

How to complete the Application for Planning Permit 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 considering and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

The form and this guide refer to 'Council' as the responsible authority. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Obtaining a copy of the Application for Planning Permit form

You can obtain a paper copy from your local council, or access an electronic copy of the form from www.dpcd.vic.gov.au/planning or your local council website.

 Access to the electronic files on these websites requires installation of the free Adobe Acrobat Reader software 8.1.2 or later. A link to download the software is available on the website.

How to use the application form

After accessing the on-line version of the form, you can choose to complete the form either by hand or electronically:

By hand: Select the 'print form' option. Complete the form in pen. Please print clearly.

Electronically: You can complete the form by typing into the response fields on the form. Fields marked with an asterisk (*) must be completed. You must have Adobe Acrobat Reader Version 8.1.2 or later in order to use this feature.

A draft can be saved to your own computer at any stage by selecting 'save form to your computer' at the end of the form.

Once the form is completed, print and deliver the application to council with all relevant supporting documents.

Need help with the application?

How do you work out whether you need a planning permit and what information to provide?

 There are different ways to work out whether you need a planning permit before you fill out the form. Council's planners can explain the reason why you need a permit and the terms.

Initial enquiries: telephone or visit the council to discuss your proposal. Initial enquiries are generally informal and unrecorded.

Pre-application meeting: by arranging a formal pre-application meeting with a council planning officer, you can obtain advice on whether and why you need a permit, matters to consider and information to be submitted with the application.

Checklists: most councils have checklists identifying information required to be submitted with specific applications, e.g. multi-dwelling development, advertising signage, removal of native vegetation. Checklists are usually available on council websites or from their planning department.

Council contact details are given at the end of the application form.

 Consider getting professional advice. Planning assessment and decision-making are sophisticated processes that involve concepts such as respecting neighbourhood character, achieving good urban design outcomes, protecting reasonable amenity and enhancing heritage significance. Council and the community are looking for proposals that will meet their expectations. Getting the right professional advice at the beginning will help develop your ideas so you meet council's expectations and your objectives.

The Land

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

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.

1 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. | A Lot No.: 2 | <input checked="" type="checkbox"/> Lodged Plan <input type="checkbox"/> Title Plan <input type="checkbox"/> Plan of Subdivision | No LP93562 |
| | OR | | |
| | B Crown Allotment No.: | Section No.: | |
| | Parish/Township Name: | | |

The Proposal

- 2 For what use, development or other matter do you require a permit?

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.

i 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 (SPPF), the Local Planning Policy Framework (LPPF), zones, overlays, particular and general provisions. You can access the planning scheme by either contacting council's planning department or by visiting the Planning Schemes Online section of the DPCD website, <http://www.dpcd.vic.gov.au>.

i 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 can be obtained by visiting www.landata.vic.gov.au. In rural areas, contact your local council to obtain a planning certificate.

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

i If you need help about the proposal, read: [How to Complete the Application for Planning Permit Form](#)

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

Provide additional information providing details of 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.

③ Estimated cost of development for which the permit is required

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.

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

i Contact the council to determine the appropriate fee. Go to <http://www.dpcd.vic.gov.au/planning> to view a summary of fees in the Planning and Environment (Fees) Regulations 2000.

| | | |
|--|--|--|
| ③ Estimated cost of development for which the permit is required * | Cost \$ 195,000 | ⚠ You may be required to verify this estimate. |
| | Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence) | |

Existing Conditions

④ Describe how the land is used and developed now.

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).

| | |
|--|--|
| ④ Describe how the land is used and developed now * eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing. | <i>Single dwelling.</i> |
| | i Provide a plan of the existing conditions. Photos are also helpful. |

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.

Title Information

⑤ Encumbrances on title.

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.

i 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.

i 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.

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

| | |
|--|--|
| <p>5 Encumbrances on title*</p> <p>If you need help about the title, read: How to Complete the Application for Planning Permit Form</p> | <p>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?</p> <p><input checked="" type="radio"/> Yes. (If 'yes' contact council for advice on how to proceed before continuing with this application.)</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not applicable (no such encumbrance applies).</p> <p><input checked="" type="checkbox"/> 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', eg. restrictive covenants.)</p> |
|--|--|

Applicant and Owner Details

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

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.

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.

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

Applicant *
The person or organisation who wants the permit.

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

*Please provide at least one contact phone number **

| | | |
|--|-----------------------------------|------------------------------|
| Name: | | |
| Title: <i>Mr</i> | First Name: <i>Len</i> | Surname: <i>Browning</i> |
| Organisation (if applicable): <i>Responsible Developers P/L</i> | | |
| Postal Address: <small>If it is a P.O. Box, enter the details here:</small> | | |
| Unit No.: <i>4</i> | St. No.: <i>12</i> | St. Name: <i>Ardour Lane</i> |
| Suburb/Locality: <i>Wycheproof</i> | State: <i>Vic</i> | Postcode: <i>3527</i> |
| Contact person's details * <small>Same as applicant (if so, go to 'contact information')</small> <input type="checkbox"/> | | |
| Name: | | |
| Title: <i>Mr</i> | First Name: <i>Andrew</i> | Surname: <i>Hodge</i> |
| Organisation (if applicable): <i>Town Planning Consultants</i> | | |
| Postal Address: <small>If it is a P.O. Box, enter the details here:</small> | | |
| Unit No.: | St. No.: | St. Name: <i>PO Box 111</i> |
| Suburb/Locality: <i>Parkdale</i> | State: <i>Vic</i> | Postcode: <i>3194</i> |
| Contact information | | |
| Business phone: <i>9123 4567</i> | Email: <i>tcpl@bigpond.net.au</i> | |
| Mobile phone: <i>0412 345 678</i> | Fax: <i>9123 4567</i> | |

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: <small>Same as applicant</small> <input checked="" type="checkbox"/> | | |
| Title: | First Name: | Surname: |
| Organisation (if applicable): | | |
| Postal Address: <small>If it is a P.O. Box, enter the details here:</small> | | |
| Unit No.: | St. No.: | St. Name: |
| Suburb/Locality: | State: | Postcode: |
| Owner's Signature (Optional): | Date: <small>day / month / year</small> | |

Declaration

7 This form must be signed by the applicant

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 at part 6 of the form or must be notified of the application which is acknowledged in the declaration.

i 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.

7 **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: *Len Browning* Date: *15.08.2012*
day / month / year

8 Has there been a pre-applications meeting with a council officer?

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.

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

No Yes If yes, with whom?: *John Smith*

Date: *21-06-2012* day / month / year

Checklist

9 Have you:

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

i The more information you provide with your permit application, the sooner council will be able to make a decision.

Checklist **i**

9 **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?
- Completed the relevant council planning permit checklist?
- Signed the declaration on page 2?

Lodgement

Lodge the completed and signed form and all documents with:

The application must be lodged with the council responsible for the planning scheme in which the land affected by the application is located.

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

i **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.