

CITY OF MARIBYRNONG ADVERTISED PLAN

maribyrnong
CITY COUNCIL

Planning Enquiries
Phone: (03) 9688 0200
Web: www.maribyrnong.vic.gov.au

AMEND 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's planning department

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 permit (as the case requires); or
- 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 971 of the Act)

Questions marked with an asterisk (*) must be completed.
Click for further information.

Clear Form

The Land

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

Street Address *

Unit No.	St. No. 16	St. Name ROWE ST
Suburb/Locality MARIBYRNONG		Postcode
<p>A Lot No. 94 <input type="radio"/> Lodged Plan <input type="radio"/> Title Plan <input type="radio"/> Plan of Subdivision No. 009942</p> <p>OR</p> <p>B Crown Allotment No. Section No.</p> <p>Parish/Township Name.</p>		

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

Planning Permit Details

What permit is being amended?

Planning Permit No. TP 338/2021 (1)

The Amended Proposal

You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application.

What is the amendment being applied for?

- Indicate the type of changes proposed to the permit
- List details of the proposed changes.

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

This application seeks to amend:

- | | |
|---|--|
| <input type="checkbox"/> What the permit allows | <input type="checkbox"/> Plans endorsed under the permit |
| <input type="checkbox"/> Current conditions of the permit | <input type="checkbox"/> Other documents endorsed under the permit |

Details:

Changes to the existing town planning drawings are as follow.

- changing of front fence material & configuration
- Relocation of Power group meter (endorsed plans were not 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.

Development Cost **I**

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:

\$ 15,000.00


Cost of the permitted development:

\$ 20,000

Cost difference (+ or -):

\$ - \$5k

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

 You may be required to verify this estimate.

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

Have the conditions of the land changed since the time of the original permit application? ☐ Yes ☒ No
If yes, please provide details of the existing conditions.

☒ Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

Title Information **I**

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

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

☒ No

☐ Not applicable (no such encumbrance applies).

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

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

Applicant*

The person who wants the permit.

Name:		
Title: M	First Name: Alfred	Surname: Cardamone
Organisation (if applicable): Cardamone Corporation		
Postal Address: <small>If it is a P.O. Box, enter the details here.</small>		
Unit No.: 1	St. No.: 81	St. Name: FARVIEW ST
Suburb/Locality: GREENHAY		State: VIC Postcode: 3076

Please provide at least one contact phone number*

Contact information for applicant OR contact person below

Business phone:	Email: alfred.cardamone@live.com
Mobile phone: 0401800279	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 ☒

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
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:		
Title: MR	First Name: MICHAEL	Surname: TANCE
Organisation (if applicable):		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.: 16	St. Name: ROWE ST
Suburb/Locality: MARBYRNONG		State: VIC Postcode: 3032
Owner's Signature (Optional): 		Date: 8/8/2025 <small>day / month / year</small>

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; 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: 8/8/25 <small>day / month / year</small>
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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?

<input checked="" type="radio"/> No <input type="radio"/> Yes	If 'Yes', with whom?:
Date: <small>day / month / year</small>	

Seal and completed and
signed form and all documents
with:

PO Box 58
Footscray VIC 3011
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 Permit	-	Development cost related to the Application for Planning Permit	=	Cost Difference
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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

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.

▲ 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.

▲ 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.

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

Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	TP713462W
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TITLE PLAN		EDITION 1	TP 713462W
Location of Land Parish: CUT-PAW-PAW Township: Section: 21 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 <div> <i>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--</i> <i>loded in the Office of Titles and being part of Crown Allotment Twelve Section ---</i> <i>Twenty-one Parish of Cut Paw Paw County of Bourke - Together with a right of -----</i> <i>carriage way over the roads colored brown on said Plan of Subdivision - - - - -</i> </div> <div> ENCUMBRANCES REFERRED TO. As to the land colored blue ----- ANY EASEMENTS implied under Act No.3168 ----- </div>		<div> 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 VERIFIED: AC </div> <div> COLOUR CODE BL = BLUE R = RED </div>	
<div> <p>Diagram Description: The diagram shows a rectangular lot (194) colored red (R). To its left is a vertical strip of land colored blue (BL). The lot is bounded by Rowe Street to the west and Kellaway Street to the south. The lot is adjacent to lot 193 to the north, lot 195 to the south, and lot 196 to the east. The lot is divided into two sections: a larger red section (R) and a smaller blue section (BL) on the right. Dimensions are given in feet and inches: 150' for the top and bottom horizontal boundaries, 50' for the left vertical boundary, and 40' for the bottom vertical boundary. The angle between the top horizontal boundary and the right vertical boundary is N 88° 13' E. The angle between the left vertical boundary and the bottom horizontal boundary is N 104° 1' W. The lot is labeled 194 in the center. The surrounding areas are labeled 193, 195, and 196. The streets are labeled ROWE STREET and KELLAWAY STREET.</p> </div>			
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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Document Type	Instrument
Document Identification	1366838
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1366838

STEWART & DIMELOW

VICTORIA.

[FREEHOLD]

Transfer of Land

I, THOMAS LAWRENCE McNAMARA of "Yangoora" The Avenue Canterbury in the State of Victoria Accountant being registered as the proprietor of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of Eightyfive pounds paid to me by THOMAS LEO HANLEY of 417 Brunswick Street Fitzroy Salesman and in further consideration of the sum of Eighty-five pounds paid to the said Thomas Leo Hanley by THOMAS JOHN WALSH of 115 Victoria - - Street Footscray Chemical Worker - - - - - DO HEREBY TRANSFER to the said Thomas John Walsh at the request and by the direction of the said Thomas Leo Hanley testified by his signature hereto all my estate and interest in ALL THAT piece of land being Lot Number 194 on Plan of Subdivision Number 9942 lodged in the Office of Titles and being part of Crown Allotment twelve Section twenty-one Parish of Cut Paw Paw County of Bourke and being part of the land described in Certificate of Title Volume 5319 Folio 1063618 Together with a right of carriage way over the roads colored brown on the said Plan of Subdivision

AND I the said Thomas John Walsh for myself my heirs executors administrators and transferees the registered proprietor or proprietors for the time being of the land hereby transferred DO HEREBY COVENANT with the said Thomas Lawrence McNamara his heirs executors administrators and transferees the registered proprietor or proprietors for the time being of the land remaining untransferred in the said Certificate of Title THAT I the said Thomas John Walsh will not excavate carry away or remove or permit to be excavated carried away or removed from the said land hereby transferred any earth clay stone gravel or sand except for the purpose of excavating for the foundation of any building to be erected thereon or use or permit or allow the said land to be used for the manufacture or winning of bricks tiles or pottery-ware and I the said Thomas John Walsh consent to the foregoing covenant appearing as an encumbrance on the Certificate of Title to be issued in respect of the said land and running with such land.

DATED this Twenty first day of May One

thousand nine hundred and twenty-eight.

SIGNED by the said THOMAS LAWRENCE McNAMARA in Victoria by his Attorney under Power

THOMAS LAWRENCE McNAMARA by his Attorney under Power.

SIGNED by the said THOMAS LAWRENCE McNAMARA in File No. 56925) T. M. BURKE PROPRIETARY LIM-
Victoria in the presence of ITED The Common Seal
of T.M.Burke Proprietary Limited was hereunto affixed by order of the Governing Director

SIGNED by the said THOMAS LEO HANLEY in Victoria in the presence of

Signed by the said THOMAS JOHN WALSH in Victoria in the presence of

ENCUMBRANCES REFERRED TO

As to so much of the said Lot as is coloured blue on the said Certificate of Title - Any Easements implied under Act Number 3168.

MEMORIAL OF INSTRUMENT.

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OF SYMBOL THEREON
Transfer as to part and Creation of Easement	THE ²⁴ 24 -DAY OF May 1928	TO Thomas John Walsh <i>Thos Gleeson</i>	1366838

ASSISTANT REGISTRAR OF TITLES.

I CERTIFY THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED AT THE TIME LAST MENTIONED IN THE REGISTER BOOK

Thos Gleeson 5319 FOL 1063618
5319 1063619

ASSISTANT REGISTRAR OF TITLES.

encumbrance on the Certificate of Title to issue for the said -
land hereby transferred pursuant to this transfer and to run with
such land.

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

SIGNED by the said Enid May Totton by

her Attorney Walter Bothwell McCutcheon

under Power No 54691 in Victoria in the

presence of.

James D. McEwen
Clerk of the Court

John D. McEwen
Solicitor

SIGNED by the said William Henry Bruce

in Victoria in the presence of

W. H. Bruce

Charles J. Stanger
Managing Director, Victoria
Electricity Commission

ENCUMBRANCES REFERRED TO

As to the whole of the land - Special Railway conditions contained

in Crown Grants to Charles Percival Fursell and Robert Edward -

Lewis respectively.

As to part of the said land - The covenant contained in instrument

of Transfer Numbered 758648 in the Register Book that the registered

proprietor or proprietors for the time being of the above land will

not at any time hereafter in any manner quarry on the same or carry

away any stone gravel soil or sand therefrom or any part thereof

nor make any excavations therein or in any part thereof except such

as may be necessary for laying the foundations of any buildings -

to be erected thereon.

DATED

1928

32

END MAY TOTTON

to

WILLIAM HENRY BRUCE

TRANSFER

Glover & Ormond
31 Queen Street
Melbourne

MEMORIAL OF INSTRUMENT.

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OR SYMBOL THEREON
TRANSFER AS TO PARTY	THE 24 th DAY OF May 1928.	TO William Henry Bruce	1366841.
<p><i>Thos Gleeson</i> ASSISTANT REGISTRAR OF TITLES.</p> <p>I Certify THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED, AT THE TIME LAST ABOVE MENTIONED IN THE REGISTER BOOK VOL 3824. FOL 766730. 8187. 1031352.</p> <p><i>Thos Gleeson</i> ASSISTANT REGISTRAR OF TITLES.</p>			

**CITY OF MARIBYRNONG
ADVERTISED PLAN**