

# Application for a Planning Permit

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

**⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987. If you have any questions, please contact Council planning department.

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

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

**i** Click for further information.

## The Land **i**

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

### Street Address \*

Unit No:	St. No.: 40-48	St. Name: Robbs Road
Suburb/Locality: WEST FOOTSCRAY		Post Code: 3012

### Formal Land Description \*

Complete either A or B.

**⚠** This information can be found on the certificate of title

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

<b>A</b>	Vol.: 9725	Folio.: 574	Suburb.: West Footscray
<b>OR</b>	Lot No.:	Type.: Consolidation Plan pre 98	
<b>B</b>	Crown Allotment No.:	Section No.:	
	Parish/Township Name:		

## The Proposal

**⚠** You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application

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

Buildings and works (facade alterations & canopy construction)

**i** Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

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

2000000.00	<b>⚠</b> You may be required to verify this estimate. Insert '0' if no development is proposed.
If the application is for land within <b>metropolitan Melbourne</b> (as defined in section 3 of the Planning and Environment Act 1987) and the estimated cost of the development exceeds \$1.093 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate <b>must</b> be submitted with the application. Visit <a href="http://www.sro.vic.gov.au">www.sro.vic.gov.au</a> for information.	


**CITY OF MARIBYRNONG  
ADVERTISED PLAN**

## Existing Conditions

**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.

Existing warehouse


 Provide a plan of the existing conditions. Photos are also helpful.

## 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?

- ☐ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☐ No
- ☒ Not applicable (no such encumbrance applies).
- ☐ Not Sure

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

## Applicant and Owner Details

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

### **Applicant \***

The person who wants the permit.

Name:		
Title: CO	First Name:	Surname:
Organization (if applicable): 40 Robbs Road JV c/o- Tract Consultants		
Unit No: LEVEL 6	St. No: 6	St. Name: Riverside Quay
Suburb: SOUTHBANK	State: VIC	Postcode: 3006
Business phone: 0394273789		Email: mhurst@tract.net.au
Mobile phone: 0425241098		Home:

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

### **Contact person's details\***

Name:		Same as applicant <input checked="" type="checkbox"/>
Title: CO	First Name:	Surname:
Organization (if applicable): 40 Robbs Road JV c/o- Tract Consultants		
Unit No: LEVEL 6	St. No: 6	St. Name: Riverside Quay
Suburb: SOUTHBANK	State: VIC	Postcode: 3006
Business phone: 94273789		Email: mhurst@tract.net.au
Mobile phone: 0425241098		Home:

### **Owner \***


The person or organisation who owns the land

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

Name:		Same as applicant <input type="checkbox"/>
Title: CO	First Name:	Surname:
Organization (if applicable): Anaira Holdings Pty Ltd c/o- Tract		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No:	St. No: 25-29	St. Name: Paramount Road
Suburb: WEST FOOTSCRAY	State: VIC	Postcode: 3012
Business Phone:		Email:
Mobile phone: 0425241098		Home:

## Declaration

This form must be signed by the applicant \*

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

**I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.**

Signature:

Date

14 / 02 / 2025

day / month / year

## Need help with the Application?

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

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

Has there been a pre-application meeting with a council planning officer



No



Yes

Officer Name:

Date:

day / month / year

## Checklist

Have you:



Filled in the form completely?



Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?



A full, current copy of title information for each individual parcel of land forming the subject site



A plan of existing conditions.



Plans showing the layout and details of the proposal.



Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.



If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts)



If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void



Completed the relevant council planning permit checklist?



Signed the declaration?

## Lodgement

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

Maribyrnong City Council  
PO Box 58  
Footscray VIC 3011  
Cnr Napier and Hyde Streets  
Footscray VIC 3011

### Contact information:

Phone: (03) 9688 0200  
Email: [email@maribyrnong.vic.gov.au](mailto:email@maribyrnong.vic.gov.au)  
DX: 81112

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



# 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.

 Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

### How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting Planning Schemes Online at [planning-schemes.delwp.vic.gov.au](http://planning-schemes.delwp.vic.gov.au)

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting [www.landata.vic.gov.au](http://www.landata.vic.gov.au) Contact your local Council to obtain a planning certificate in Central 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 Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

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

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

 Contact the Council to determine the appropriate fee. Go to [planning.vic.gov.au](http://planning.vic.gov.au) to view a summary of fees in the Planning and Environment (Fees) Regulations.

**Metropolitan Planning Levy** refer Division 5A of Part 4 of the Planning and Environment Act 1987 (the Act). A planning permit application under section 47 or 96A of the Act for a development of land in metropolitan Melbourne as defined in section 3 of the Act may be a leviable application. If the cost of the development exceeds the threshold of \$1 million (adjusted annually by consumer price index) a levy certificate must be obtained from the State Revenue Office after payment of the levy. A valid levy certificate must be submitted to the responsible planning authority (usually council) with a leviable planning permit application. Refer to the State Revenue Office website at [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for more information. A leviable application submitted without a levy certificate is void

## Existing Conditions

### How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block)

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

## Title Information

### What is an encumbrance?

An encumbrance is a formal obligation on the land, with the most common type being a mortgage. Other common examples of encumbrances include:

- **Restrictive Covenants:** A restrictive covenant is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A section 173 agreement is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- **Easements:** An easement gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A building envelope defines the development boundaries for the land.
- signed the declaration on the last page of the application form

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

### What documents should I check to find encumbrances

Encumbrances are identified on the title (register search statement) under the header encumbrances, caveats and notices. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

### What about caveats and notices?

A caveat is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of notices. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

### What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.



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

Page 1 of 2

VOLUME 09725 FOLIO 574

Security no : 124121575174A  
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### LAND DESCRIPTION

Land in Plan of Consolidation 164023Y.

PARENT TITLES :

Volume 05525 Folio 878 to Volume 05525 Folio 879

Volume 05667 Folio 262 Volume 06143 Folio 573 Volume 09060 Folio 347

Created by instrument CP164023Y 06/02/1987

**CITY OF MARIBYRNONG  
ADVERTISED PLAN**

### REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

ANAIIRA HOLDINGS PTY LTD of LEVEL 1 216 CITY ROAD SOUTHBANK VIC 3006

AU099883G 02/03/2021

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU099884E 02/03/2021  
NATIONAL AUSTRALIA BANK LTD

COVENANT as to part 1327672

COVENANT as to part 1327673

COVENANT as to part 1417057

COVENANT as to part 1495552

COVENANT as to part 1649957

CAVEAT AX979454A 09/05/2024

Caveator

40 ROBBS ROAD PTY LTD ACN: 677014078

Grounds of Claim

PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.

Parties

THE REGISTERED PROPRIETOR(S)

Date

03/05/2024

Estate or Interest

FREEHOLD ESTATE

Prohibition

ABSOLUTELY

Lodged by

TISHER LINER FC LAW

Notices to

JONATHAN TISHER of LEVEL 2 333 QUEEN STREET MELBOURNE VIC 3000

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 TP258390F FOR FURTHER DETAILS AND BOUNDARIES

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

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Page 2 of 2

### ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 40-44 ROBBS ROAD WEST FOOTSCRAY VIC 3012

### ADMINISTRATIVE NOTICES

NIL

eCT Control 17289A DOUROS JACKSON LAWYERS  
Effective from 02/03/2021

DOCUMENT END

# Imaged Document Cover Sheet

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Document Type	<b>Plan</b>
Document Identification	<b>TP258390F</b>
Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>29/01/2025 15:47</b>

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TITLE PLAN		EDITION 1	TP 258390F
<b>Location of Land</b>  Parish: CUT-PAW-PAW Township: Section: Crown Allotment: Crown Portion:  Last Plan Reference: CP164023Y Derived From: VOL 9725 FOL 574 Depth Limitation: NIL		<b>Notations</b>          ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
<b>Description of Land / Easement Information</b>  all that piece of land in the Parish of Cut-paw-paw County of Bourke being the land in Plan of Consolidation No.164023Y - - - - - which land is shown enclosed by continuous lines on the map hereon - - - - - As to the land shown marked A TOGETHER WITH a right of carriage way - - - - - over Currajong Street coloured brown on Lodged Plan 13264 - - - - -		     THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 20/06/2002 VERIFIED: BC	
<p>The diagram shows a land parcel labeled 'A' and a right of carriage way. The parcel 'A' is a large rectangle with dimensions 89.51' by 61.04'. The right of carriage way is a smaller rectangle with dimensions 44.65' by 16.84'. The total width of the parcel and right of carriage way is 134.09'. The diagram is oriented with Robbs Road at the bottom and Currajong Street on the right. Various bearings and distances are noted around the perimeter of the land.</p>			
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets



# Department of Environment, Land, Water & Planning

## Electronic Instrument Statement

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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, past, present and emerging.

Produced 29/01/2025 03:47:35 PM

Status	Registered	Dealing Number	AX979454A
Date and Time Lodged	09/05/2024 10:13:49 AM		

### Lodger Details

Lodger Code	16804R
Name	TISHER LINER FC LAW
Address	
Lodger Box	
Phone	
Email	
Reference	JTJQ240518

## CAVEAT

Jurisdiction	VICTORIA
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### Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

### Land Title Reference

9725/574

### Caveator

Name	40 ROBBS ROAD PTY LTD
ACN	677014078

### Grounds of claim

Purchasers' contract with the following Parties and Date.

#### Parties

The Registered Proprietor(s)

#### Date

03/05/2024

### Estate or Interest claimed

Freehold Estate

### Prohibition

Absolutely

### Name and Address for Service of Notice

Jonathan Tisher



# Department of Environment, Land, Water & Planning

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## Electronic Instrument Statement

### Address

Floor Type	LEVEL
Floor Number	2
Street Number	333
Street Name	QUEEN
Street Type	STREET
Locality	MELBOURNE
State	VIC
Postcode	3000

---

The caveator claims the estate or interest specified in the land described on the grounds set out. This caveat forbids the registration of any instrument affecting the estate or interest to the extent specified.

---

### Execution

1. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Executed on behalf of	40 ROBBS ROAD PTY LTD
Signer Name	RON COHEN
Signer Organisation	TISHER LINER FC LAW
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	09 MAY 2024

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### File Notes:

NIL

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Statement End.





# Department of Environment, Land, Water & Planning

## Electronic Instrument Statement

Mortgage Form version 1.5

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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, past, present and emerging.

Produced 29/01/2025 03:47:35 PM

Status	Registered	Dealing Number	AU099884E
Date and Time Lodged	02/03/2021 02:36:03 PM		

### Lodger Details

Lodger Code	16089P
Name	NATIONAL AUSTRALIA BANK LTD
Address	
Lodger Box	
Phone	
Email	
Reference	469304455 BUS FC PUR

## MORTGAGE

Jurisdiction	VICTORIA
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### Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

### Estate and/or Interest being mortgaged

FEE SIMPLE

### Land Title Reference

9725/574

### Mortgagor

Name	ANAIIRA HOLDINGS PTY LTD
ACN	643984203

### Mortgagee

Name	NATIONAL AUSTRALIA BANK LIMITED
ACN	004044937
Australian Credit Licence	230686
Address	
Floor Type	LEVEL
Floor Number	1
Street Number	800
Street Name	BOURKE
Street Type	STREET



# Department of Environment, Land, Water & Planning

## Electronic Instrument Statement

Mortgage Form version 1.5

Locality MELBOURNE  
State VIC  
Postcode 3000

The mortgagor mortgages the estate and/or interest in land specified in this mortgage to the mortgagee as security for the debt or liability described in the terms and conditions set out or referred to in this mortgage, and covenants with the mortgagee to comply with those terms and conditions.

### Terms and Conditions of this Mortgage

(a) Document Reference AA5608  
(b) Additional terms and conditions  
Nil

### Mortgagee Execution

1. The Certifier, or the Certifier is reasonably satisfied that the mortgagee it represents,:
  - (a) has taken reasonable steps to verify the identity of the mortgagor or his, her or its administrator or attorney; and
  - (b) holds a mortgage granted by the mortgagor on the same terms as this Registry Instrument or Document.
2. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.

Executed on behalf of	NATIONAL AUSTRALIA BANK LIMITED
Signer Name	ANH VO
Signer Organisation	NATIONAL AUSTRALIA BANK LIMITED
Signer Role	AUTHORISED SIGNATORY
Execution Date	02 MARCH 2021

### File Notes:

NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

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Document Type	<b>Instrument</b>
Document Identification	<b>1649957</b>
Number of Pages (excluding this cover sheet)	<b>4</b>
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3578560

D. BRUCE TUNNOCK

1649957

Victoria

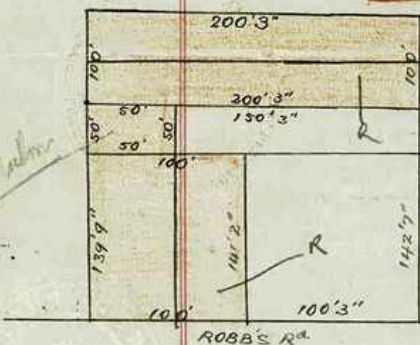
141  
G. J. P. Smith  
interests

TRANSFER OF LAND.

O. O. T.  
-2 JUN 1937



WE, EMMA ELIZABETH Le CROISSETTE THOMSON of "Craigellachie",  
Orrong Road, East St Kilda, Widow, CECIL PERCY THOMSON of Little  
Collins Street, Melbourne, Agent and THE TRUSTEES EXECUTORS AND  
AGENCY COMPANY LIMITED of Collins Street, Melbourne (as to one  
equal undivided part or share) and R.W.KENNEDY PROPRIETARY LIMITED  
of Stalbridge Chambers, 443 Little Collins Street, Melbourne (as  
to the other equal undivided part or share) being registered as the  
proprietors of an estate in fee simple in the land hereinafter des-  
cribed subject to the encumbrances notified hereunder in consider-  
ation of the sum of THREE HUNDRED POUNDS paid to us in the respec-  
tive shares to which we are respectively entitled by VIOLET ADAMSON  
of 281 Latrobe Street, Melbourne, Married Woman DO HEREBY TRANSFER  
to the said Violet Adamson All our estate and interest in ALL THAT



piece of land delineated and coloured red  
on the map hereon being part of crown Allot-  
ment 5 Section 13 at West Footscray Parish of  
Cut Paw Paw County of Bourke and being part  
of the land comprised in Certificates of -  
Title Volume 5599 folio 1119675 and Volume  
5871 folio 1174083 AND the said Violet Adamson  
Together with a right of Carriage Way over Currajung Street brown on said Plan of Subdivision

in consideration of the foregoing transfer for her heirs executors  
administrators and transferees registered proprietor or proprietors  
for the time being of the land transferred DOTH HEREBY COVENANT  
with the said Emma Elizabeth Le Croisette Thomson, Cecil Percy  
Thomson, The Trustees Executors and Agency Company Limited and R.W.  
Kennedy Proprietary Limited and their transferees registered pro-  
prietor or proprietors for the time being of the land remaining  
untransferred in the said Certificate of Title that she and her  
heirs executors administrators and transferees registered proprietor  
or proprietors for the time being of the land hereby transferred  
will not carry on quarrying operations on the said land hereby -  
transferred or any part thereof or take or remove any marl stone  
gravel or sand therefrom except for the purpose of laying the -  
foundations of any building to be erected on the said land or to be

See inside

for setting out.

200.  
207/8/37  
24/8/37

IMAGED

80098



used in erection of such buildings AND the said Violet Adamson hereby requests that the foregoing covenant shall be notified as an encumbrance on the Certificate of Title to issue in respect of the land hereby transferred.

DATED this 20<sup>th</sup> day of May One thousand nine hundred and thirtyseven.

SIGNED in Victoria by the said EMMA  
ELIZABETH Le CROISSETTE THOMSON in

the presence of

*D. K. Thomson*  
*Real Estate Agent*  
*423 Pitt Street St*

SIGNED in Victoria by the said CECIL

PERCY THOMSON in the presence of -

*D. K. Thomson*

The Common Seal of THE TRUSTEES

EXECUTORS AND AGENCY COMPANY LIMITED

was hereto affixed by authority of the

Board of Directors

*Director*

*Assistant*

*General Manager.*

The Common Seal of R.W. KENNEDY PRO-

PRIETARY LIMITED was hereto affixed

by the authority and in the presence

of

*Margaret Kennedy*  
*Secretary*

*Director*

*Secretary*

SIGNED in Victoria by the said

VIOLET ADAMSON in the presence of -

*Violet Adamson*  
*Witness*  
*M. Adamson*

ENCUMBRANCES REFERRED TO:

The rights of persons under the will and codicils of Percy Thomson who died on the 27<sup>th</sup> September 1923 Estate thereof was granted to Emma Elizabeth Le Croissette Thomson Cecil Percy Thomson and The Trustee Executors and Agency Company Limited on the 8<sup>th</sup> March 1924.

*2/60*  
*26/6/37*



See red & blue  
Consols of Ind.  
55991-675 } part & C/E  
58711-083 }

Under an acre  
Being part Cons allot 5 Dec 13  
Parish of East Paw Paw  
County of Bourke.

Now being lots 81, 82, 85 & 86 on L.P. 13264.  
Togeth Burragong Street shown on said L.P.

WJ  
30/9/37

James 1/6

1/6  
8/9/57



Appeared before me at Melbourne the 20<sup>th</sup> day of May One thousand nine hundred and thirty-seven DONALD KINGSLEY THOMSON the attesting witness to this instrument and declared that he personally knew EMMA ELIZABETH LE CROISSETTE THOMSON and CECIL PERCY THOMSON the persons signing the same, and whose signatures the said Donald Kingsley Thomson attested; and that the names purporting to be the signatures of the said Emma Elizabeth Le Croissette Thomson and Cecil Percy Thomson are their own hand-writing and that they were of sound mind and freely and voluntarily signed such instrument.

*[Signature]*

DATED

1937

D. BRUCE TUNNOCK,  
Solicitor,  
87 Queen Street,  
Melbourne.

TRANSFER OF LAND

MRS. V. ADAMSON

TO

E. E. THOMSON AND OTHERS

# 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 2 <sup>nd</sup> DAY OF June 1937	TO Violet Adamson	1649957

*[Signature]*  
ASSISTANT REGISTRAR OF TITLES

I CERTIFY THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED AT THE TIME LAST MENTIONED IN THE REGISTER BOOK VOL 5599 FOL 1119675  
5871 1174683

*[Signature]*  
ASSISTANT REGISTRAR OF TITLES

# Imaged Document Cover Sheet

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Document Type	<b>Instrument</b>
Document Identification	<b>1327673</b>
Number of Pages (excluding this cover sheet)	<b>4</b>
Document Assembled	<b>29/01/2025 15:47</b>

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registered proprietor or proprietors for the time being of the -  
land hereby transferred covenant with the said Emma Elizabeth Le  
Croissette Thomson, Cecil Percy Thomson, The Trustees Executors  
and Agency Company Limited and Robert William Kennedy their and  
each of their executors administrators and transferees and the  
registered proprietor or proprietors for the time being of the  
land remaining untransferred in the said Certificates of Title  
other than the land hereby transferred that we the said George --  
Offor and Robert Newton our and each of our executors administra-  
tors and transferees registered proprietor or proprietors for the  
time being of the land hereby transferred will not excavate or  
open upon the said land hereby transferred any sand pit or quarry  
and will not save for the purpose of erecting a dwelling house or  
residence and outbuildings on the said land dig or excavate or  
take up carry away or remove from the said land or any part --  
thereof any sand marl clay gravel stone or earth and this cove-  
nant is to appear as an encumbrance running with the land in the  
Certificate of Title to issue in respect of the land hereby --  
transferred

D A T E D the *sixth* day of *June* One thousand  
nine hundred and twenty-seven

SIGNED by the said EMMA ELIZABETH }  
LE CROISSETTE THOMSON in Victoria }  
in the presence of -

*E. E. L. Thomson*

SIGNED by the said CECIL PERCY - }  
THOMSON in Victoria in the presence }  
of -

*Cecil P. Thomson*



THE COMMON SEAL of THE TRUSTEES EXECUTORS  
AND AGENCY COMPANY LIMITED was hereto

*Authority of*  
affixed by the Board of Directors

*H. Stuart Wilson*  
Director

*John R. Smith*  
General Manager.



SIGNED by the said ROBERT WILLIAM  
KENNEDY in Victoria in the presence  
of -

*R. W. Kennedy*

*William Kennedy*

SIGNED by the said GEORGE OFFOR -  
in Victoria in the presence of -

*G. Offor*

*William Kennedy*  
*Solicitor*  
*Melbourne*

SIGNED by the said ROBERT NEWTON -  
in Victoria in the presence of -

*Robert Newton*

*William Kennedy*

ENCUMBRANCES REFERRED TO.

N I I

The first encumbrance referred to at the foot  
of Certificate of Title entered in the  
Register Book Volume 5221 folio 1044043.

*MC*  
*31/8/27*



Appeared before me at Melbourne the seventh day of June 1927 Leslie Hocking of 423 Little Collins Street Melbourne Secretary the attesting witness to this instrument and declared that he personally knew Emma Elizabeth de Croissette Thomson and Cecil Percy Thomson the persons signing the same and whose signatures the said Leslie Hocking attested and that the names purporting to be the signatures of the said Emma Elizabeth de Croissette Thomson and Cecil Percy Thomson respectively were their own handwritings and that they were of sound mind and freely and voluntarily signed such instrument

Gordon Rennie  
Solicitor Melbourne

DATED

6th June 1927

1927

GORDON RENNICK  
Solicitor  
396 Flinders Lane  
Melbourne.

TRANSFER

G. OFFOR and R. NEWTON

to

MRS. E. E. LE C. THOMPSON  
and others

MEMORIAL OF INSTRUMENT.

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OR SYMBOL THEREON
Transfer as to part and creation of easement - M.D.	THE 20 <sup>th</sup> DAY OF July 1927	TO George Offor and Robert Newton	1327613
<p><i>Dravin</i></p> <p>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 5221 FOL 1044042-3</p> <p><i>Dravin</i></p> <p>ASSISTANT REGISTRAR OF TITLES</p>			

# Imaged Document Cover Sheet

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Number of Pages (excluding this cover sheet)	<b>4</b>
Document Assembled	<b>29/01/2025 15:47</b>

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1495552

FREEHOLD



WEIGALL & CROWTHER

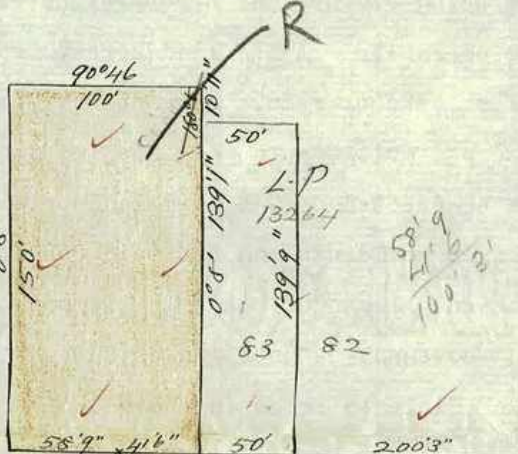
Victoria

TRANSFER OF HAND



THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of Collins Street Melbourne being registered as the proprietor of an estate in fee simple in one equal undivided half part or share in the land hereinafter described, subject to the encumbrances notified hereunder, and EMMA ELIZABETH LE CROISSETTE THOMSON of "Craigellachie" Orrong Road East St. Kilda Widow CECIL PERCY THOMSON of Little Collins Street Melbourne Agent and the said THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of Collins Street Melbourne, being registered as the joint proprietors of an estate in fee simple in the other equal undivided half part or share in the said land subject to the encumbrances notified hereunder in consideration of the sum of TWO HUNDRED POUNDS paid as to one half thereof to ROBERT WILLIAM KENNEDY late of Lower Heidelberg Road Ivanhoe Gentleman ----- deceased in his lifetime and as to the remaining one half thereof to the said Emma

Elizabeth Le Croissette Thomson Cecil Percy Thomson and The Trustees Executors and Agency Company Limited as Executors of Cecil Percy Thomson late of "Craigellachie" - Orrong Road East St. Kilda Investor ----- deceased by JOHN MAIR THOMSON WILLIAM DAVIS THOMSON and ALEXANDER BENJAMIN THOMSON all of Robbs Road West Footscray



ROBBS ROAD

CURRAH ROAD

MEASUREMENTS IN FEET AND INCHES

Coopers the receipt of which one half the said Emma Elizabeth Le Croissette Thomson Cecil Percy Thomson and The Trustees Executors and Agency Company Limited do hereby acknowledge DO HEREBY TRANSFER to the said JOHN MAIR THOMSON WILLIAM DAVIS

IMAGED

Consol of pts to 5599 674 } Part 5599 675. Under an acre pump Pt C: 11/1/32 See B R at West Footscray Par of Cut Lane Par County of Bourke E and The Conting TS 1495552 1/3/32

Shew tot 83 1/2 P 2/3/32 5/3/32



660011

*Handwritten:* 26/11/22

THOMSON and ALEXANDER BENJAMIN THOMSON as tenants in common in equal shares all its and their estate and interest in ALL THOSE pieces of land being Lot 83 on Plan of Subdivision Number 13264 lodged in the Office of Titles and the land delineated and --- colored red on the map in the margin hereof being parts of Crown Allotment 5 Section 13 at West Footscray Parish of Cut Paw Paw County of Bourke and being parts of the land more particularly described in Certificates of Title Volume 5599 Folio 111967<sup>5599 Folio 1119675 and Volume</sup>4 And the said John Mair Thomson William Davis Thomson and Alexander Benjamin Thomson ~~in consideration of the foregoing transfer~~ *for themselves their heirs executors administrators and transferees* DOETH HEREBY COVENANT with the said The Trustees Executors and Agency Company Limited and the said Emma Elizabeth Le Croisette Thomson Cecil Percy Thomson and The Trustees Executors and Agency Company Limited and their transferees registered proprietor or proprietors for the time being of the land remaining untransferred in --- Certificates of Title Volume 5599 Folio 1119674 and Volume 5599 Folio 1119675 that the said John Mair Thomson William Davis Thomson and Alexander Benjamin Thomson and their heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land hereby transferred will not carry on quarrying operations on the land hereby transferred or any part thereof or take or remove any marl stone gravel or sand --- therefrom except for the purpose of laying the foundations of any buildings to be erected on the said land or to be used in the --- erection of such buildings and the said John Mair Thomson William Davis Thomson and Alexander Benjamin Thomson hereby request that the foregoing covenant be notified as an encumbrance on the --- Certificate of Title to issue in respect of the land hereby --- transferred.

DATED the 24<sup>th</sup> day of December One thousand nine hundred and thirty one.

THE COMMON SEAL of THE TRUSTEES EXECUTORS )  
AND AGENCY COMPANY LIMITED was hereto - )  
affixed by the authority of the Board of )  
Directors



..... *Handwritten signature* Director

..... *Handwritten signature* General Manager

*Handwritten:* 26/11/22



SIGNED by the said EMMA ELIZABETH LE CROISSETTE THOMSON in Victoria in the presence of

*E. E. L. Thomson*

*heretofore*  
*428 Little Collins St*  
*Melb. Clerk*

SIGNED by the said CECIL PERCY THOMSON in Victoria in the presence of

*Cecil P. Thomson*

*heretofore*  
*428 Little Collins St*  
*Melb. Clerk*

THE COMMON SEAL of THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED was hereto affixed by ~~the~~ authority of the Board of Directors



*Director*  
..... Director

*General Manager*  
.... General Manager

SIGNED by the said JOHN MAIR THOMSON in Victoria in the presence of

*John M Thomson*

*John M Thomson*

SIGNED by the said WILLIAM DAVIS THOMSON in Victoria in the presence of

*W. D. Thomson*

*W. D. Thomson*

SIGNED by the said ALEXANDER BENJAMIN THOMSON in Victoria in the presence of

*A B Thomson*

*A B Thomson*

Clerk to Messrs. WEIGALL & CROWTHER  
Solicitors Melbourne.

ENCUMBRANCES REFERRED TO.

The rights of persons claiming under the Will and Codicils of Percy Thomson who died on the twenty seventh day of September One thousand nine hundred and twenty three Probate whereof was granted to Emma Elizabeth Le Croisette Thomson Cecil Percy Thomson and The Trustees Executors and Agency Company Limited on the eighth day of March One thousand nine hundred and twenty four.



APPEARED before me at Melbourne the twenty first day of January One thousand nine - hundred and thirty two Leslie Hocking the attesting witness to this instrument, and declared that he personally knew Emma Elizabeth Le Croisette Thomson and Cecil Percy Thomson the persons signing the same, and whose signatures the said Leslie Hocking - attested, and that the names purporting to be the signatures of the said Emma - Elizabeth Le Croisette Thomson and Cecil Percy Thomson are their own respective - handwriting and that they were of sound mind and freely and voluntarily signed such instrument.

*Arthur W. Baird*  
Clerk to G. F. Pitcher  
Solicitor  
Melbourne

WEIGALL & CROWTHER,  
Solicitors,  
459 Chancery Lane,  
MELBOURNE.

TRANSFER

MR. J. M. THOMSON  
& ORS.

- to -

THE TRUSTEES EXECUTORS AND  
AGENCY COMPANY LIMITED  
AND OTHERS

DATED 1931.

MEMORIAL OF INSTRUMENT.

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OR SYMBOL THEREON
<i>Transfer as to part.</i>	THE 2 <sup>nd</sup> DAY OF <i>February</i> <i>1932</i>	TO <i>John Mair Thomson</i> <i>William Davis Thomson</i> <i>and</i> <i>Alexander Benjamin Thomson</i>	<i>1495552</i>

*J. M. Rae*  
ASSISTANT REGISTRAR OF TITLES.

I CERTIFY THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED AT THE OFFICE MENTIONED IN THE REGISTER BOOK VOL *5599* FOL *1119674* and *5*.

*J. M. Rae*  
ASSISTANT REGISTRAR OF TITLES.

*[Handwritten signature]*



# Department of Environment, Land, Water & Planning

## Electronic Instrument Statement

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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, past, present and emerging.

Produced 29/01/2025 03:47:37 PM

Status	Registered	Dealing Number	AU099883G
Date and Time Lodged	02/03/2021 02:36:03 PM		

### Lodger Details

Lodger Code	16089P
Name	NATIONAL AUSTRALIA BANK LTD
Address	
Lodger Box	
Phone	
Email	
Reference	

## TRANSFER

Jurisdiction	VICTORIA
--------------	----------

### Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

### Land Title Reference

9725/574

### Transferor(s)

Name	COUNTRY EMPLOYMENT SERVICES PTY LTD
ACN	091562800

### Estate and/or Interest being transferred

Fee Simple

### Consideration

\$AUD 8000000.00

### Transferee(s)

<b>Tenancy (inc. share)</b>	Sole Proprietor
Name	ANAIRA HOLDINGS PTY LTD
ACN	643984203
Address	
Floor Type	LEVEL
Floor Number	1
Street Number	216





# Department of Environment, Land, Water & Planning

---

## Electronic Instrument Statement

Street Name	CITY
Street Type	ROAD
Locality	SOUTHBANK
State	VIC
Postcode	3006

---

**Duty Transaction ID**  
5038449

---

The transferor transfers to the transferee their estate and/or interest in the land specified for the consideration, subject to any restrictive covenant set out or referred to in this transfer.

---

### Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	ANAIIRA HOLDINGS PTY LTD
Signer Name	JONATHAN PAUL TISHER
Signer Organisation	TISHER LINER FC LAW
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	02 MARCH 2021

---

### Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferor or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	COUNTRY EMPLOYMENT SERVICES PTY LTD
Signer Name	PETER DOUROS
Signer Organisation	DOUROS JACKSON LAWYERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	02 MARCH 2021

---

**File Notes:**  
NIL

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This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

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30796

Freehold

3079621

VICTORIA

(10)

1417057

TRANSFER OF LAND

*C. C. paid*

THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of 412

Collins Street Melbourne being registered or entitled to be registered as the proprietor of one equal undivided moiety or equal half part and EMMA ELIZABETH *Le Croisette* *Thomson* of "Craigellachie" Orrong Road East St. Kilda Widow CECIL PERCY THOMSON of Little Collins Street Melbourne Agent and the said THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED being registered as the proprietors of the other one equal undivided moiety or equal half part of an estate in fee -- simple in the land hereinafter described subject to the encumbrances notified hereunder, in consideration of the sum of *Two Hundred and twenty five Pounds*

paid to us by Frederick John Thomson of

*15 Port Street Ivanhoe Accountant*

DO HEREBY TRANSFER to the said Frederick John Thomson

All our estate and interest in ALL THAT piece of land --- *being lots 57 58 59 60 61 and 62 on plan of subdivision delineated and colored Red on the map endorsed hereon - and 13264 conveyed in the Office of Titles and being part of Crown Allotment 5 Section 13 at West Footscray*

Parish of Cut Paw Paw County of Bourke being part of the land comprised in Certificate of Title Volume *5599* Folios *1119674* and *1119675* And I the said Frederick John Thomson

in consideration of the foregoing transfer DO HEREBY COVENANT

with the said The Trustees Executors and Agency Company Limited

*Le Croisette* *Thomson* and Cecil Percy Thomson ---

and their transferees registered proprietors or proprietors --

for the time being of the land remaining untransferred in the --

*5599* *1119674* *1119675* Certificates of Title Volume *5599* Folios *1119674* and --

*1119675* that I the said Frederick John Thomson

my heirs executors administrators and transferees will not carry

on quarrying operations on the said land hereby transferred or

any part thereof or take or remove any marl stone gravel or sand

therefrom except for the purpose of laying the foundations of any

building to be erected on the said land or to be used in the ---

erection of such building and I the said Frederick John Thomson

hereby request the foregoing covenant to be notified as an ---

IMAGED



*Consol of sub*  
*5599-674 pt*  
*5599-675 pt*  
*inc 10 20*

*Enc Me Cn*  
*m T. 1417057*

*30*

*3.7.30*

*TH 13/6/29*  
*11/1/29*  
*24.5.30*

*recharging and*  
*8/1/30*

*22/6/29*

*12 JUN 1929*

*1.7.30*  
*28/5/30*



encumbrance on the Certificate of Title to issue in respect of the land hereby transferred.

DATED the *twelfth* day of *June*  
One thousand nine hundred and twenty-nine.

THE COMMON SEAL of THE TRUSTEES EXECUTORS  
AND AGENCY COMPANY LIMITED was hereto  
affixed by authority of the Board of  
Directors by



*A. Stewart* Director  
*H. G. Watson* General Manager

SIGNED by the said EMMA ELIZABETH  
*Le Croisette Croisette 18.29/6/29 HVS*  
~~LeCROISSETTA~~ THOMSON in Victoria in the  
presence of

*E. E. L. Thomson*

*Backhouse*  
*Bartholomew*

SIGNED by the said CECIL PERCY THOMSON  
in Victoria in the presence of

*Cecil P. Thomson*  
*Backhouse*

THE COMMON SEAL of THE TRUSTEES EXECUTORS  
AND AGENCY COMPANY LIMITED was hereto  
affixed by authority of the Board of  
Directors by



*A. Stewart* Director  
*H. G. Watson* General Manager

SIGNED by the said *Frederick John Thomson*  
in Victoria in the presence of

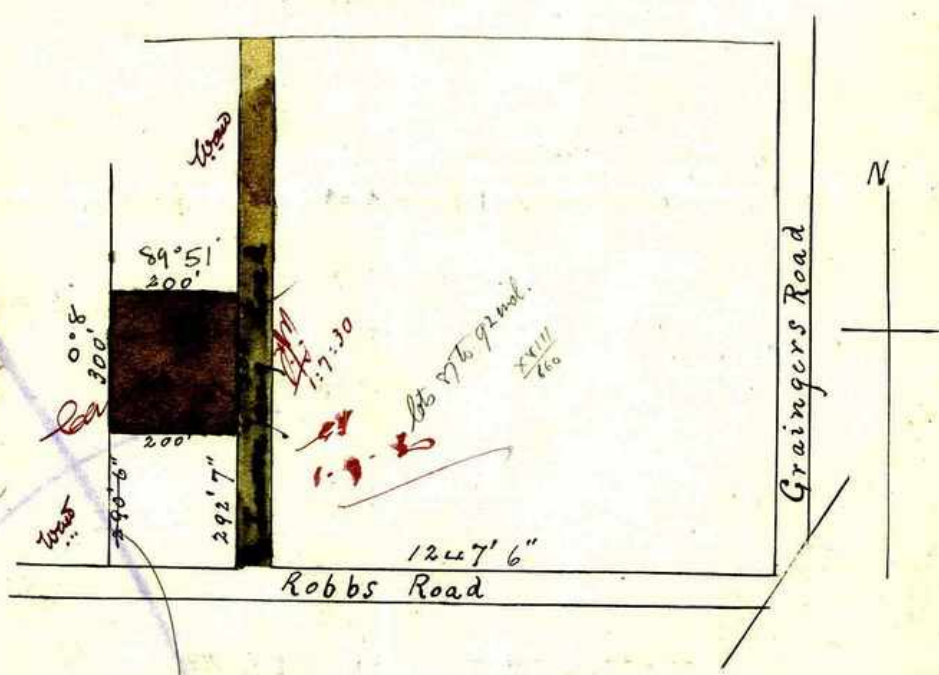
*Frederick John Thomson*

*Joseph B. Levi*  
*Commissioner taking affidavits and declarations.*  
ENCUMBRANCES REFERRED TO

As to the land comprised in Certificate of Title Volume *5221*  
Folio *104404* The rights of person claiming under the Will  
and Codicils of Percy Thomson deceased.



1417057



1417057

7 254'9





DATED 1929

FREEHOLD TRANSFER

MEMORIAL OF INSTRUMENT

Nature of Instrument.	Time of its production for Registration	Names of the parties thereto	Number of Symbol thereon
<p>TRANSFER</p> <p>as to part</p> <p>10/16/7</p>	<p>The 8<sup>th</sup></p> <p>Day of May</p> <p>1930 at</p> <p>o'clock in the noon</p>	<p>To</p> <p>Frederick John Thornton</p> <p>Jm Rae</p> <p>Assistant Registrar of Titles</p>	<p>1417057</p>

I certify that a Memorial of the within instrument was entered in the Register Book, Vol. 5599 Fol. 1119674-5 at the time last above mentioned.

Jm Rae

Assistant Registrar of Titles.



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the said Benjamin Farrar testified by his signature hereto --  
TRANSFER to the said George Offor and Robert Newton as tenants  
in common All our respective estates and interests in ALL THAT  
piece of land delineated and colored red on the map in the margin  
hereof being part of Crown Allotment 5 Section 13 at West Foots-  
cray Parish of Cut Paw Paw County of Bourke and being part of the  
land described in Certificates of Title entered in the Register  
Book Volume 5221 Folio 1044043 and Volume 5221 Folio 1044042 --  
Together with a right of carriage way over the roads delineated  
and colored brown on the said map A N D we the said George Offor  
and Robert Newton do hereby for ourselves our heirs executors --  
administrators and transferees the registered proprietor or prop-  
rietors for the time being of the land hereby transferred covenant  
with the said Emma Elizabeth Le Croisette Thomson, Cecil Percy  
Thomson, The Trustees Executors and Agency Company Limited and -  
Robert William Kennedy their and each of their executors adminis-  
trators and transferees and the registered proprietor or proprie-  
tors for the time being of the land remaining untransferred in the  
said Certificates of Title other than the land hereby transferred  
that <sup>we</sup> ~~they~~ the said George Offor and Robert Newton <sup>our</sup> ~~their~~ and each  
of <sup>our</sup> ~~their~~ executors administrators and transferees registered prop-  
rietor or proprietors for the time being of the land hereby trans-  
ferred will not excavate or open upon the said land hereby trans-  
ferred any sand pit or quarry and will not save for the purpose  
of erecting a dwelling house or residence and outbuildings on the  
said land dig or excavate or take up carry away or remove from the  
said land or any part thereof any sand marl clay gravel stone or  
earth and this covenant is to appear as an encumbrance running --  
with the land in the Certificate of Title to issue in respect of  
the land hereby transferred

D A T E D the sixth day of June One thousand  
nine hundred and twenty-seven

SIGNED by the said EMMA ELIZABETH }  
LE CROISSETTE THOMSON in Victoria }  
in the presence of -

E. E. L. Thomson

4/3 Middle Column of record  
Secretary



appeared before me at Melbourne the seventh day of June 1927  
 Leslie Shocking of 423 Little Collins Street Melbourne Secretary  
 the attesting witness to this instrument and declared that he  
 personally knew Emma Elizabeth Le Croissette Thomson and  
 Cecil Percy Thomson the persons signing the same and whose  
 signatures the said Leslie Thomson Shocking attested and that  
 the names purporting to be the signatures of the said Emma  
 Elizabeth Le Croissette Thomson and Cecil Percy Thomson  
 respectively were their own hand writings and they were of  
 sound mind and freely and voluntarily signed such  
 instrument  
 Gordon Rennie  
 Solicitor Melbourne

GORDON RENNICK  
 Solicitor  
 396 Flinders Lane  
 Melbourne.

TRANSFER

G. OFFOR & R. NEWTON

t o

MRS. E. E. Le C. THOMPSON & others

DATED

6th June 1927

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 30th DAY OF July 1927	TO George Offor and Robert Newton	1327672

G. Rennie

ASSISTANT REGISTRAR OF TITLES.

I Certify THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED, AT THE TIME  
 LAST ABOVE MENTIONED IN THE REGISTER BOOK VOL. 5221 FOL. 1044042-3

G. Rennie

ASSISTANT REGISTRAR OF TITLES



SIGNED by the said CECIL PERCY - }  
THOMSON in Victoria in the presence of - }

*Cecil P. Thomson*

THE COMMON SEAL of THE TRUSTEES - }  
EXECUTORS AND AGENCY COMPANY LIMITED }  
was hereto affixed by <sup>authority of</sup> the Board of  
Directors



*H. H. H. H. H.*  
Director

*W. H. H. H. H.*  
General Manager.

SIGNED by the said ROBERT WILLIAM }  
KENNEDY in Victoria in the presence of - }

*R. W. Kennedy*

*Charles Kennedy*

SIGNED by the said GEORGE OFFOR in }  
Victoria in the presence of - }

*G. Offor*

*Charles Kennedy*  
*Edwin H. H. H.*

SIGNED by the said ROBERT NEWTON }  
in Victoria in the presence of - }

*Robert Newton*

*Charles Kennedy*

SIGNED by the said BENJAMIN FARRAR }  
in Victoria in the presence of - }

*Benjamin Farrar*

*B. J. Farrar*  
*Bank Manager*  
*The Commercial Bank of Australia*  
*Footscray*

ENCUMBRANCES REFERRED TO

As to the land described in Certificate of Title Volume 5221 --  
Folio 1044043 the Rights of Persons under the Will and Codicils  
of Percy Thomson who died on the Twenty-seventh day of September  
1923 Probate whereof was granted to Emma Elizabeth Le Croisette  
Thomson, Cecil Percy Thomson and The Trustees Executors and --  
Agency Company Limited on the Eighth day of March 1924



# Planning Report

Tract



## Planning Report

Bunurong Country  
40-44 Robbs Road, West Footscray

Prepared for 40 Robbs Road JV

**CITY OF MARIBYRNONG  
ADVERTISED PLAN**



# Acknowledgement of Country

We pay our respects to the Traditional Custodians of Country throughout Australia, their Elders and ancestors, recognising their rich heritage and enduring connection to Country and acknowledging the ongoing sovereignty of all Aboriginal and Torres Strait Islander Nations.

We recognise the profound connection to land, waters, sky and community of the First Nations peoples, with continuing cultures that are among the oldest in human history. We recognise that they are skilled land shapers and place makers, with a deep and rich knowledge of this land which they have cared for, protected and balanced for millennia.

Our Country, 2022

88 x 119 cm Acrylic on canvas

Original artwork by

Alfred Carter

Gunaikurnai

# Overview

## Background

Applicant / Owner	40 Robbs Road JV
Address	40-44 Robbs Road, West Footscray
Lot Description	Lot 1 on Title Plan 629869H

## Relevant Planning Provisions

Municipal Planning Strategy	Clause 02.02 – Vision Clause 02.03 – Strategic Directions
Planning Policy Framework	Clause 15.01-1S – Urban Design Clause 15.01-1R – Urban Design – Metropolitan Melbourne Clause 15.01-1L-02 – Design in core employment areas Clause 15.01-2S – Building design Clause 15.01-4S – Healthy neighbourhoods Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne Clause 17.01-1S – Diversified Economy Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne Clause 17.01-1L – Employment Clause 17.02-1S – Business Clause 17.03-1S – Industrial land supply Clause 17.03-3S – Significant industrial land
Zone	Industrial 3 Zone (IN3Z)
Overlays	Development Contributions Plan Overlay – Schedule 2 (DCPO2)
Particular Provisions	Clause 52.05 – Signs
General Provisions	Clause 62.02 – Buildings and works Clause 62.05 – Demolition

## Permit Application Details

Description of Proposal	Buildings and works at 40-44 Robbs Road, West Footscray
-------------------------	---





# Quality Assurance

## Planning Report

Planning Report  
Bunurong Country  
40-44 Robbs Road, West Footscray

Project Number  
324-0172-00-P-02\_RP00

## Revisions

No.	Date	Description	Prepared By	Reviewed By	Project Principal
00	11/02/2025	Town Planning Report	MH	EH	LC

## Disclaimer

*This report was prepared by Tract Consultants Pty Ltd (Tract) for the specific purpose identified in this report. This report should not be used or relied on for any other purpose.*

*This report may have also been prepared within limited parameters and within a limited scope, which will be set out in the report. The reader must take into account those parameters when considering whether it is reasonable to rely on this report.*

*In preparing this report, Tract may have relied upon information provided by other parties. Tract accepts no responsibility for (or for checking) to the accuracy, completeness or currency of information provided by those parties.*

*The opinions, conclusions and any recommendations in this report are based on conditions encountered and the information reviewed at the date of preparation of the report. Tract has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.*

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# Contents

<b>Quality Assurance</b>	<b>5</b>
<b>1 Introduction</b>	<b>8</b>
1.1 Purpose	8
1.2 Background	8
1.3 Supporting Documents	8
<b>2 Site &amp; Surrounds</b>	<b>9</b>
2.1 Site Analysis & Title Particulars	9
2.2 Site Context	10
<b>3 Proposal</b>	<b>11</b>
3.1 Key Elements	11
3.2 Planning Permit Trigger	11
3.3 Design Response	11
<b>4 Planning Provisions</b>	<b>13</b>
4.1 Municipal Planning Strategy	13
4.2 Planning Policy Framework	14
4.3 Industrial 3 Zone	14
4.4 Development Contributions Plan Overlay – Schedule 2	15
4.5 General Provisions	16
<b>5 Planning Assessment</b>	<b>17</b>
5.1 Is the proposal consistent with the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF)?	17
5.2 Is the proposal consistent with the purpose and provisions of the Industrial 3 Zone?	17
5.3 Do the proposed façade alterations have regard for the amenity of the area and adjoining residential uses?	18
<b>6 Conclusion</b>	<b>19</b>
<b>Appendices</b>	<b>20</b>

# Figures

Figure 1 Aerial Plan	9
Figure 2 Context Plan	10
Figure 3 Economic Development Framework Plan	13
Figure 4 Zone Plan (IN3Z)	15
Figure 5 Overlay Plan (DCPO2)	16



# 1 Introduction

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## 1.1 Purpose

---

This report has been prepared by Tract Consultants Pty Ltd upon the instructions of **40 Robbs Road JV** and supports an application for buildings and works at 40-44 Robbs Road, West Footscray (the 'Site').

The proposed works seek to improve the appearance and functionality of the existing building for the incoming tenant. Whilst the proposed changes are largely cosmetic and therefore inconsequential from a planning perspective, this report provides an assessment against the relevant provisions of the Maribyrnong Planning Scheme.

Having reviewed the proposal with respect to the Maribyrnong Planning Scheme and other planning considerations, it is the conclusion of this report that the proposal is consistent with both state and local planning policy, as well as the provisions of the applicable planning provisions. As such, this report recommends that Council issue a permit for the proposal.

## 1.2 Background

---

This report provides an overview of the Site and surrounds (Chapter 2) as a contextual basis to introduce and detail the proposal (Chapter 3). Relevant policies and strategic documents are detailed (Chapter 4) to establish a framework for the assessment of the proposal (Chapter 5). Finally, this assessment informs the conclusions and recommendations of this report (Chapter 6).

## 1.3 Supporting Documents

---

This report has also been considered and should be read in conjunction with the supporting plans and documents which have been submitted alongside this application, including:

- Architectural Town Planning Drawings, prepared by McMillan Architects dated 11 February 2025.

## 2 Site & Surrounds

---

### 2.1 Site Analysis & Title Particulars

---

The Site is located at 40-44 Robbs Road, West Footscray, which is formally identified as Lot 1 on Plan of Consolidation 164023Y.

The Site is irregularly shaped with an area of 1.304 hectares and hosts a large industrial warehouse complex. The Site has an active frontage to Currajong Street to the east (180 metres), and Robbs Road to the south (88 metres). The Site is bordered by Hansen Reserve to the west, a regional playground that contains multiple sporting fields, a kindergarten, swimming school, a playground and tennis court.

The Site is largely flat with a circa two metre fall from the north western corner (30m ASL) to the south eastern corner (28m ASL). The Site contains a large industrial warehouse complex, at-grade car parking and is largely devoid of any vegetation.

The Site is impacted by the following restrictive covenants:

- Instrument(s) 1417057, 149552 & 1649957 – prohibits the use of the land for quarrying.
- Instrument(s) 1327672 & 1327673 – prohibits the use of the land for quarrying and the digging/excavation of the land for the purpose of erecting a dwelling house or residence and outbuildings.

Beyond the restrictive covenants listed above, the Site is not further impacted by any encumbering easements, covenants, caveats or restrictions under Section 173 of the *Planning and Environment Act 1987* or *Subdivision Act 1988*.

Refer to **Appendix A – Certificate of Title**.



Figure 1 Aerial Plan



## 2.2 Site Context

The Site is located within the City of Maribyrnong and is situated approximately 7.23 kilometres west of Melbourne CBD and approximately 2 kilometres south west of the Footscray Activity Centre. Land use in the area comprises a mix of industrial, low to medium density residential, public open space and civic land uses. The Site is proximate to the West Footscray and Tottenham Railway Stations, as well as a number of stops on the 411, 412 & 414 bus routes.

More specifically, the Site's key interfaces are as follows:

**North** – Located north of the Site are two industrial properties before transitioning to Sunshine Road and the rail reserve, which have a width of 20 metres and 80 metres respectively. Land further afield is largely residential, interspersed by a local shopping strip along Barkly Street, Footscray West Primary School and a collection of local parks.

**East** – Land to the east of the site comprises a mix of residential and light industrial land uses. Beyond the Geelong Road, the land use is largely residential before intercepting the light industrial uses alongside the Yarra (Birrarung) River in the suburb of Seddon.

**South** – Immediately south of the Site is a more recent townhouse development, which represents one of the few examples of medium density development proximate to the Site. Further afield is more typical detached housing interspersed by the Corpus Christi School, as well as other non-residential land uses.

**West** – As previously noted, Hansen Reserve is located immediately west of the Site. The reserve accommodates a number of recreational uses, including multiple sporting fields, a kindergarten, swimming school, a playground and tennis court. Land further afield towards the suburb of Tottenham is largely dominated by industrial land uses.

Refer to **Figure 3 – Context Plan**.

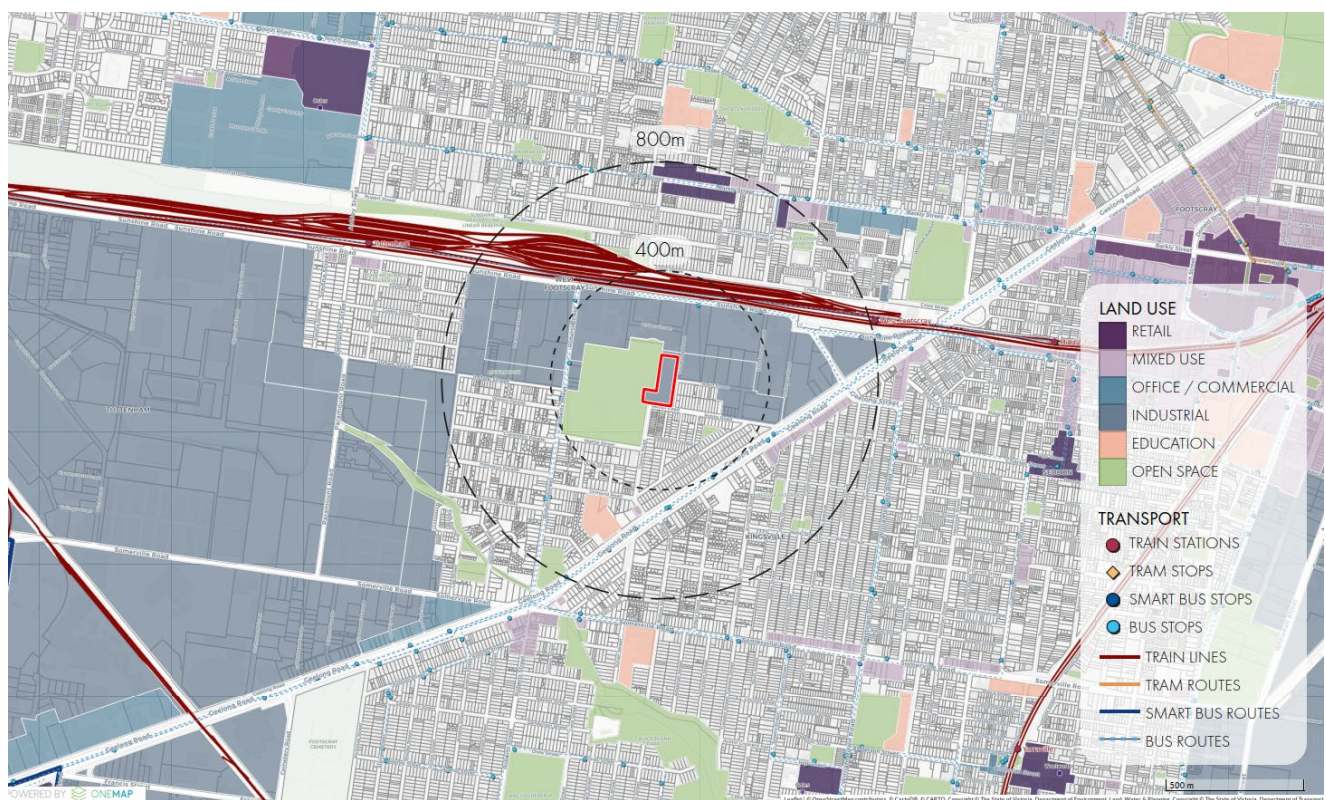


Figure 2 Context Plan

## 3 Proposal

---

### 3.1 Key Elements

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This section of the planning report should be read in connection with the Architectural Plans dated 11 February 2025.

This application seeks approval for façade alteration works at 40-44 Robbs Road, West Footscray, to accommodate the operations of the incoming tenant. Specifically, the following buildings and works are proposed for which planning approval is required:

#### Eastern Elevation (Currajong Street)

- Installation of new windows
- Construction of a new truck canopy with a clearance of 5.04 metres.

#### Southern Elevation (Robbs Road)

- Construction of new windows in place of the existing roller garage doors.
- Construction of a new truck canopy with a clearance of 5.17 metres.
- Construction of a small canopy over the lobby entry.
- Installation of new first floor windows in place of existing high-level windows.
- Installation of two (2) new fire hydrant cabinets to be regulation distance from existing door.
- New concrete entry paving and concrete/rendered block plinth.

#### Western Elevation (Hansen Reserve)

- Installation of three (3) new ground floor windows.
- Construction of an operable window at the base of the existing stairwell.

In addition to the proposed façade alterations, the existing mezzanines as shown on P101\_A are to be demolished and replaced with a single mezzanine along part of the southern internal wall, as shown on P111\_A. Given that the extent of mezzanine floor area to be removed matches the extent of mezzanine floor area proposed (193 square metres), and part of the lower section of the warehouse is to be demolished (54 square metres), there is a net reduction in the gross floor area of the building. As such, the internal works are exempt from the requirement to obtain planning approval pursuant to Clause 62.02-2 and as such are not further discussed as part of this assessment.

### 3.2 Planning Permit Trigger

---

In accordance with the provisions of the Maribyrnong Planning Scheme, the proposal triggers the following planning permit requirement pursuant to the Industrial 3 Zone:

- Pursuant to Clause 33.03-4, a permit is required to construct a building or construct or carry out works.

### 3.3 Design Response

---

The proposed façade alterations works, inclusive of the new canopies, seek to improve the appearance and functionality of the existing building.

The primary driver for the façade works is the enhancement of internal amenity for the future tenant, in particular access to daylight. The additional windows will also provide consequential improvements to the public realm by increasing opportunities for passive surveillance and activation. Further, wire security panels on existing windows have been removed across the Site to enhance visual permeability and soften the appearance of the building when viewed from



the street. The proposed windows will be constructed of commercial grade aluminium and finished in black paint. Whilst the windows will be tinted for the purpose of reducing glare internally, they will still allow for view sharing into and out of the building.

The proposed truck canopies will be constructed of Alucobond cladding or ExoTec cladding which will be cohesive with the recent repainting of the building, further improving the appearance of the building from the surrounds. Both of the canopies are appropriately dimensioned to accommodate trucks, with a clearance of 5.04 metres for the canopy on the eastern elevation and 5.17 metres for the canopy on the southern elevation.

The remainder of the works proposed, such as the new concrete entry paving and block plinth, are minor in nature and of little to no consequence from an amenity perspective.

## 4 Planning Provisions

### 4.1 Municipal Planning Strategy

#### Clause 02.02 – Vision

Clause 02.02 outlines the vision for the City of Maribyrnong as a popular inner-city municipality with a vibrant and diverse community, a strong identity and a prosperous, modern economy. A broad economic base will strengthen local employment through a strong retail sector, new offices and business services, a growing arts base and the renewal of the City's industrial areas.

#### Clause 02.03 – Strategic Directions

Strategic directions are the high level policy intentions for Council that provide the basis for matters that are implemented through more detailed policy or planning controls.

The following strategic directions are relevant to the Site and proposal:

- **Clause 02.03-4 – Built Environment and Heritage – Building and Urban Design** encourages development that enhances and contributes to the local built form context of the area. Further, it seeks to improve urban design outcomes by enhancing the safety, amenity, access and attractiveness of an area.
- **Clause 02.03-6 – Economic Development – Industrial Related Employment Land** identifies West Footscray as one of the eight Core Employment Areas within the municipality. Within this provision, it is noted that Council does not see underutilised industrial premises as being obsolete, but instead in need of adaptation and modification.

#### Clause 02.04 – Strategic Framework Plans

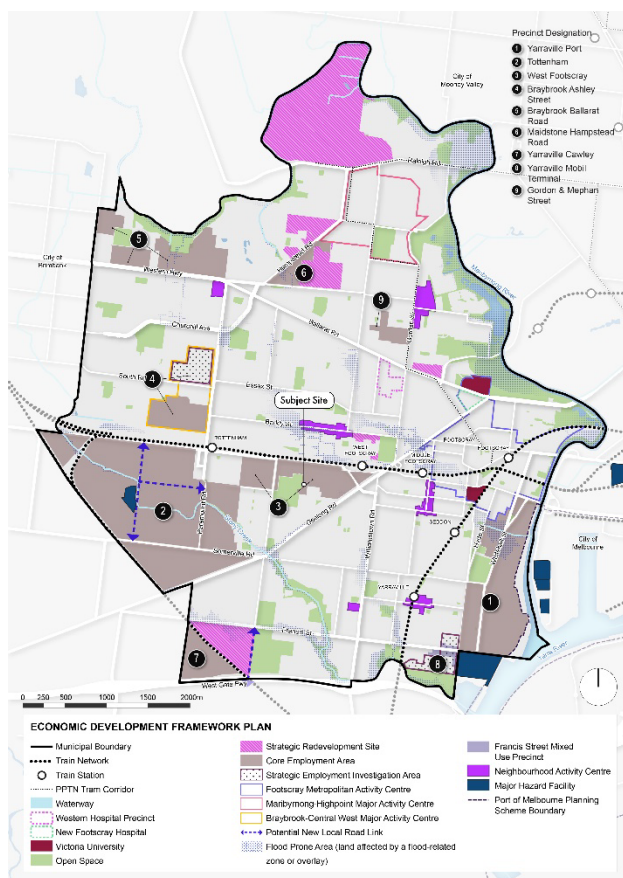


Figure 3 Economic Development Framework Plan



## 4.2 Planning Policy Framework

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### Clause 15 – Built Environment and Heritage

Clause 15 states that planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context. Further, it is noted that planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods. Specific sub-clauses of relevance to the proposal include:

- **Clause 15.01-1S – Urban Design** – seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. This is to be achieved through ensuring that development responds to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- **Clause 15.01-1R – Urban Design – Metropolitan Melbourne** – seeks to create a distinctive and liveable city with quality design and amenity. This is to be achieved through supporting the creation of well-designed places that are memorable, distinctive and liveable.
- **Clause 15.01-1L-02 – Design in core employment areas** – encourages the design and siting of industrial and office buildings to positively contribute to the amenity of adjoining streets and residential areas, enhance street activity and enhance the visual appeal of the area.
- **Clause 15.01-2S – Building design** – seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development. This is to be achieved through ensuring that development responds and contributes to the strategic and cultural context of its location. Further, this policy encourages careful treatment of interfaces with the public realm to support personal safety, perceptions of safety and property safety.

### Clause 17 – Economic Development

Clause 17 states that planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential. Specific sub-clauses of relevance to the proposal include:

- **Clause 17.01-1S – Diversified Economy** – seeks to strengthen and diversify the economy through protecting and strengthening existing and planned employment areas and improving access to jobs closer to where people live.
- **Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne** - supports diverse employment generating uses, including offices, innovation and creative industries in identified areas within regionally significant industrial precincts, where compatible with adjacent uses and well connected to transport networks.
- **Clause 17.01-1L – Employment** – seeks to encourage a greater range of employment-generating uses in core employment areas.
- **Clause 17.03-3S – Significant Industrial Land** – seeks to protect significant industrial land from incompatible land uses.

## 4.3 Industrial 3 Zone

---

The Site is located within the Industrial 3 Zone (IN3Z). The purpose of the IN3Z is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
- *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
- *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

Pursuant to Clause 33.03-4, a permit is required to construct a building or construct or carry out works.



Figure 4 Zone Plan (IN3Z)

#### 4.4 Development Contributions Plan Overlay – Schedule 2

The Site is affected by the Development Contributions Plan Overlay – Schedule 2 (DCPO2). The purpose of the DCPO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Schedule 2 the DCPO specifically relates the Maribyrnong Development Contributions Plan, where the Site is located in Charge Area 5B.

Pursuant to Sub-Clause 4.0 of Schedule 2, the following development is exempt from development contributions:

- Alterations and additions to an existing non-residential building, which increase the gross floor area by up to 200 square metres for industrial buildings.

Given that this application purely seeks approval for façade alteration works, with no increase to floor area proposed, the applicant is therefore exempt from the requirement to provide development contributions.





## 5 Planning Assessment

---

The following section outlines the key planning considerations of the proposal in response to the relevant policy provisions of the Maribyrnong Planning Scheme.

### 5.1 Is the proposal consistent with the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF)?

---

The proposed buildings and works, as outlined at Section 3 of this report, are consistent with the relevant policy provisions of the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF). The proposed works, albeit modest, seek to enhance the appearance and function of the existing building.

The following key policy responses are noted in favour of this application:

- Recognizing the role that building design plays in delivering liveable and sustainable neighbourhoods, the proposed façade alteration works contribute to a safe and attractive urban environment that improves upon the existing condition and promotes passive surveillance (Clause 15.01-1S). Through increasing the amount of glazing along the building frontages, the internal amenity of the building will also be enhanced for the future tenant (Clause 15.01-1R). The surrounding residents stand to benefit from the proposed works that will create an active and safe interface with the surrounding residential area, as opposed to the existing harsh façade that has little to no ground floor windows along Currajong Street and Robbs Road (Clause 15.02-2L-02). Such an outcome supports personal safety and perceptions of safety (Clause 15.01-2S).
- The proposed works seek to improve the conditions of an existing warehouse building to suit the operations of a future tenant. Any effort to beautify the existing building will naturally increase the appeal of the workplace for potential employees, many of which are likely to live locally. Whilst this Site is not intended to be a major employer per say, it will provide a handful of local employment opportunities in an existing core employment area (Clause 17.01-1L)

### 5.2 Is the proposal consistent with the purpose and provisions of the Industrial 3 Zone?

---

The proposed façade alteration works are largely cosmetic and therefore do not warrant a comprehensive assessment of planning merits, as would the construction of a new building. In saying this however, the proposal is considered to highly consistent with purpose and provisions of the Industrial 3 Zone (IN3Z) as they pertain to buildings and works.

Demonstrating compliance with the provisions of this zone, the following responses to the relevant decision guidelines of the IN3Z are noted:

- As outlined at Section 5.1, the proposed works align with the relevant policies of the MPF and PPF.
- The proposed façade alteration works enhance the streetscape character through:
  - Increasing visual permeability through the inclusion of additional glazing on key building frontages.
  - Removing dated wire security panels in favour of attractive window fixtures.
- The inclusion of additional windows will also provide opportunities for passive surveillance on the street, improving feelings of safety for both employees and local residents. Further, the windows proposed adjacent to Hansen Reserve may also discourage anti-social behaviour in this concealed area.
- The proposed truck canopies will appropriately demarcate building access points, more so than the existing conditions, allowing for more coordinated loading and deliveries.
- The works will include a number of new low level LED down lights are to be installed over pedestrian entry doors. These lights will enhance feelings of safety for employees and will be programmed to turn on automatically at dawn and dusk. The proposed lighting will not be of a lux level that would introduce unreasonable glare for neighbouring properties.



### **5.3 Do the proposed façade alterations have regard for the amenity of the area and adjoining residential uses?**

---

The proposed facade alteration works do not seek to introduce additional built form that would warrant a further consideration of amenity impacts. The existing building footprint is largely maintained, with the exception of the demolition of a small portion of lower warehouse fronting Currajong Street. Further, there are no features proposed that extend beyond the existing building envelope. For the reasons outlined above, any consideration of amenity is therefore confined to the proposed façade alteration works as outlined at Section 3.1 of this report.

The alterations proposed to the building façade have due regard for the amenity of the surrounding area. The installation of additional glazing on key building frontages will only improve the appearance of the building from the street, activating the streetscape and contributing to a sense of safety. Further, the removal of dated façade features, such as the wire security panels, vents and A/C units (inter alia), will dramatically improve the building appearance.

When considering the scale and nature of the proposed works, it is clear that amenity of the area only stands to benefit.

## 6 Conclusion

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This report has been prepared by Tract Consultants to accompany a planning permit application for buildings and works associated with façade alterations at 40-44 Robbs Road, West Footscray. The proposed works are largely cosmetic and only seek to beautify the existing building and enhance its functionality.

The proposal represents a context responsive design that will revitalise an underutilised site within a core employment area, whilst having due regard for the amenity of the surrounding residential areas. As mentioned throughout the report, amenity impacts will naturally be limited on account of the fact that no additional built form is proposed beyond the existing building footprint. Further, the inclusion of glazing along key building frontages will assist in activating what is currently a harsh interface.

It follows as the recommendation of this report that Council resolves to grant a planning permit for the proposal.



# Appendices

Appendix A    Certificate of Title

---





# Application for a Planning Permit

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

**⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

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

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

**i** Click for further information.

Clear Form

## The Land **i**

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

### Street Address \*

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

### 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	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

## The Proposal

**⚠** You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application

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

**⚠** Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

**CITY OF MARIBYRNONG  
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**i** 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 \$1.093 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for information.

# Existing Conditions

## 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.

# 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?

- ☐ 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.

# Applicant and Owner Details

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

## Applicant \*

The person who wants the permit.

Name:

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:

Suburb/Locality:

State:

Postcode:

Please provide at least one contact phone number \*

Contact information for applicant OR contact person below

Business phone:

Email:

Mobile phone:

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:

If it is a P.O. 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.

Same as applicant ☐

Name:

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:

Suburb/Locality:

State:

Postcode:

Owner's Signature (Optional):


Date:

day / month / year



## 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

## Need help with the Application?

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

Contact Council's planning department to discuss the specific requirements for 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

☐

No

☐

Yes

If 'Yes', with whom?:

Date:

day / month / year

## Checklist

Have you:

☐

Filled in the form completely?

☐

Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?

☐

A full, current copy of title information for each individual parcel of land forming the subject site.

☐

A plan of existing conditions.

☐

Plans showing the layout and details of the proposal.

☐

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

☐

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts)

☐

If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void

☐

Completed the relevant council planning permit checklist?

☐

Signed the declaration?

## Lodgement

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

Maribyrnong City Council

PO Box 58

Footscray VIC 3011

Cnr Napier & Hyde Streets

Footscray VIC 3011

### Contact information:

Phone: (03) 9688 0200

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

DX: 81112

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

## 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.

 Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

#### How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting Planning Schemes Online at [planning-schemes.delwp.vic.gov.au](http://planning-schemes.delwp.vic.gov.au)

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting [www.landata.vic.gov.au](http://www.landata.vic.gov.au) Contact your local Council to obtain a planning certificate in Central Goulburn, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.


#### Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

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

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

 Contact the Council to determine the appropriate fee. Go to [planning.vic.gov.au](http://planning.vic.gov.au) to view a summary of fees in the Planning and Environment (Fees) Regulations.

**Metropolitan Planning Levy** refer Division 5A of Part 4 of the *Planning and Environment Act 1987* (the Act). A planning permit application under section 47 or 96A of the Act for a development of land in metropolitan Melbourne as defined in section 3 of the Act may be a leviable application. If the cost of the development exceeds the threshold of \$1 million (adjusted annually by consumer price index) a levy certificate must be obtained from the State Revenue Office after payment of the levy. A valid levy certificate must be submitted to the responsible planning authority (usually council) with a leviable planning permit application. Refer to the State Revenue Office website at [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for more information. A leviable application submitted without a levy certificate is void.

### Existing Conditions

#### How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

### 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.

#### 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.

Some councils require that title information must have been searched within a specified time frame. Contact the Council 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](http://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 Council 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.

Check with Council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between council and the applicant/contact.

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**.

## 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 Council 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 the Council to make a decision. 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 Council 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 Council will be able to make a decision.

## Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with Council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

⚠ 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.

# EXAMPLES

## Example 1

### The Land

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

**Street Address \***

Unit No.: 4

St. No.: 26

St. Name: Planmore Avenue

Suburb/Locality: HAWTHORN

Postcode: 3122

**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 Lot No.: 2 ☐ Lodged Plan ☐ Title Plan ☒ Plan of Subdivision No.: LP93562

OR

B Crown Allotment No.:  Section No.:

Parish/Township Name:

## Example 2

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

Construction of two, double-storey dwellings and construction of two new crossovers.

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

## Example 3

### Existing Conditions

**Describe how the land is used and developed now \***

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwelling.

Provide a plan of the existing conditions. Photos are also helpful.

## Example 4

### Applicant and Owner Details

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

**Applicant \***

The person who wants the permit.

Please provide at least one contact phone number \*

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

**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: Len

Surname: Browning

Organisation (if applicable): Responsible Developers P/L

Postal Address:

Unit No.: 4

St. No.: 12

St. Name: Ardour Lane

Suburb/Locality: Wycheproof

State: Vic

Postcode: 3527

**Contact information for applicant OR contact person below**

Business phone: 9123 4567

Email: tcpl@bigpond.net.au

Mobile phone: 0412 345 678

Fax: 9123 4567

**Contact person's details\*** ☐ Same as applicant

Name:

Title: Mr

First Name: Andrew

Surname: Hodge

Organisation (if applicable): Town Planning Consultants

Postal Address:

Unit No.:

St. No.:

St. Name: PO Box 111

Suburb/Locality: Parkdale

State: Vic

Postcode: 3194

☒ Same as applicant

Name:

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

Unit No.:

St. No.:

St. Name:

Suburb/Locality:

State:

Postcode:

Owner's Signature (Optional):

Date:

day / month / year



## AMENDMENT TO AN APPLICATION FOR PLANNING PERMIT Request Form

### Privacy Information

Any material submitted with this application, including plans and personal information, will be available for public viewing, including electronically, and copies may be made to interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.

### DETAILS OF APPLICATION TO BE AMENDED

**Application Number:**

TP30/2025 (1)

**Address of Land :**

40-44 Robbs Road, West Footscray

Under what section of the Planning and Environment Act 1987, is the amendment being sought:

☐ Section 50 – Amendment to the application prior to notice

☐ Section 57A – Amendment to the application after notice (*Note – A fee of 40% of the original application fee is required with this request*)

### THE APPLICANT

**Name:**

**Organisation:** 40-44 Robbs Road JV c/o- Tract Consultants

**Address:**

Level 6 / 6 Riverside Quay, Southbank

**Contact Phone Number:** 0425 241 098

**Email:** mhurst@tract.net.au

**Are you the applicant of the original planning permit application?** ☐ Yes ☐ No

(*Note: Only the applicant of the original planning permit application may ask Council to amend the application*)

### DETAILS OF THE PROPOSED CHANGES

Is there a change to the description of the land?

☐ Yes ☐ No

Is there a change to the plans and/or other documents submitted with the application?

☐ Yes ☐ No

Is there a change to the use and/or development of the land?

☐ Yes ☐ No

**List in detail the proposed changes (This can be listed on a separate page)**

Update to the 'Application for a Planning Permit' form to reference the correct cost for permit triggering works.

### DECLARATION TO BE COMPLETED FOR APPLICATIONS

I declare that all information I have given is true

**Applicant Signature:** ..  .....

**Date:** 06/03/2025 .....

**CITY OF MARIBYRNONG  
ADVERTISED PLAN**

## HOW TO REQUEST FOR AMENDMENT TO AN APPLICATION FOR PLANNING PERMIT

ALL OF THE INFORMATION OUTLINED BELOW MUST ACCOMPANY THIS APPLICATION.

### **ALL REQUESTS SUBMIT:**

1. Application form
2. A written statement detailing all alterations/amendment proposed
3. Application fee if required

### **If you are amending the description of the land, please submit:**

1. Provide the street number, street name, town, postcode, the lot number and lodged plan number or other title particulars
2. If you attach a plan, include:
  - The boundaries of the land and their measures;
  - The street it faces, the nearest intersecting street, the distance from this street and the name of all streets on the plan;
  - Reasons for the amendment

### **If you are amending the use and/or development of the land, please submit:**

1. Details of the changes to the use and development of the land;
2. Reasons for wishing to amend the use and/or development;

### **If you are amending the plans, please submit:**

1. An electronic copy of the plans (coloured to highlight the proposed amendments):
  - Site plan of the existing site and all amendments that are proposed;
  - Floor plans showing existing conditions, and all proposed amendments;
  - Elevation plans of the existing proposal, and all proposed amendments.

**Aidan Kodric**

Maribyrnong City Council

via email: [aidan.kodric@maribyrnong.vic.gov.au](mailto:aidan.kodric@maribyrnong.vic.gov.au) &

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

6 March 2025

Dear Aidan

**40-44 Robbs Road, West Footscray**

**TP30/2025 (1) RFI Response & Section 50 Application**

Tract continues to act on behalf of 40 Robbs Road JV in relation to the above planning permit application for 40-44 Robbs Road, West Footscray.

We refer to Council's correspondence dated 26 February 2025 requesting further information pursuant to Section 54 of the Planning and Environment Act 1987 ("Act"). Specifically, Council have requested confirmation with respect to the cost of permit triggering works to be conducted and whether they exceed the MPL threshold of \$1,271,000.

A breakdown of the costs has been provided overleaf, confirming that the total cost of permit triggering works is well below the MPL threshold. We note that the total cost originally quoted in our application form incorrectly captured all of the proposed works, inclusive of those works that do not trigger the requirement for planning permission.

To ensure that the accurate cost of works is noted in the application, we therefore seek to amend the application pursuant to Section 50 of the Act. An amended 'Application for a Planning Permit Form', as well as an 'Amendment to an Application for Planning Permit Request Form' (Section 50), accompanies this letter.

Further, as noted under the heading of 'preliminary concerns', we understand that the application has been referred to Council's Open Space Department for review. We will provide a further response to any comments raised by this Department once the referral response is received.

We trust that this information, as well as the breakdown of costs provided overleaf, adequately addresses the matters raised in your letter. However, should you find this information to be insufficient please accept this letter as a formal request for an extension to the lapse date.

Should you have any questions regarding this matter, please contact me or Michael Hurst ([mhurst@tract.net.au](mailto:mhurst@tract.net.au)).

Yours sincerely



**Elle Harrington**

Principal Town Planner

Tract

[eharrington@tract.net.au](mailto:eharrington@tract.net.au)



## 1 Breakdown of Project Costs

The following table provides a summary of the costs associated with the permit triggering works proposed at 40-44 Robbs Road.

Scope Item	Cost (ex VAT)
<b>Eastern Elevation (Currajong Street)</b>	
Installation of new windows	\$20,000
Construction of a new truck canopy	\$278,000
<b>Southern Elevation (Robbs Road)</b>	
Construction of new windows in place of existing roller garage	\$50,000
Construction of a new truck canopy	\$50,000
Construction of small canopy over lobby entry	\$15,000
Installation of new first floor windows in place of existing high level windows	\$60,000
Installation of two (2) new fire hydrant cabinets	\$8,000
New concrete entry paving and concrete/rendered block plinth	\$95,000
<b>Western Elevation (Hansen Reserve)</b>	
Installation of three (3) new ground floor windows	\$8,000
Construction of an operable window at the base of the existing stairwell	\$10,000
<b>Total</b>	<b>\$594,000</b>