



Planning Enquiries
Phone: (03) 5348 1577
Web: www.hepburnshire.vic.gov.au


Application to **AMEND a Planning Permit**


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

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

 This form cannot be used to:

- amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
- amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 971 of the Act).

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

 Click for further information.

Clear Form

The Land


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

Street Address *

Unit No.:	St. No.:	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:					

Planning Permit Details

What permit is being amended?*

Planning Permit No.:


The Amended Proposal

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

What is the amendment being applied for?*

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

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

This application seeks to amend:	
<input type="checkbox"/> What the permit allows	<input type="checkbox"/> Plans endorsed under the permit
<input type="checkbox"/> Current conditions of the permit	<input type="checkbox"/> Other documents endorsed under the permit
Details:	
<p> Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.</p>	


Development Cost

Estimate cost of development*

If the permit allows **development**, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development:	Cost of the permitted development:	Cost difference (+ or -):
\$ <input type="text"/>	– \$ <input type="text"/>	= \$ <input type="text"/>

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


 You may be required to verify this estimate.

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.

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


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

Title Information

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.

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:	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:


Contact information for applicant OR contact person below	
Business phone:	Email:
Mobile phone:	Fax:

Contact person's details*		Same as applicant <input type="checkbox"/>
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:

		Same as applicant <input type="checkbox"/>
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: <i>Neil Mirani</i>	Date: day / month / year
If completing this form electronically, please tick the box to the right, include a date and type your name above to serve as a declaration that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.	

Need help with the Application?

If you need help to complete this form, read More Information at the end of this form or contact Council's planning department. General information about the planning process is available at planning.vic.gov.au

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

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

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

Checklist

Have you:

- Filled in the form completely?
- Paid or included the application fee?
- Attached all necessary supporting information and documents?
- Completed the relevant council planning permit checklist?
- Signed the declaration above?



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

Lodgement

Lodge the completed and signed form and all documents with:

Planning Department
Hepburn Shire Council
PO Box 21
Daylesford VIC 3460

Customer Service Centre
Cnr Duke & Albert Streets
Daylesford VIC 3460

Contact information:

Phone: (03) 5348 1577

Email: shire@hepburn.vic.gov.au

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

Privacy Statement

Your application and the personal information on this form is collected by council for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act). If you do not provide your name and address, council will not be able to consider your application. Your application will be available at the council office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request access to your personal information by contacting Councils Governance Department.

MORE INFORMATION

The Land

It is important that your application to amend a planning permit includes details of the land, consistent with the Planning Permit. Refer to a copy of your Planning Permit, when completing the street address section of the form.

Also ensure you provide up-to-date details for the formal land description, using the current copy of the title.

Planning Permit Details

You must identify the permit being amended by specifying the permit number. This can be found at the beginning of the permit.

The Amended Proposal

First select the type of amendment being applied for. This may include an amendment to:

- the use and/or development allowed by the permit
- conditions of the permit.
- plans approved by the permit.
- any other document approved by the permit.

Then describe the changes proposed to the permit, including any changes to the plans or other documents included in the permit.

Development Cost

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

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development to be allowed by the amended permit and the difference between the development allowed by the permit.

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

Fees are exempt from GST.

The cost difference is calculated as follows:

Development cost related to the Application to Amend a Planning Permit	–	Development cost related to the Application for Planning Permit	=	Cost Difference
--	---	---	---	-----------------

If the estimated cost of the proposed amended development is less than the estimated cost of the development allowed by the permit, show it as a negative number.

Example 1

Where the cost of the development to be allowed by the amended permit is lower than the cost of the development allowed by the permit:

$$\$180,000 - \$195,000 = -\$15,000$$

Example 2

Where the cost of the development to be allowed by the amended permit is higher than the cost of the development allowed by the permit:

$$\$250,000 - \$195,000 = \$55,000$$

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

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

Existing Conditions

How should land be described?

If the conditions of the land have changed since the time of the original permit application, you need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (for example, single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant land).

Please attach to your application a plan of the existing conditions of the land, if the conditions have changed since the time of the original permit application. Check with the local Council for the quantity, scale and level of detail required.

It is also helpful to include photographs of the existing conditions.

Title Information

What is an encumbrance?

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

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

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

What documents should I check to find encumbrances?

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

What about caveats and notices?

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

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

What happens if the proposal contravenes an encumbrance on title?

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

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

▲ You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

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 – 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**.

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

Checklist

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 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.

Applicant and Owner Details i

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 PTY LTD		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
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 <input type="checkbox"/>
Name:		
Title: MR	First Name: ANDREW	Surname: HODGE
Organisation (if applicable): TOWN PLANNING CONSULTANTS		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.:	St. Name: PO BOX 111
Suburb/Locality: PARKDALE	State: VIC	Postcode: 3194

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

Y A R D B I R D

A T D A Y L E S F O R D

Hepburn Shire Council
1 Duke Street
Daylesford VIC 3460

To Whom it May Concern,

Yardbird at Daylesford is a locally owned and operated café/restaurant that offers a delicious array of meals, snacks, cold drinks, coffees and much more to the citizens of Daylesford and our welcomed visitors. We provide a homely, welcoming atmosphere that caters to all tastes and dining options.

The business, like so many others in the hospitality industry, has been hit hard by the COVID-19 shutdowns and restrictions. We have been forced to close for upwards of three months, which has affected the profitability of the business. This has resulted in a decrease of nearly 40% in turnover YTD which has forced us to reduce our staffing numbers as well.

In an effort to revitalise the business and to take advantage of the anticipated influx of visitors from Melbourne and interstate we are seeking to obtain a liquor licence for the café/restaurant to expand our trading options. We are proposing to provide high quality imported beer, as well as local wines and ciders. As seen in the attached floor plan we are seeking to obtain an on-premises licence for Shop 5, 22-24 Howe Street, Daylesford including the adjacent footpath where dinner options are currently available. In addition to an off-premise licence to expand on our successful delivery service to provide further options to our customer base. As a result we will be applying for a General Licence through the VCGLR.

Our proposed hours will be:

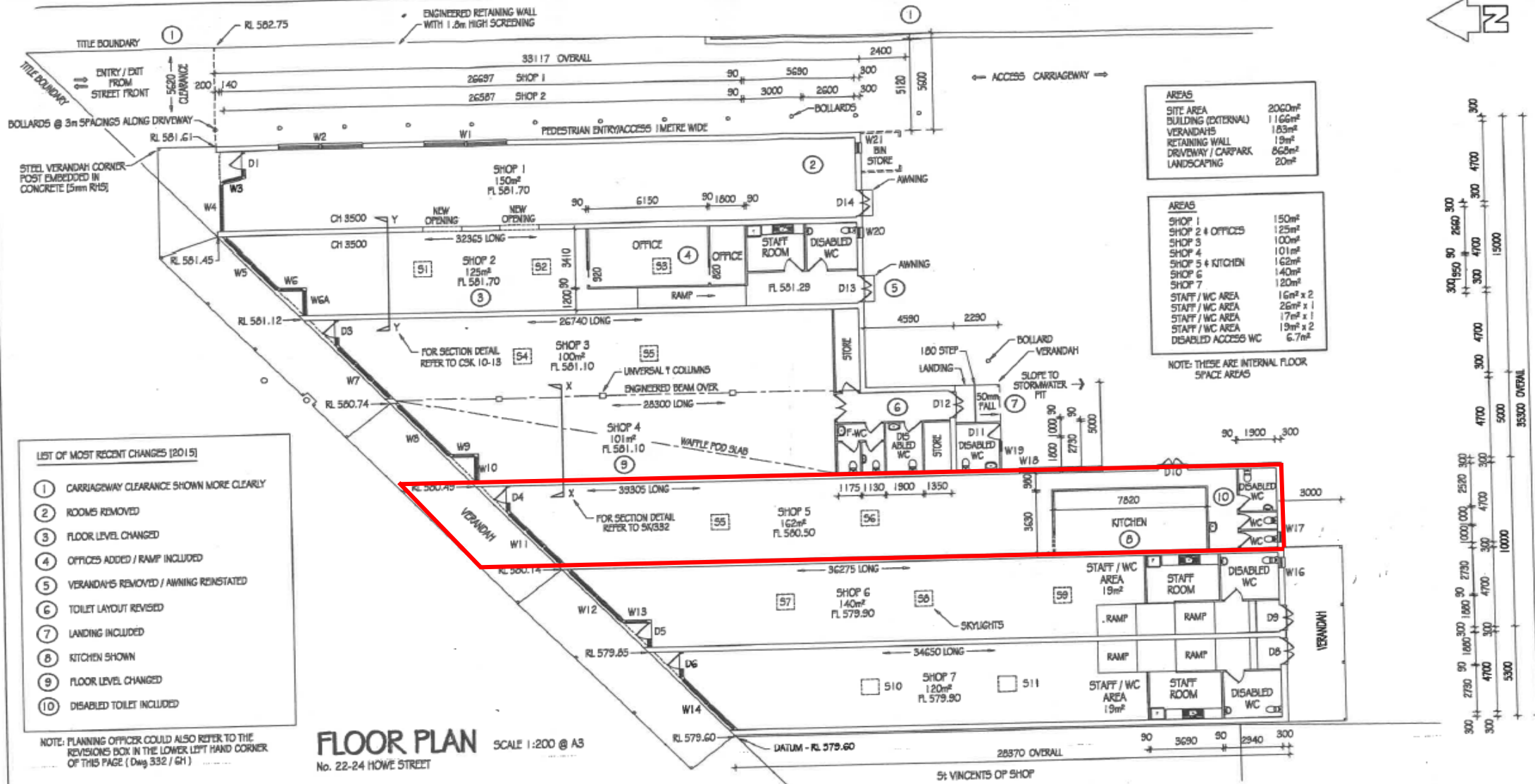
- Monday – Sunday: 9am – 12pm

We currently have four staff members, with the possibility to grow upon liquor licence approval and the resulting trade increase. We have a current capacity of 40 patrons inside with a further 10 outside for a total of 50 patrons/chairs. We are hoping to increase the patron capacity inside from 25 to the required 40. There will be no live music at the venue.

Thank you for taking the time to review our application. We believe that the addition of liquor trading will greatly assist our business through these troubled times and will add further interest for visitors to our great town.

Kind Regards

Neil Mirani
Owner - Yardbird at Daylesford



AREAS	
SITE AREA	2000m ²
BUILDING (EXTERNAL)	1166m ²
VERANDAH'S	183m ²
RETAINING WALL	19m ²
DRIVEWAY / CARPARK	862m ²
LANDSCAPING	20m ²

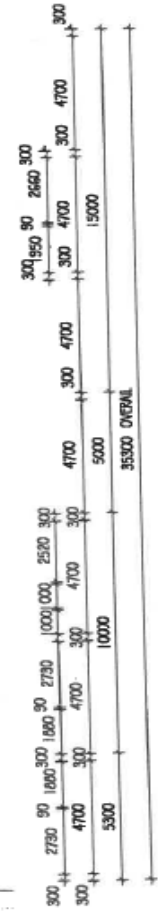
AREAS	
SHOP 1	150m ²
SHOP 2 + OFFICES	125m ²
SHOP 3	100m ²
SHOP 4	101m ²
SHOP 5 + KITCHEN	162m ²
SHOP 6	140m ²
SHOP 7	120m ²
STAFF / WC AREA	16m ² x 2
STAFF / WC AREA	26m ² x 1
STAFF / WC AREA	17m ² x 1
STAFF / WC AREA	19m ² x 2
DISABLED ACCESS WC	6.7m ²

NOTE: THESE ARE INTERNAL FLOOR SPACE AREAS

- LIST OF MOST RECENT CHANGES (2015)
- ① CARRIAGEWAY CLEARANCE SHOWN MORE CLEARLY
 - ② ROOMS REMOVED
 - ③ FLOOR LEVEL CHANGED
 - ④ OFFICES ADDED / RAMP INCLUDED
 - ⑤ VERANDAH'S REMOVED / AWNING REINSTATED
 - ⑥ TOILET LAYOUT REVISED
 - ⑦ LANDING INCLUDED
 - ⑧ KITCHEN SHOWN
 - ⑨ FLOOR LEVEL CHANGED
 - ⑩ DISABLED TOILET INCLUDED

NOTE: PLANNING OFFICER COULD ALSO REFER TO THE REVISIONS BOX IN THE LOWER LEFT HAND CORNER OF THIS PAGE (Dwg 332 / GH)

FLOOR PLAN SCALE 1:200 @ A3
No. 22-24 HOWE STREET



REVISIONS
D: Dec '14 - Ramp and Steps in shop 2 & 6 & 7 internal layouts of toilets revised
C: Nov '14 - Stairs in shops removed / rear external doors swing outwards / ground levels shown at rear / bollards
B: Jul '14 - Shops 3 & 4 Floor revised
A: Apr '14 - Revised entries to shops, floor levels changed

- H: Nov '15 - Floor Plan revised, Shop 1, 2, 4 & 5 (Toilets) Carriageway Clearance 5620 & 5120
- G: Jul '15 - Carriageway 5300
- F: Jul '15 - Verandah at rear of shops 1, 2 and 3 removed
- E: Jul '15 - Revised Toilets Layout in Shop 4-5 Rear verandahs modified

PLANNING PERMIT
RETAIL SHOPS 1 - 7
No. 22 - 24 HOWE STREET
DAYLESFORD
Building Practitioners Board - Registration No. AD-1995

SCALE As Shown	DATE Mar '14	DWG. No 332/6 _H	A3 SHEET SIZE
DRAWN C P R	SHEET 6 OF 12	Daylesford DESIGN STUDIO Suite 1 / 32 Vincent Street Daylesford	

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

Page 1 of 1

VOLUME 11957 FOLIO 797

Security no : 124086552037B
Produced 12/11/2020 03:50 PM

LAND DESCRIPTION

Lot 1 on Title Plan 964947S.
Created by Application No. 140804X 15/02/2018

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
ABRAHAM EDWIN PENSOM of DAYLESFORD VIC 3460
Application No. 140804X 15/02/2018

ENCUMBRANCES, CAVEATS AND NOTICES

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 set out under DIAGRAM LOCATION below.

Warning as to Dimensions

Any dimension and connecting distance shown is based on the description of the land as contained in the General Law Title and is not based on survey information which has been investigated by the Registrar of Titles.

Warning as to subsisting interests

This title is based on General Law documents which have not been investigated by the Registrar of Titles. Subsisting interests under the General Law may affect this title.

DIAGRAM LOCATION

SEE TP964947S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END