

Planning Enquiries

Phone: (03) 9278 4888

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

Website: [www.boroondara.vic.gov.au](http://www.boroondara.vic.gov.au)



Updated 28 July 2023

## Application for a VicSmart Planning Permit

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

Please note: 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 our planning department by calling [\(03\) 9278 4888](tel:0392784888).

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

### Application type\*

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

Select the VicSmart class(es):

- ☐ Realign a boundary between two lots
- ☐ Subdivide land into lots each containing an existing building or car parking space
- ☐ Subdivide land with an approved development into two lots
- ☐ Construct a front fence in a residential zone
- ☐ Construct a building or works in a zone (other than a rural zone)
- ☐ Construct a building or works in an overlay
- ☐ Remove, destroy or lop one tree
- ☐ Minor subdivision, minor buildings and works, painting or tree lopping in a Heritage Overlay
- ☐ Minor subdivision or buildings or works in a Special Building Overlay
- ☐ Display a sign in a commercial, industrial, or special purpose zone
- ☐ Reduce a car parking requirement
- ☐ Two lot subdivision in a rural zone
- ☐ Construct building or works in a rural zone
- ☐ Extension to one dwelling on a lot in a residential zone

## The land\*

Address of the land. Complete the Street address section, and one of the Formal land description options.

### Street address

Unit number:

Suburb/locality:

Street number:

Postcode:

Street name:

### Formal land description

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.

Complete either option A or B below.

#### Option A

Lot number:

☐ Lodged Plan - number:

☐ Title Plan - number:

☐ Plan of Subdivision - number:

#### Option B

Crown allotment number:

Section number:

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.

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
- if required, a description of the likely effect of the proposal.

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

Estimated cost of any development for which the permit is required:

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 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 the [State Revenue Office Victoria website](#) for information.

## Existing conditions\*

Describe how the land is used and developed now. We also ask for a plan of the existing conditions to be attached when you submit this form. Photos are encouraged.

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

## 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 so, 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 when you submit this form. The title includes:

- the covering 'register search statement'
- the title diagram
- the associated title documents, known as 'instruments', for example, restrictive covenants.

## Applicant and owner details\*

### Applicant details (person who wants the permit)

Applicant title:

Street number or P.O. box details:

Applicant first name:

Street name:

Applicant surname:

Suburb/locality:

Organisation (if applicable):

State:

Unit number:

Postcode:

### Contact information for applicant or contact person

Please provide at least one contact phone number.

Business phone:

Fax:

Mobile phone:

Email:

Planning Enquiries

Phone: (03) 9278 4888

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

Website: [www.boroondara.vic.gov.au](http://www.boroondara.vic.gov.au)



**BOROONDARA**  
*City of Harmony*

Updated 28 July 2023

### **Contact person details (if preferred contact person is different from the applicant)**

Contact person title:

Street number:

Contact person first name:

Street name:

Contact person surname:

Suburb/locality:

Organisation (if applicable):

State:

Unit number:

Postcode:

### **Owner details (if the owner is different from the applicant)**

Owner title:

Street number:

Owner first name:

Street name:

Owner surname:

Suburb/locality:

Organisation (if applicable):

State:

Unit number:

Postcode:

Owner signature (optional):

Date signed (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; that all the information in this application is true and correct; and that the owner (if not myself) has been notified of the permit application.

Applicant signature:

Date signed (day / month / year):

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## Need help with your application?\*

General information about the planning process is available on the [Victorian Department of Transport and Planning website](#).

Contact our Planning Department to discuss the specific requirements for this application and obtain a [VicSmart Planning Permit checklist](#). Insufficient or unclear information may delay your application.

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

☐ Yes

☐ No

If yes, which council planning officer was the meeting with?

Date of meeting (day / month / year):

## Checklist

Have you:

- Filled in the form completely?
- Selected your form of consent and signed the declaration on this form?
- Attached all necessary supporting information and documents?
  - A full, current copy of the 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, and 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.

## Lodgement

You can deliver your application in person, by post, or by electronic lodgement. You can lodge the completed and signed form and all documents required by post, using the following address:

City of Boroondara, Private Bag 1, Camberwell VIC 3124

You can contact us by calling us on [\(03\) 9278 4888](tel:(03)92784888), emailing [boroondara@boroondara.vic.gov.au](mailto:boroondara@boroondara.vic.gov.au), or by DX 12206.

## Application fee

Most applications require a fee to be paid. We will email you an invoice for payment after you lodge your application. If you have any questions about the application fee, you can contact our Planning Department on [\(03\) 9278 4888](tel:0392784888).

## Collection of personal information

The City of Boroondara is committed to protecting your Privacy. Personal information requested on this form is being collected by City of Boroondara for the purpose of assessing planning permit applications, parts of which are set out in the *Planning and Environment Act 1987*.

The personal information will be used for the following purposes:

- To correspond with you about your planning permit application
- If necessary, to notify affected parties who may wish to inspect your application, this may include, placing a notice of application on the subject site, sending a notice of application by post or online
- For any other directly related, or reasonably related purposes.

The information you provide will be made available:

- online on our website commencing from public notice of the application until the application process has concluded
- on our Planning Permit Application register
- to any person who may wish to inspect your application until the application process has concluded, including any review at the Victorian Civil and Administrative Tribunal
- to relevant officers within Council and other pertinent Government agencies directly involved in the Planning process
- to persons accessing information in accordance with the *Public Records Act 1973*, *Planning and Environment Act 1987*, or the *Freedom of Information Act 1982*.

Personal information will not be disclosed to any other external party without your consent, unless required or authorised by Law. If your personal information is not collected, we may not be able to process your application. If you wish to access or alter any of the personal information you have supplied to the City of Boroondara, please contact the Statutory Planning Department by emailing [boroondara@boroondara.vic.gov.au](mailto:boroondara@boroondara.vic.gov.au) or calling us on [\(03\) 9278 4888](tel:0392784888).

## 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.

## 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 and placemaking department or by visiting Planning Schemes Online on the [Victorian Department of Transport and Planning website](#).

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 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 [the Landata website](#).

See the Example 1 - use development or other matter that the permit is required section.

### 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 the [Victorian Department of Transport and Planning website](#) to view a summary of fees in the Planning and Environment (Fees) Regulations.

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 (Metropolitan Planning Levy refer Division 5A of Part 4 of the *Planning and Environment Act 1987* (the Act)). 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 [Victorian State Revenue Office website](#) 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 the Example 2 - existing conditions section.

## **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, (e.g., 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](tel:0386362010); or on the [Landata website](#) – go direct to the 'Titles and property certificates' section.

### **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.

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 us how we would 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 the Example 3 - application and owner details section.

## **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 and indicates whether consent is given for the online publication of personal information within the application.

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 your 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. This will help speed up the processing of your application.

## **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
- Attached all necessary supporting information and documents
- Signed the declaration on the last page of the application form.

The more complete the information you provide with your application, the sooner we 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 us how we would prefer to have the application lodged. For example, a council 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 of 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 approval from water and other service authorities.

## Application fee

Most applications require a fee to be paid. The fee required is dependent on the type of application and the cost of the works proposed. We will email you an invoice for payment after you lodge your application. If you have any questions about the application fee, you can contact our Planning Department on [\(03\) 9278 4888](tel:0392784888).

## Example 1 - use development or other matter that the permit is required

In the example below the applicant has provided their answer to the question 'For what use, development or other matter do you require a permit?'.

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

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

## Example 2 - existing conditions

In the example below the applicant has provided their answer to the prompt 'Describe how the land is used and developed now', in the Existing conditions section.

### Existing conditions\*

Describe how the land is used and developed now. We also ask for a plan of the existing conditions to be attached when you submit this form. Photos are encouraged.

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

*Single dwelling.*

## Example 3 - application and owner details

In the example below the applicant has provided their details and the details for the preferred contact person, which in this case is an organisation. The owner details were not required to be filled in this instance as the owner was also the applicant.

### Applicant (person who wants the permit)

Applicant title: MR

Unit number: 4

Applicant first name: LEN

Street number: 12

Applicant surname: BROWNING

Street name: ARBOUR LANE

Organisation (if applicable): RESPONSIBLE DEVELOPERS  
PTY LTD

Suburb/locality: WYCHEPROOF

State: VIC

Postcode: 3527

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

Please provide at least one contact phone number.

Business phone: 9123 4567

Email: tcpl@bigpond.net.au

Mobile phone: 0412 345 678

Fax: 9123 4567

**Contact person (if preferred contact person is different from the applicant)**

Contact person title: -

Unit number: -

Contact person first name: -

Street number: -

Contact person surname: -

Street name: PO BOX 111

Organisation (if applicable): TOWN PLANNING  
CONSULTANTS

Suburb/locality: PARKDALE

State: VIC

Postcode: 3194