

Planning Enquiries Phone: (03) 5320 5640 Web: www.ballarat.vic.gov.au

Clear Form	

Office	Use	Only
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Application No.:

# Application for a VicSmart Planning Permit

This application form is only for **VicSmart** applications (those listed under Clause 92 or the schedule to Clause 94). For all other planning permit applications, please request the correct form from Council.

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.

Date Lodged:

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

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

Click for further information.

# Application type

Nominate the VicSmart permit triggers (may be more than one)

State VicSmart triggers are listed in Clause 92

Select the VicSmart class(es)	and decision guidelines can be found in
Realign the common boundary between two lots	Clause 93.01
Subdivision of buildings and car parking spaces	Clause 93.02
Subdivide land into two lots (not in a rural zone)	Clause 93.02
Front fence in a residential zone	Clause 93.03
Buildings and works in a residential zone	Clause 93.04
Buildings and works in commercial and industrial zones	Clause 93.04
Buildings and works in special purpose zones	Clause 93.04
Buildings and works in an overlay	Clause 93.05
Remove, destroy or lop a tree	Clause 93.06
Subdivision and buildings and works in a Heritage Overlay	Clause 93.07
Subdivision and buildings and works in a Special Building Overlay	Clause 93.08
Advertising sign	Clause 93.09
Reducing the requirement for car parking	Clause 93.10
Two lot subdivision in a rural zone	Clause 93.12
Buildings and works in a rural zone	Clause 93.13
Extend one dwelling on a lot in a residential zone	Clause 93.14

Local VicSmart triggers are listed in the schedule to Clause 94. List if any apply.

# Pre-application meeting

Has there been a pre-application meeting with a Council planning officer?

O No	O Yes	If 'Yes', with whom?:					
		Date:	day / month / year				

The Land   I										
Address of the land. Complete the St	reet A	Address and o	ne of	the Formal	Land Des	scriptio	ns.			
Street Address *	Un	it No.:	St.	. No.:		St. N	ame:			
	Suburb/Locality:								Pos	stcode:
Formal Land Description * Complete either A or B.	Α	Lot No.:		CLodged	Plan (	Title Pla	an OPla	n of Subdiv	vision	No.:
This information can be found on the certificate of title.	OR									
If this application relates to more than one address, attach a separate sheet setting out	В	Crown Allotm Parish/Towns						Section	NO.:	
any additional property details.		T alisii/ lowiis	и пр тч	anne.						
The Proposal  You must give full details of you Insufficient or unclear information  For what use, development or other matter do you					n required	I to ass	ess the ap	plication.		
require a permit? *										
	9	Provide additional planning scheme of the likely effective.	e, requ	ested by Coun	the proposal	, includined in a Co	ig: plans and ouncil plannir	elevations; and permit che	any info ecklist; a	ormation required by the and if required, a description
Enthwested and of										
Estimated cost of development for which the permit is required *	Co	ost \$			You r	nay be t '0' if no	required to developm	o verify thi nent is pro	is estir posed.	nate.
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.										
	Ø	Provide a plan o	f the ex	xisting conditio	ns. Photos	are also	helpful.			
Title Information I		es the propos ction 173 agre								estrictrive covenant, envelope?
Encumbrances on title *	Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)									

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 II Provide details of the applicant and the owner of the land. Applicant \* Name: First Name: Surname: The person who wants the Title: permit. Organisation (if applicable): Postal Address: If it is a P.O. Box, enter the details here: St. No.: Unit No.: St. Name: State: Postcode: Suburb/Locality: Contact information for applicant OR contact person below Please provide at least one contact phone number Email: Business phone: Fax: Mobile phone: Contact person's details\* Where the preferred contact Same as applicant person for the application is Name: different from the applicant, First Name: Surname: Title: provide the details of that person. 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 \* Same as applicant Name: The person or organisation who owns the land Title: First Name: Surname: Where the owner is different Organisation (if applicable): from the applicant, provide If it is a P.O. Box, enter the details here: Postal Address: the details of that person or organisation. Unit No.: St. No.: St. Name: Suburb/Locality: State: Postcode: Owner's Signature (Optional): Date: day / month / year Information 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. requirements

Have you completed the VicSmart information checklist(s)?	
O Yes	
○ No	

# Declaration II

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 correct; and the owner (if not myself) has been notified of the	
Signature:	Date:
	day / month / year

# Need help with the Application? II

If you need help to complete this form, read More Information at the end of this form.

General information about the VicSmart planning process is in the Applicant's Guide to Lodging a VicSmart Application which is available at <a href="https://www.planning.vic.gov.au">www.planning.vic.gov.au</a>

Assistance can also be obtained from Council's planning department.

Checklist I	Filled in the form completely?
Have you:	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 listed in Clause 93 and the schedule to Clause 95 for the appropriate VicSmart class of application?
	Completed and attached the relevant information checklist for the appropriate VicSmart application?
	Signed the declaration?

# Lodgement II

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

City of Ballarat PO Box 655 Ballarat VIC 3353

Phoenix Building 25 Armstrong Street South Ballarat Central VIC 3350

Contact information: Phone: (03) 5320 5500 Email: info@ballarat.vic.gov.au

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

Your personal information is being collected by City of Ballarat for planning purposes. Your information will be stored in Council's Customer Database and used to identify you when communicating with Council and for the delivery of services and information. For further information on how your personal information is handled, refer to Council's Privacy Policy at <a href="https://www.ballarat.vic.gov.au">www.ballarat.vic.gov.au</a>

# 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.

A 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 the Planning Schemes Online section of the department's website http://planning-schemes.delwp.vic.gov.au

A You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au Contact the 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.

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

A Contact the Council to determine the appropriate fee. Go to www.planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

### **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

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

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the Planning and Environment Act 1987 for example, prevents granting of 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.

A 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 – 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 a decision to be made. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- · provided all the required information on the form
- · included payment of the application fee
- · attached all necessary supporting information and documents
- · completed the relevant planning permit checklist
- · signed the declaration on the last page of the application form

⚠ The more complete the information you provide with your permit application, the sooner a decision will be made.

#### 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.

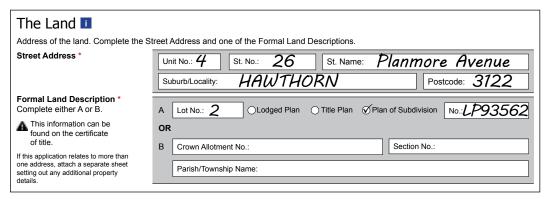
Check with Council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

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

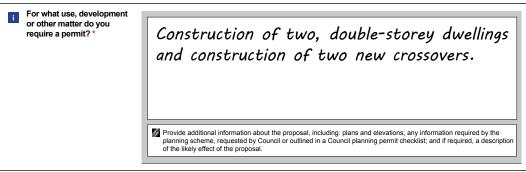
Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

## **EXAMPLES**

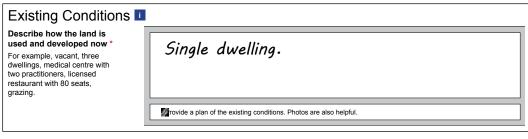
#### Example 1



#### Example 2



#### Example 3



#### Example 4

