



Application to AMEND a Planning Permit

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

Planning Enquiries
Phone: (03) 5871 9222
Web: www.moirá.vic.gov.au

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.: 183	St. Name: Belmore Street
Suburb/Locality: Yarrawonga		Postcode: 3730

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.: 1	<input type="radio"/> Lodged Plan	<input checked="" type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.: 408102G
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

Planning Permit Details

What permit is being amended?*

Planning Permit No.: 5/2016/68

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 checked="" type="checkbox"/> Current conditions of the permit	<input type="checkbox"/> Other documents endorsed under the permit
Details: Extension to operational hours (see covering letter)	
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.	

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" value="\$0"/>	<input type="text" value="\$0"/>	<input type="text" value="\$0"/>

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.

Operating pursuant to planning permit 5/2016/68

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 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:	First Name:	Surname:
Organisation (if applicable): Endeavour Group Limited		
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	
[Redacted]	
Mobile phone:	Fax:

Contact person's details*		Same as applicant <input type="checkbox"/>
Name:		
[Redacted]		
Organisation (if applicable): Ratio Consultants Pty Ltd		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 8	St. Name: Gwynne Street
Suburb/Locality: Cremorne		State: VIC Postcode: 3121

Name:		Same as applicant <input type="checkbox"/>
Title:	First Name:	Surname:
Organisation (if applicable): BI and CM Dealy Pty Ltd		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 13-19	St. Name: Blake Street
Suburb/Locality: Nathalia		State: VIC Postcode: 3638
Owner's Signature (Optional):		Date: day / month / year

Declaration i

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; that all changes to the permit and plan have been listed as part of the amended proposal and that the owner (if not myself) has been notified of the permit application.

Signature: 	Date: 20/03/2024 day / month / year
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Need help with the Application? i

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 checked="" 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:

Moira Shire Council
PO Box 578
Cobram VIC 3643
44 Station Street
Cobram VIC 3644

Contact information:

Phone: (03) 5871 9222
Email: info@moira.vic.gov.au
DX: 37801

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

Collection Statement

Personal information requested on this form is being collected by Moira Shire Council 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:

- correspond with you about your planning permit application
- if necessary, 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 on-line
- for any other directly related, or reasonably related purposes.

The information you provide will be made available:

- on-line on Council's website commencing from public notice of the application until the application process has concluded
- on Council's 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

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. You can find out more about how we protect your information by viewing our Privacy Statement on our website www.moira.vic.gov.au. If you wish to access or alter any of the personal information you have provided , please contact Council (03) 5871 9222 or email info@moira.vic.gov.au

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
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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.



Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	TP408102G
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TITLE PLAN		EDITION 1	TP 408102G
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<p>Location of Land</p> <p>Parish: YARRAWONGA Township: YARRAWONGA Section: 56 Crown Allotment: 1 (PT) Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 5284 FOL 707 Depth Limitation: NIL</p>	<p style="text-align: center;">Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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Description of Land / Easement Information	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 26/06/2000 VERIFIED: GB</p>
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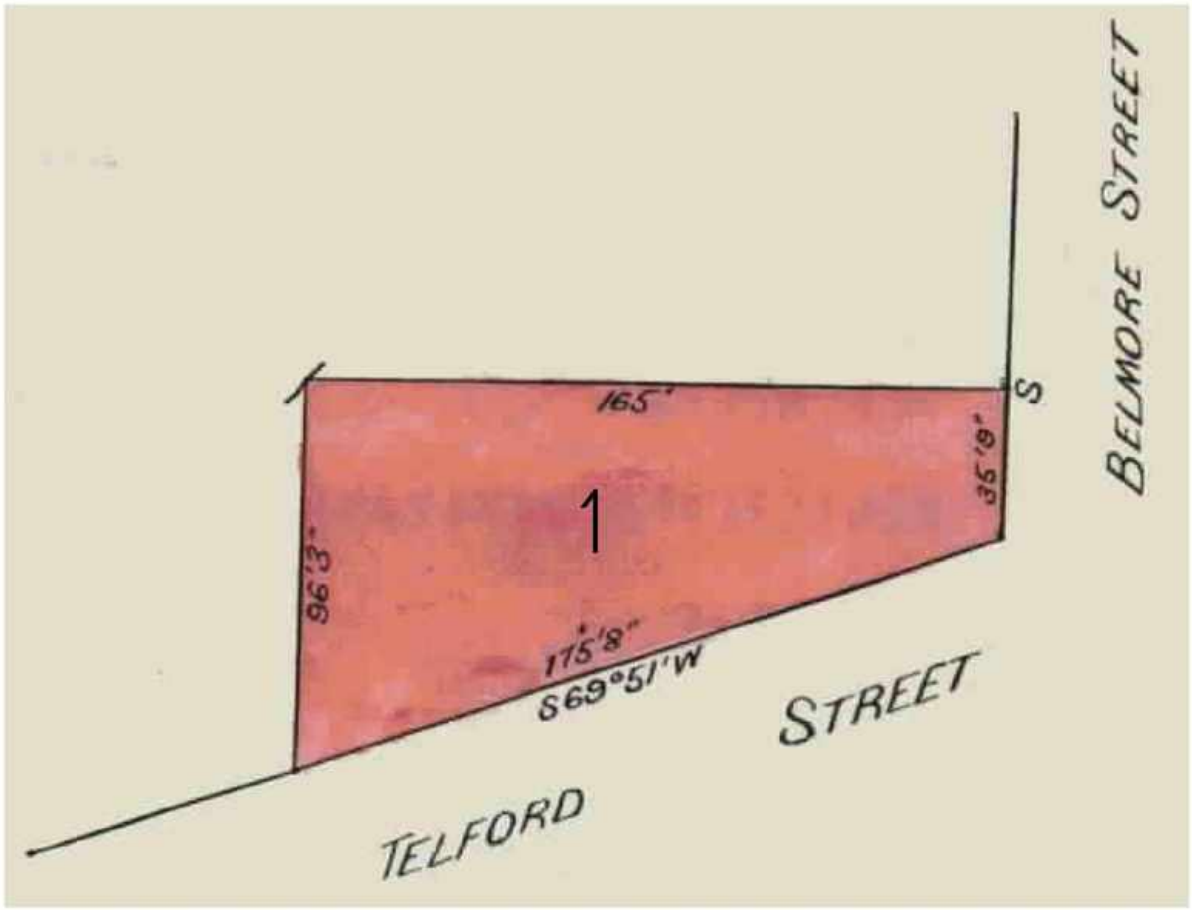


TABLE OF PARCEL IDENTIFIERS
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962
PARCEL 1 = CA 1 (PT)



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	

Name:				Same as applicant <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:	
			day / month / year	

19 March 2024

Statutory Planning

Moira Shire Council
PO Box 578
COBRAM, VIC 3644

S.72 Amendment to Planning Permit Ref. 5/2016/68 183 Belmore Street, YARRAWONGA

Dear Sir/Madam,

We act on behalf of Endeavour Group Limited, the permit applicant. Our client seeks approval from Moira Shire Council for an amendment to the existing planning permit (Ref. 5/2016/68) pursuant to Section 72 of the *Planning and Environment Act 1987*.

To assist the Council in its consideration of the application we are pleased to enclose:

- A completed planning permit amendment application form;
- A full copy of Title;
- This written submission in support of the proposed amendment; and,
- Copy of existing planning permit.

The statutory application fee (\$1,415.10) will be paid on lodgement.

Amendment

This S72 amendment application seeks to amend condition 2 (operational hours) of planning permit Ref. 5/2016/68. The applicant is seeking to amend condition 2 of the existing planning permit which currently reads:

“The use may operate only between the hours of 10am-11pm, 7 days per week except Christmas Day and Good Friday, except for unloading of delivery vehicles which must not occur between 3pm-8pm on weekdays and on weekends”

The changes proposed will result in the condition reading as follows:

“The use may operate only between the hours of 9am-11pm Monday to Saturday, and 10am – 11pm on Sunday, except Christmas Day and Good Friday. Unloading of delivery vehicles must not occur between 3pm-8pm on weekdays and on weekends”

The proposed amended hours seek one additional hour (9am-10am) Monday to Saturday.

Assessment

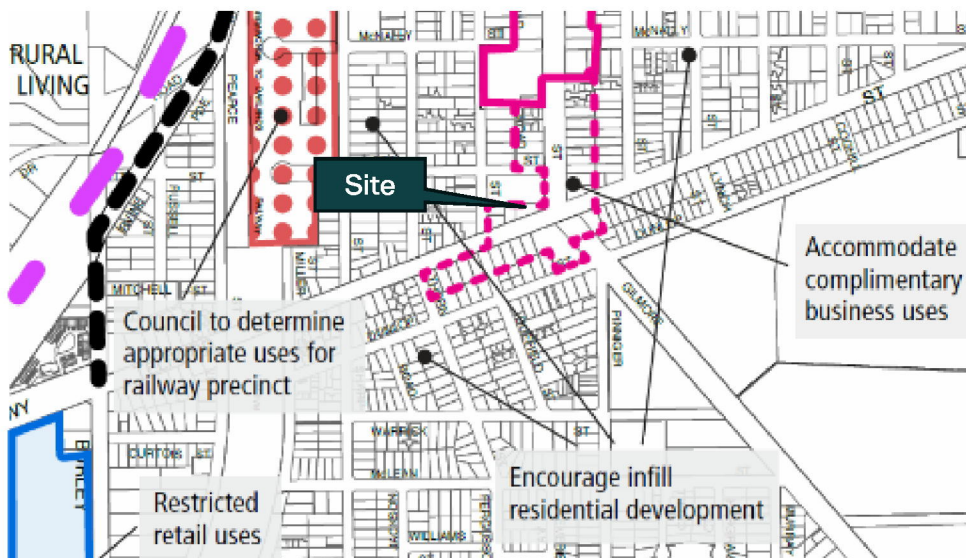
The key provision of the Moira planning scheme is Clause 52.27 (Licenced premises). Key decision guidelines, in the consideration of this application are:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

In response to the above considerations, we note:

- This application seeks a minor increase in hours by one (1) hour in the morning. The impacts of this additional hour of trading will not result in detriment to the surrounding area.
- This application relates to operational hours associated with a packaged liquor licence, with consumption of liquor off the premises. As such, it will not result in any adverse amenity impacts by way of antisocial behaviour the like. This is particularly the case as the site is located in an area where other commercial activities are present, meaning this activity will be consistent with the commercial nature of this main road corner.
- The site is located within proximity to mix of non-residential uses, including Ampol, which operates from 5am every day, and McDonalds, which operates from 6am every day. The proposed opening time is a minimum of three hours later than the operation of adjoining commercial uses and therefore it is considered that the proposal will have no significant impact on the amenity of the surrounding area.
- In addition to the above, pursuant to considerations within Clause 13.05-1S (noise management), the proposed additional hour is within the daytime period as defined in the Environment Protection Act.
- The Yarrowonga Framework Plan anticipates commercial activities on the site and other properties in proximity.

Figure 1 - Yarrawonga Framework Plan



In summary, the proposed amendment to the operational hours is consistent with key provisions in the Moira planning scheme.

Summary

We look forward to Council's consideration of the application and we await advertising instructions at your earliest convenience. Should you have any queries relating to the town planning submission please contact me on [redacted] or by email at [redacted].

Yours sincerely,

[Redacted Signature]

Senior Planner
Ratio Consultants Pty Ltd

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

VOLUME 05284 FOLIO 707

Security no : 124113568643C
Produced 20/03/2024 04:56 PM

LAND DESCRIPTION

Lot 1 on Title Plan 408102G.
PARENT TITLE Volume 02756 Folio 090
Created by instrument 1326620 13/07/1927

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
BI & CM DEALY PTY LTD of 13-19 BLAKE STREET NATHALIA VIC 3638
AJ611946E 19/04/2012

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AJ611947C 19/04/2012
WESTPAC BANKING CORPORATION

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.

DIAGRAM LOCATION

SEE TP408102G FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 183 BELMORE STREET YARRAWONGA VIC 3730

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION
Effective from 23/10/2016

DOCUMENT END

Delivered from the LANDATA® System by Landchecker Pty Ltd