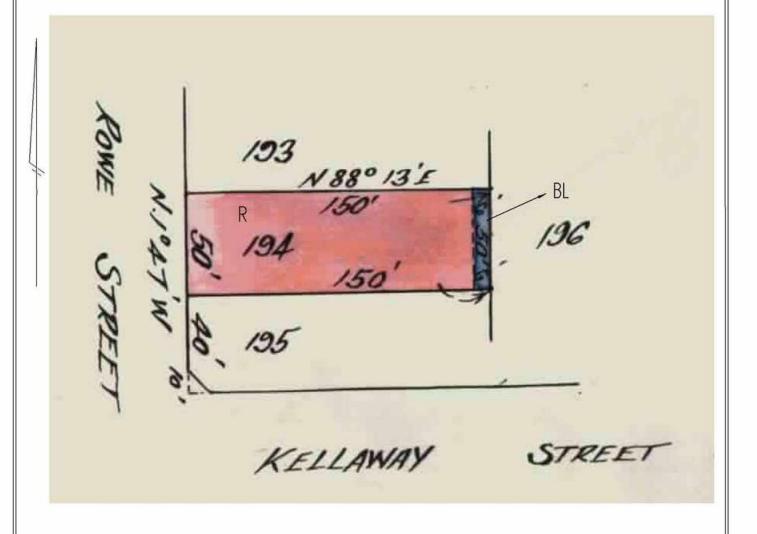
BL = BLUE R = RED

VERIFIED:

ENCUMBRANCES REFERRED TO.

As to the land colored blue -----

ANY EASEMENTS implied under Act No.3168 -----



LENGTHS ARE IN FEET & INCHES Metres = 0.3048 x Feet Metres = 0.201168 x Links

Sheet 1 of 1 sheets



# **Imaged Document Cover Sheet**

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SIGNED by the said THOMAS LAWRENCE MCNAMARA THOMAS LAWRENCE MCNAMARA in Victoria by his Attorney under Power by his Attorney under Power. HIGNED by the said THOMAS LAWRENCE MCNAMARA in)
ile No. 56925) T. M. BURKE PROPRIETARY LIMVictoria in the presence of ITED The Common Seal of T.M.Burke Proprietary Limited was hereunthe Governing Director) o affixed by order Thomas Les Hauley. SIGNED by the said THOMAS LEO HANLEY in Victoria in the presence of aastarmo homas John Walsh Signed by the said THOMAS JOHN WALSH in Victoria in the presence of austerno ENCUMBRANCES REFERRED TO As to so much of the said Lot as is coloured blue on the said of Title - Any Easements implied under Act Number 3168.



唐·曹·黄·

MEMORIAL OF INSTRUMENT.

NUMBER OF SYMBOL THEREON NATURE OF INSTRUMENT TO WHOM GIVEN Transfer as to part and Creation of Easement 1366838 ASSISTANT REGISTRAR OF TITLES,

TIME LAST MENTIONED IN THE REGISTER BOOK 5319 FOL 106361

ASSISTANT PEGISTRAR OF TITLES

Ash hereby transferred pursuant to this transfer and to run with - biss on the Certificate of Title to issue for the said -

such land.

and twenty-eight. day of May One thousand nine hundred DATED the langualth

SIGNED by the said Enid May Totton by

presence of . Housing nuger Fower No 54691 in victoria in the her Attorney Walter Bothwell McCutcheon

ZIGNED PA the said William Henry bruce

in Victoria in the presence

ENCOMBRANCES REFERRED TO

- - brambs to Charles Percival Fursell and Robert Edward - -As to the whole of the land - Special Railway Conditions contained

- saniblind one leaving the foundations of any buildings nor make any excavations therein or in any part thereof except such away any stone gravel soil or sand therefrom or any part thereof not at any time hereafter in any manner quarry on the same or carry proprietor or proprietors for the time being of the above land will of Transfer Numbered 758648 in the Register Book that the registered An or the said land - The covenant contained in Instrument Lewis respectively.

to be erected thereon. .

8701666

**Етеелода** 

CLOVER & ORROND Sentition

TO TAME TOTTON OF LIVILENEMPTION IN the County of

WILLIAM HENRY BRUCE of Heatherleigh Place East Walvern Builder - yd am ot bisg 200009 YTHIY GMA CHAUNH OWT lo mus and lo subject to the encumbrances notified hereunder in consideration of an estate in fee simple in the land hereinsfter described -

Sussex England Married Woman being registered as the proprietor

over the road colored Brown on the said Flan of Subdivision.

broprietor or proprietors for the time being of the land hereby

or proprietors for the time being of the land comprised in the -

766730 and vol. 5157 Folio 1051352 that no buildings other than Certificates of Title entered in the Register Book Vol. 3834 Folia

tiles and shall not cost less than the sum of £1500 exclusive of

all fences and architects fees AMD the said William Henry Bruce

hereby consents to the foregoing covenant appearing as an

material other than of brick or concrete with a roof of slate or and that any dwelling house so erected shall not be of any with a dwelling house shall be erected on the land transferred one qwelling house and outbuildings customarily used in connection executors administrators and transferees registered proprietor transferred COVENANT with the said ENID MAY TOTTON her heirs heirs executors administrators and transferees registered and the said William Henry Bruce DOTH MERKEY for hinself his Vol. 3834 Fol. 766730. Together with a right of carriage way -Title entered in the Register Book Vol. 5157 Fol. 1031352 and -- To satasificated and in the described in the Certificates of Parish of Francan East of Elsternwick County of Bourke being part part of Crown Portions Minety-seven and One hundred at Murrumbeens Subdivision No. 11711 lodged in the Office of Titles and being To naid no evit tol Enta place of land being Lot Five on Plan of DO HEREBY TRANSFER to the said william Henry Bruce All my estate







