



Planning Enquiries
 Phone: 03 9205 2200
 Web: <http://www.hume.vic.gov.au>

Office Use Only Application No. _____ Date Lodged: _____

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Application to AMEND a Planning Permit

If you need help to complete this form, read [How to Complete the Application to Amend a Planning Permit form](#).

- ⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.
- ⚠** This form cannot be used to amend a permit issued at the direction of VCAT.
- ⚠** Questions marked with an asterisk (*) are mandatory and must be completed.

The Land

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

Street Address *

Unit No.: 3	St. No.: 3	St. Name: Enderby Drive
Suburb/Locality: Mickleham		Postcode: 3064

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lodged Plan Title Plan Plan of Subdivision

OR

B

Planning Permit Details

② What permit is being amended? *

The Amended Proposal

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

③ 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: Amendment to Condition 4 to extend operating hours
 existing hours are 6am to 10pm Sunday to Monday
 proposed hours are 6am to 12am Sunday to Monday**

Ⓜ 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

④ 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="\$ N/A"/>		<input type="text" value="\$"/>		<input type="text" value="\$"/>

Insert 'NA' if no development is proposed by the permit (eg. change of use, subdivision, removal of covenant)

⚠ You may be required to verify this estimate.

Please note that the plans may not be to scale. Yes No

Existing Conditions

5 Describe how the land is used and developed now *

eg. 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? 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

6 Encumbrances on title *

If you need help about the title, read:

[How to Complete the Application to Amend a Planning Permit Form](#)

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', eg. restrictive covenants.)

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

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

Please provide at least one contact phone number *

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:

Suburb/Locality: State: Postcode:

Contact person's details * Same as applicant (if so, go to 'contact information')

Name:

Title: First Name: Surname:

Organisation (if applicable):

Postal Address:

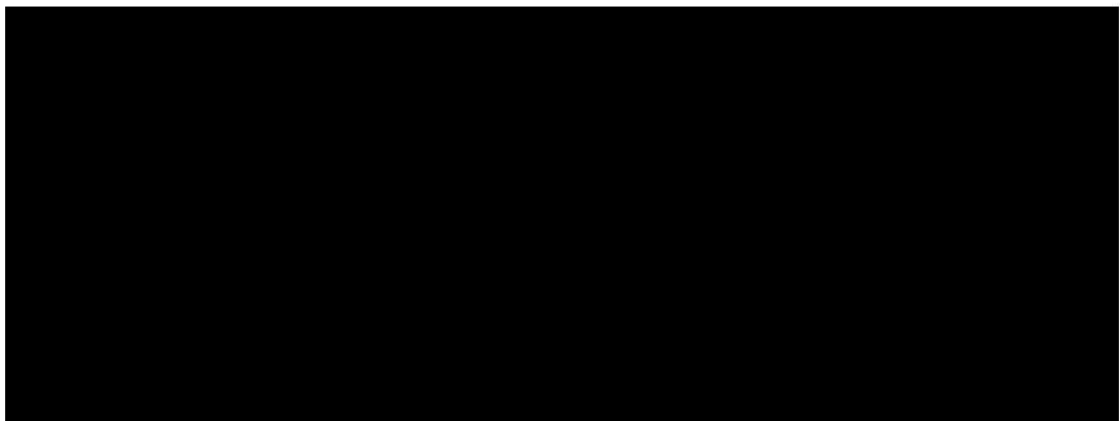
If it is a P.O. Box, enter the details here:

Suburb/Locality: State: Postcode:

Contact information

Business Phone: Email:

Mobile Phone: Fax:



Please note that the plan may not be to scale.

Declaration

8 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 amendment proposal at Question 3 of this form; and that the owner (if not myself) has been notified of the permit application.

Signature:

[Redacted Signature]

Date: 26/08/2024

dd / mm / yyyy

Need help with the Application?

If you need help to complete this form, read [How to complete the Application to Amend a Planning Permit Form](#) or contact Council's planning department. General information about the planning process is available at <http://www.dpcd.vic.gov.au/planning>

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.

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

No Yes

If 'yes', with whom?:

Date:

dd / mm / yyyy

Checklist

10 Have you:

Filled in the form completely?

Paid or included the application fee?

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

Attached all necessary supporting information and documents?

Completed the relevant council planning permit checklist?

Signed the declaration (section 8)?

Lodgement

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

Hume City Council
PO Box 119 Dallas VIC 3047

1079 Pascoe Vale Road, Broadmeadows VIC 3047

Contact information:

Telephone: 03 9205 2200

Fax: 03 9309 0109

Email: email@hume.vic.gov.au

DX: 94718

Translation: (03) 9205 2200 for connection to Hume Link's multilingual telephone information service

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

VOLUME 11962 FOLIO 292

Security no : 124117738513J
Produced 26/08/2024 03:00 PM

LAND DESCRIPTION

Lot 234 on Plan of Subdivision 746199M.
PARENT TITLE Volume 11930 Folio 715
Created by instrument PS746199M 08/03/2018

REGISTERED PROPRIETOR

[REDACTED]

ENCUMBRANCES, CAVEATS AND NOTICES

[REDACTED]

COVENANT AQ922729S 16/04/2018

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 PS746199M 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)

ADMINISTRATIVE NOTICES

NIL

[REDACTED]

DOCUMENT END



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Document Type	Instrument
Document Identification	AQ922729S
Number of Pages (excluding this cover sheet)	5
Document Assembled	26/08/2024 15:00

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AQ9227295

Transfer of land - creating an easement and/or restrictive covenant
Section 45 Transfer of Land Act 1958

Privacy Collection Statement

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Lodged by

Name:

Phone: KOROSIDIS LAWYERS

Address: CODE: 18566U

Reference:

Customer code:

The transferor transfers to the transferee the estate and interest specified in the land described for the consideration expressed:

- together with any easements created by this transfer;
- subject to the encumbrances affecting the land, including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio)

VOLUME 11962 FOLIO 292

Estate and interest: (e.g. all my estate in fee simple)

ALL MY ESTATE IN FEE SIMPLE

Consideration:

\$1,285,322.50

Transferor: (full name)

ANNADALE DEVELOPMENT PARTNERS PTY LTD ACN 606 666 531

Transferee: (full name and address, including postcode)

GANTCORP PTY LTD ACN 610 645 559

Creation and/or reservation of easement and/or restrictive covenant

THE TRANSFEEE (PURCHASER) WITH THE INTENT THAT THE BENEFIT OF THIS COVENANT WILL BE ATTACHED TO AND RUN AT LAW AND IN EQUITY WITH THE WHOLE AND EVERY LOT ON PLAN OF SUBDIVISION PS746199M (PLAN) OTHER THAN THE LOT HEREBY TRANSFERRED AND THAT THE BURDEN OF THIS COVENANT WILL BE ANNEXED TO AND RUN AT LAW AND IN EQUITY WITH THE LOT HEREBY TRANSFERRED DOES HEREBY FOR ITSELF AND ITS TRANSFEREES, EXECUTORS, ADMINISTRATORS AND ASSIGNS AND AS SEPARATE COVENANTS COVENANT WITH

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THE TRANSFEROR AND THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF THE WHOLE AND EVERY LOT ON THE PLAN OR ANY PART OR PARTS THEREOF OTHER THAN THE LOT HEREBY TRANSFERRED, THAT THE PURCHASER AND ITS TRANSFEREES, EXECUTORS, ADMINISTRATORS AND ASSIGNS WILL NOT AT ANY TIME:

(A) APPLY FOR, OR CAUSE TO BE APPLIED FOR OR ALLOW TO BE APPLIED FOR ANY PLANNING OR BUILDING PERMIT IN RESPECT OF THE LOT HEREBY TRANSFERRED UNLESS PRIOR TO THE APPLICATION BEING LODGED THE TRANSFEROR HAS APPROVED ANY PROPOSED PLANS OF SUBDIVISION, SITE PLANS, SPECIFICATIONS, FLOOR PLANS, ELEVATIONS, LANDSCAPE PLANS, FINISHES SCHEDULES AND WORKING DRAWINGS RELEVANT TO SUCH APPLICATION;

(B) CARRY OUT, OR CAUSE TO BE CARRIED OUT ON THE LOT HEREBY TRANSFERRED ANY WORKS OR ALLOW ANY WORKS TO REMAIN ON THE LOT HEREBY TRANSFERRED, UNLESS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE WORKS THE TRANSFEROR HAS APPROVED THE WORKS AND THE WORKS ARE CARRIED OUT IN ACCORDANCE WITH THE TERMS OF THAT APPROVAL;

(C) USE THE LAND FOR ANYTHING OTHER THAN FOR ITS INTENDED USE;

AND THIS COVENANT WILL APPEAR IN THE CERTIFICATE OF TITLE AND FOLIO OF THE REGISTER TO BE ISSUED BY THE LAND TITLES OFFICE FOR THE SAID LAND AND RUN WITH THE LAND.

THIS COVENANT WILL CEASE TO HAVE EFFECT ON THE EARLIER OF:

(A) THREE YEARS AFTER THE DATE OF COMPLETION OF THE WHOLE OF THE DEVELOPMENT (AS CERTIFIED BY THE TRANSFEROR OR ANY PERSON NOMINATED BY THE TRANSFEROR IN WRITING TO PROVIDE THAT CERTIFICATION); AND

(B) TEN YEARS AFTER THE DATE OF THIS COVENANT.

IN THIS COVENANT, THE FOLLOWING TERMS HAVE THE MEANINGS SET OUT BELOW:

DEVELOPMENT MEANS THE RESIDENTIAL HOUSING DEVELOPMENT TO BE CARRIED OUT ON THE LAND ORIGINALLY COMPRISED IN THE PARENT TITLE BY THE TRANSFEROR OR THE TRANSFEROR'S SUCCESSORS AS DEVELOPER OF THAT LAND.

INTENDED USE MEANS THE USE OF THE PROPERTY AS A LONG DAY CHILDCARE CENTRE WITH CAPACITY FOR A MINIMUM OF 100 CHILDREN, MEDICAL SUITES AND ANCILLARY USES TO BOTH.

PARENT TITLE MEANS THE LAND WHICH WAS COMPRISED IN CERTIFICATE OF TITLE VOLUME

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Section 45 Transfer of Land Act 1958

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9829 FOLIO 357 PRIOR TO ANY SUBDIVISION OF THAT TITLE.

TRANSFEROR MEANS ANNADALE DEVELOPMENT PARTNERS PTY LTD ACN 606 666 531.

VEGETATION INCLUDES GRASS, LAWN, GARDEN, TREES, SHRUBS, PLANTS AND FLOWERS.

WORKS MEANS:

(A) CONSTRUCTION OF OR ERECTION OF OR ALTERATION TO BUILDINGS, FENCES, SIGNS OR OTHER IMPROVEMENTS OR STRUCTURES;

(B) CHANGING THE EXTERNAL APPEARANCE OF ANY BUILDING, FENCE, SIGN OR OTHER IMPROVEMENT INCLUDING BY PAINTING, RENDERING OR ANY APPLICATION TO THE SURFACE; AND

(C) PLANTING OR REMOVAL OF VEGETATION,

BUT DOES NOT INCLUDE:

(D) INTERNAL CHANGES OR OTHER OPERATIONAL WORK TO A PREVIOUSLY CONSTRUCTED BUILDING WHERE THE EXTERNAL APPEARANCE OF THE BUILDING IS NOT AFFECTED; OR

(E) CHANGES TO VEGETATION, SO LONG AS THE TRANSFEROR'S INSTRUCTIONS ARE COMPLIED WITH.

Signing:



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Certifications

- 1. The Certifier has taken reasonable steps to verify the identity of the applicant.
- 2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- 3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
- 4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of ANNADALE DEVELOPMENT PARTNERS PTY LTD

Signer Name *Rupia O'Connell - Dunn*

Signer Organisation HWL EBSWORTH

Signer Role AUSTRALIAN LEGAL PRACTITIONER

Signature 

Execution Date *9/4/2018.*

Signing:

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- 3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
- 4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of GANTCORP PTY LTD
 Signer Name DANIEL LESLIE MINOGUE
 Signer Organisation RENNICK & GAYNOR
 Signer Role AUSTRALIAN LEGAL PRACTITIONER
 Signature 
 Execution Date 23/3/18

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Document Type	Plan
Document Identification	PS746199M
Number of Pages (excluding this cover sheet)	15
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PLAN OF SUBDIVISION

EDITION 1 PS 746199M

LOCATION OF LAND			Council Name: Hume City Council Council Reference Number: S007792 Planning Permit Reference: P16756 SPEAR Reference Number: S081367C Certification This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 06/03/2017 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has been made and the requirement has not been satisfied has been made and the requirement has been satisfied at Statement of Compliance (Document updated 28/02/2018) Digitally signed by: Patrick Mora for Hume City Council on 20/12/2017 Statement Of Compliance issued: 28/02/2018		
PARISH:	MICKLEHAM				
TOWNSHIP:	-				
SECTION:	-				
CROWN ALLOTMENT:	-				
CROWN PORTION:	18 (PART)				
TITLE REFERENCES:	Vol.11930 Fol. 715				
LAST PLAN REFERENCE/S:	PS800985Q (LOT T)				
POSTAL ADDRESS: (At time of subdivision)	495 DONNYBROOK ROAD MICKLEHAM, 3064				
MGA94 Co-ordinates (of approx centre of land in plan)	E 314 550 N 5843 600 ZONE 55				
VESTING OF ROADS AND/OR RESERVES			NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON		FOR BUILDING ENVELOPES SEE SHEETS 12 TO 15. RESERVE No.3 IS NOT SHOWN TO SCALE ON THIS PLAN. OTHER PURPOSE OF THE PLAN: REMOVAL OF DRAINAGE EASEMENT E-9 ON PS 746178V AS AFFECTS LOTS 231 TO 233, RESERVE No.2, RESERVE No.3, SELKIRK WAY, DELSON WAY AND BURNABY PLACE ON THIS PLAN. REMOVAL OF THAT PART OF DRAINAGE AND SEWERAGE EASEMENT E-11 ON PS 746178V AS AFFECTS SELKIRK WAY & DELSON WAY ON THIS PLAN. REMOVAL OF THAT PART OF SEWERAGE EASEMENT E-10 ON PS 746178V AS AFFECTS LOT 232, SELKIRK WAY AND DELSON WAY ON THIS PLAN. REMOVAL OF DRAINAGE EASEMENT E-17 ON PS 746178V AS AFFECTS STETTLER BOULEVARD ON THIS PLAN. REMOVAL OF DRAINAGE EASEMENT E-12 ON PS 746178V AS AFFECTS BETHANY WAY, STETTLER BOULEVARD & RESERVE No.1 ON THIS PLAN. REMOVAL OF DRAINAGE & SEWERAGE EASEMENT E-13 ON PS 746178V AS AFFECTS SELKIRK WAY ON THIS PLAN. GROUNDS FOR REMOVAL: BY AGREEMENT OF ALL INTERESTED PARTIES UPON REGISTRATION OF THIS PLAN.		
ROAD R1	HUME CITY COUNCIL				
RESERVE No.1	HUME CITY COUNCIL				
RESERVE No.2	HUME CITY COUNCIL				
RESERVE No.3	HUME CITY COUNCIL		2067S-02 VER KILV.DWG BC/BC		
NOTATIONS					
DEPTH LIMITATION DOES NOT APPLY					
STAGING This is not a staged subdivision. Planning permit No. P16756					
SURVEY. THIS PLAN IS NOT BASED ON SURVEY.					
THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No(s): MICKLEHAM PM 2, 3, 4, 11, 21 & 29 AND KALKALLO PM 37.					
THIS IS A SPEAR PLAN.					
LOTS 1 TO 200 AND EASEMENT E-8 HAVE BEEN OMITTED FROM THIS PLAN.					
FOR RESTRICTION A AFFECTING LOTS 201 TO 213 AND LOTS 215 TO 233 SEE SHEET 8.					
FOR RESTRICTION B AFFECTING LOT 214 SEE SHEET 9.					
FOR RESTRICTION C AFFECTING LOTS 201 TO 233 SEE SHEETS 10 AND 11.					
ANNADALE 2 3.444ha			34 LOTS		
EASEMENT INFORMATION					
LEGEND A-Appurtenant Easement E-Encumbering Easement R-Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1	SEWERAGE	SEE PLAN	PS 715195V	YARRA VALLEY WATER CORPORATION	
E-2	DRAINAGE	SEE PLAN	PS 715195V	HUME CITY COUNCIL	
	SEWERAGE	SEE PLAN	PS 715195V	YARRA VALLEY WATER CORPORATION	
E-3	DRAINAGE	SEE PLAN	PS 724508A	HUME CITY COUNCIL	
E-4	SEWERAGE	SEE PLAN	PS 724508A	YARRA VALLEY WATER CORPORATION	
E-5	DRAINAGE	SEE PLAN	PS 724508A	HUME CITY COUNCIL	
	SEWERAGE	SEE PLAN	PS 724508A	YARRA VALLEY WATER CORPORATION	
SEE SHEET 2 FOR EASEMENT DETAILS					
 Melbourne Survey T 9869 0813			SURVEYOR REF: 2067s-02		ORIGINAL SHEET SIZE: A3
			Digitally signed by: Gerald Donn (SMEC), Surveyor's Plan Version (K), 31/10/2017, SPEAR Ref: S081367C		SHEET 1 OF 15 PLAN REGISTERED TIME: 9:43am DATE: 8/03/18 Assistant Registrar of Titles G Venn

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PLAN OF SUBDIVISION PS 746199M

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-6	DRAINAGE	SEE PLAN	THIS PLAN	HUME CITY COUNCIL
E-7	SEWERAGE	SEE PLAN	THIS PLAN	YARRA VALLEY WATER CORPORATION
E-9	WETLAND, FLOODWAY, & DRAINAGE (THE PROVISIONS IN MEMORANDUM OF COMMON PROVISIONS No.AA2741 APPLY)	SEE PLAN	THIS PLAN	MELBOURNE WATER CORPORATION
E-10	POWERLINE	SEE PLAN	THIS PLAN (SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000)	JEMENA ELECTRICITY NETWORKS (VIC) LTD

2067S-02 VER KILVI.DWG BC/BC



Melbourne Survey T 9869 0813 REF 2067s-02

ORIGINAL SHEET SIZE: A3

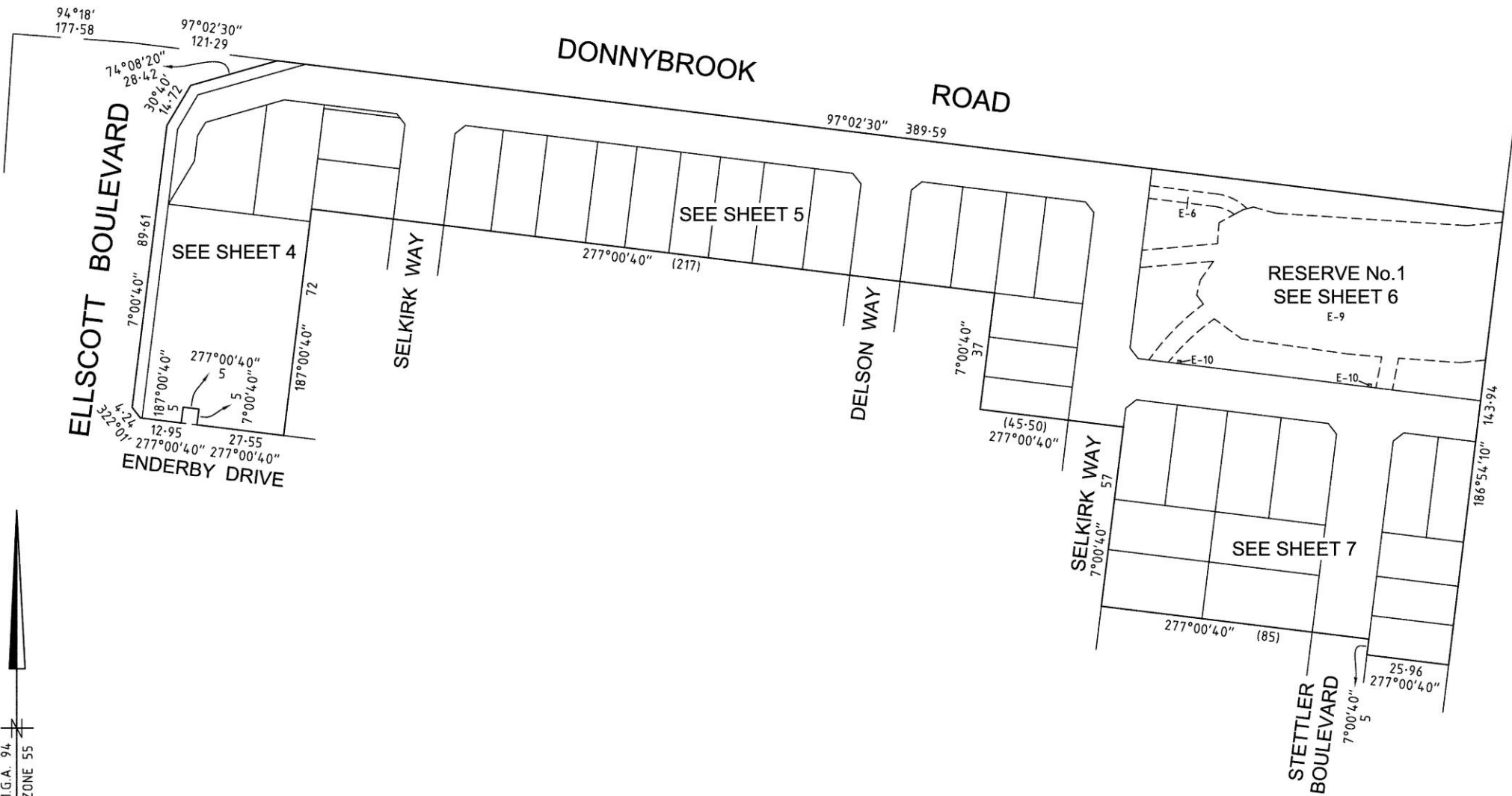
SHEET 2

Digitally signed by: Gerald Donn (SMEC), Surveyor's Plan Version (K), 31/10/2017, SPEAR Ref: S081367C

Digitally signed by: Hume City Council, 20/12/2017, SPEAR Ref: S081367C

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PLAN OF SUBDIVISION PLAN NUMBER **PS 746199M**



2067S-02 VER KILVI.DWG BC/BC



Melbourne Survey T 9869 0813 REF 2067s-02

SCALE 1:1250
 12.5 0 12.5 25 37.5 50
 LENGTHS ARE IN METRES

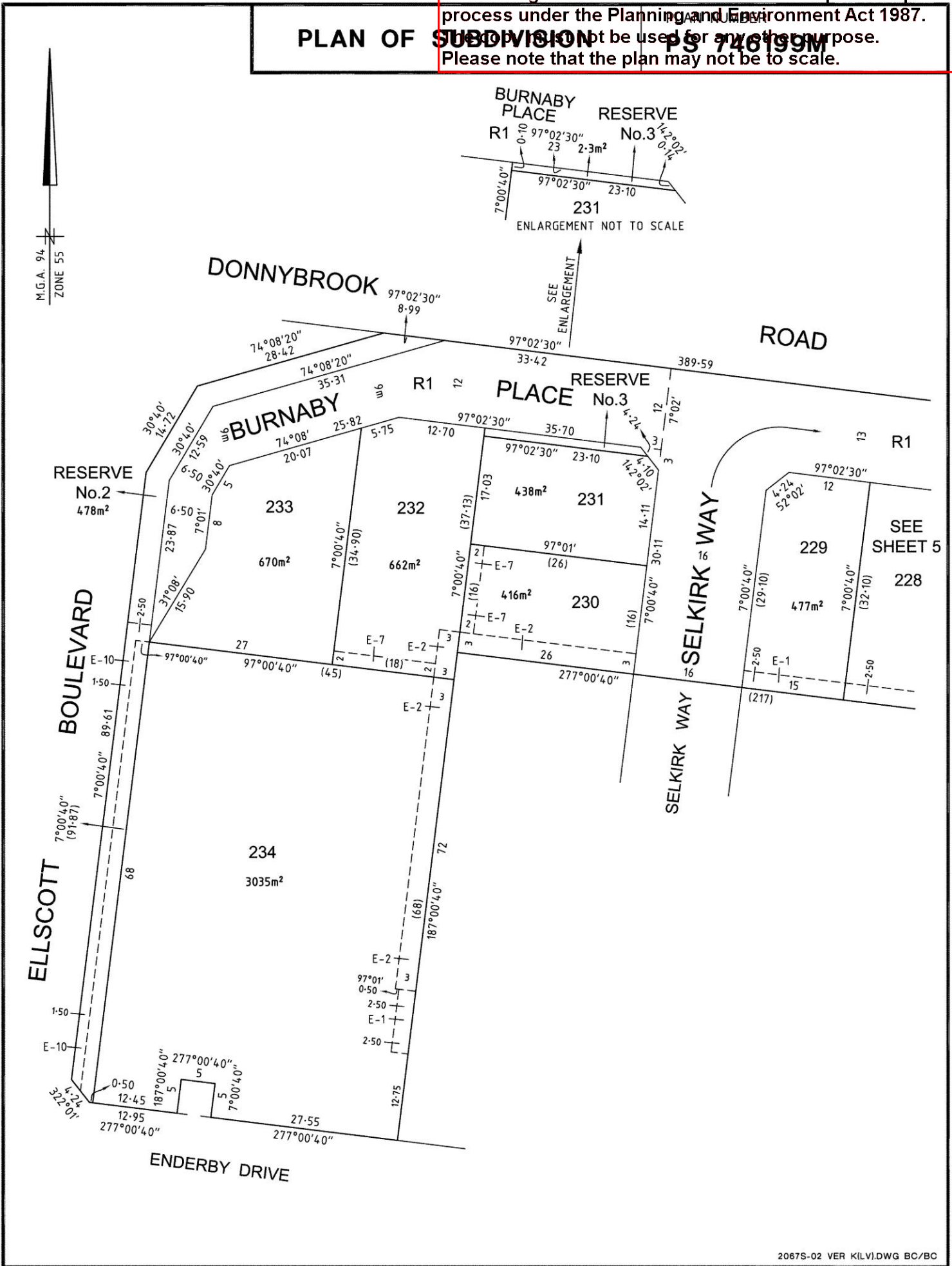
Digitally signed by: Gerald Donn (SMEC),
 Surveyor's Plan Version (K),
 31/10/2017, SPEAR Ref: S081367C

ORIGINAL SHEET SIZE A3 SHEET 3

Digitally signed by:
 Hume City Council,
 20/12/2017,
 SPEAR Ref: S081367C

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PLAN OF SUBDIVISION PS 746199M



M.G.A. 94
ZONE 55

2067S-02 VER KILVI.DWG BC/BC

SMEC
Melbourne Survey T 9869 0813 REF 2067s-02

SCALE 1:500

LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE: A3 SHEET 4

Digitally signed by: Gerald Donn (SMEC),
Surveyor's Plan Version (K),
31/10/2017, SPEAR Ref: S081367C

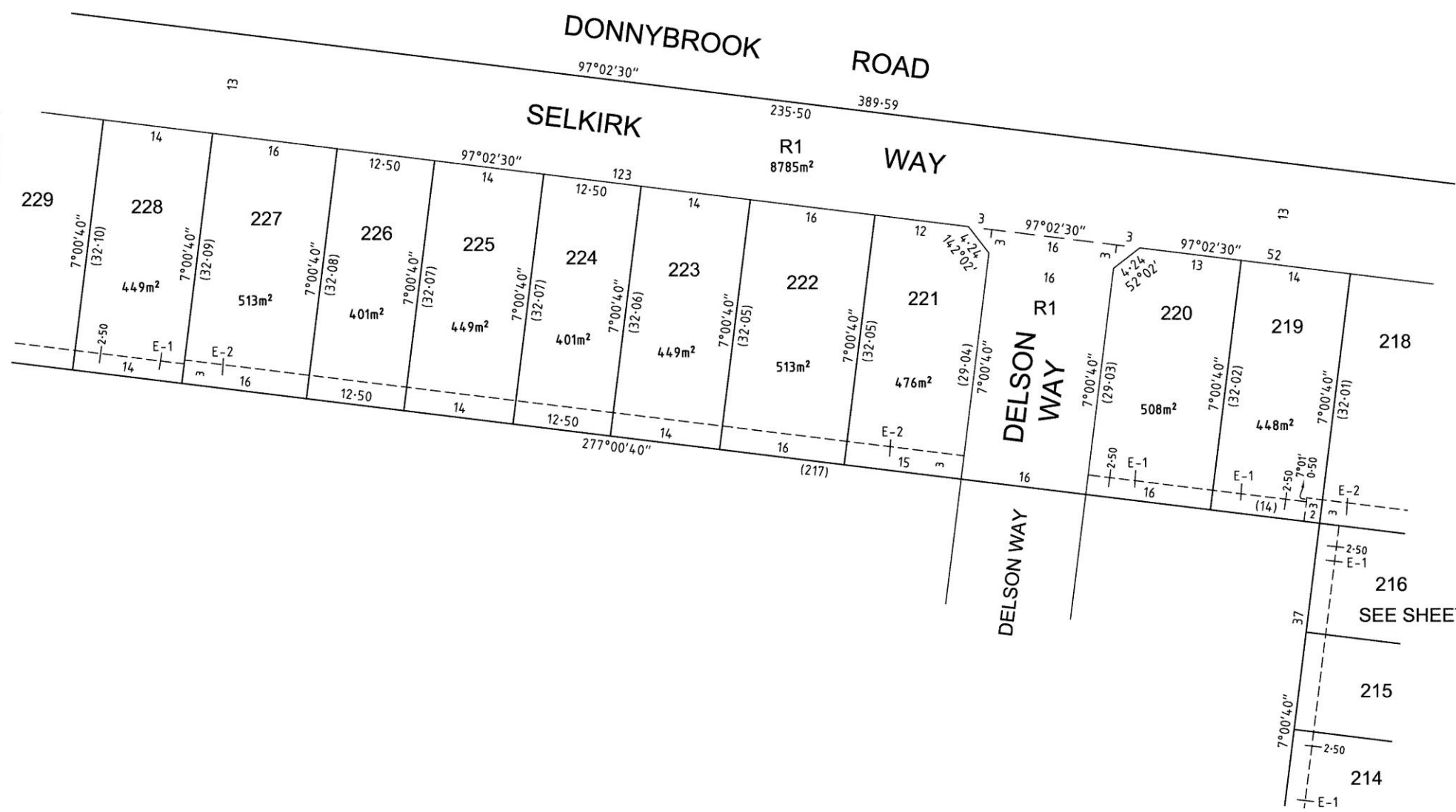
Digitally signed by:
Hume City Council,
20/12/2017,
SPEAR Ref: S081367C

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PLAN OF SUBDIVISION
 PLAN NUMBER: PS 746199M

M.G.A. 94
 ZONE 55

SEE SHEET 4



2067S-02 VER KILV).DWG BC/BC



Melbourne Survey T 9869 0813 REF 2067s-02

SCALE 1:500
 5 0 5 10 15 20
 LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE A3 SHEET 5

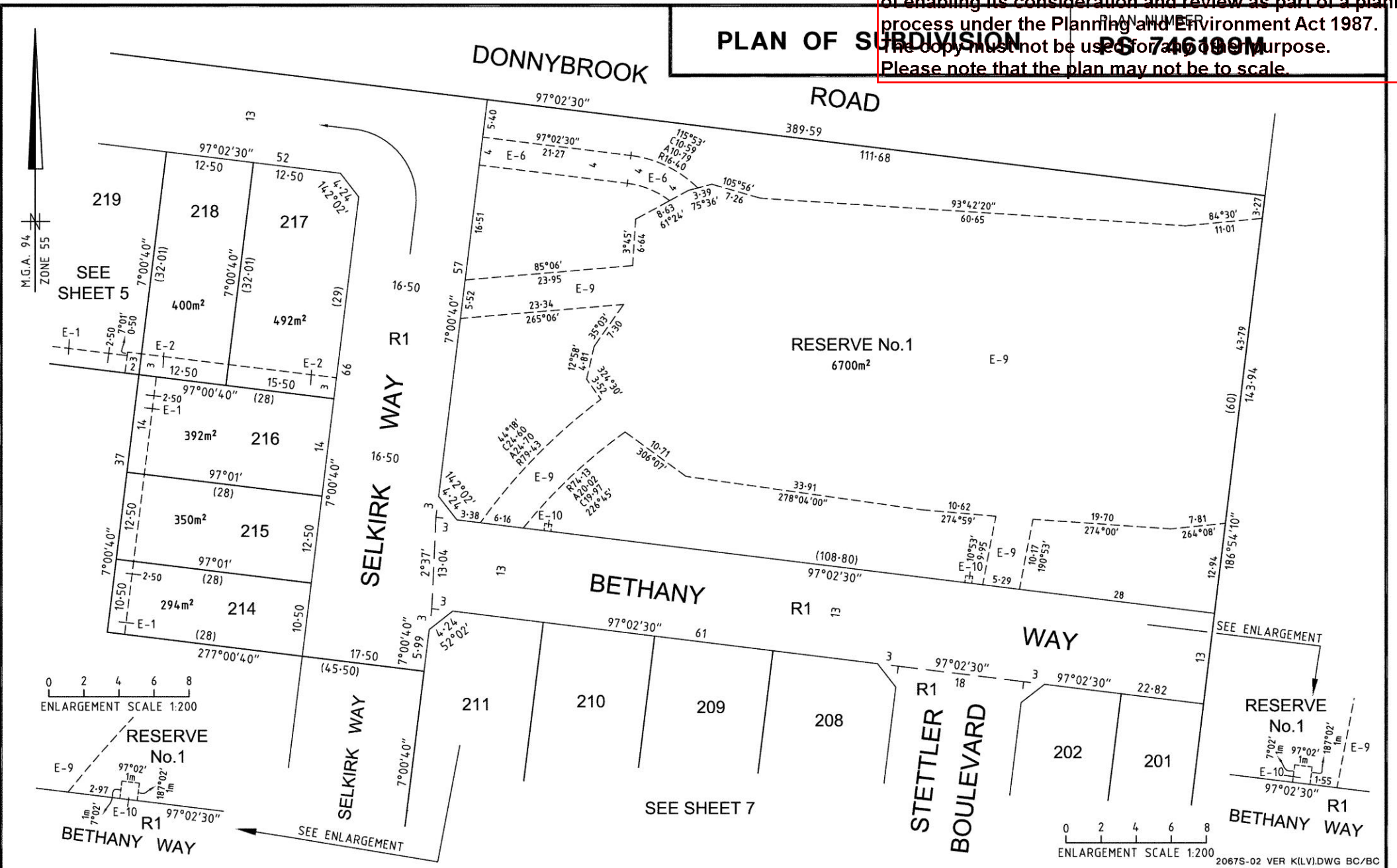
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PLAN OF SUBDIVISION

PLAN NUMBER
PS 746199M



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LENGTHS ARE IN METRES

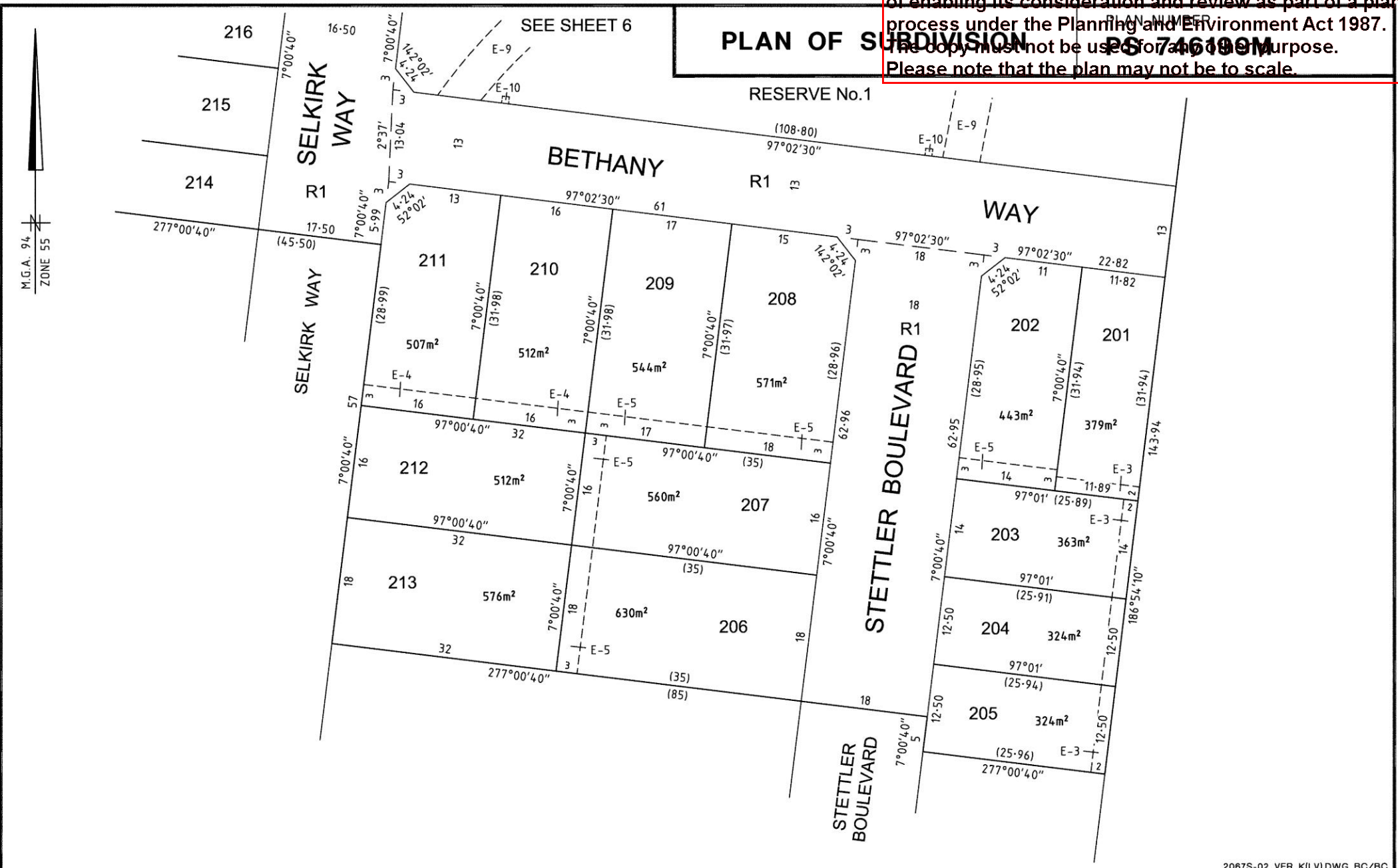
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PLAN OF SUBDIVISION
 PLAN NUMBER: PS 746199M



2067S-02 VER KILVI.DWG BC/BC



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SCALE 1:500
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 LENGTHS ARE IN METRES

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PLAN OF SUBDIVISION PS 746199M

CREATION OF RESTRICTION A

Upon registration of this plan the following restriction is to be created.

Land to Benefit: Lots in the plan.

Land to be Burdened: Lots 201 to 213 and 215 to 233 (All inclusive)

Description of Restriction:

The registered proprietor or proprietors for the time being of any burdened lot on this plan:

- (i) Must not build or erect or allow to be built or erected any building or structure, other than a building or structure which shall be built or erected in accordance with the provisions of the Memorandum of Common Provisions (MCP) retained by the Registrar of Titles registered in Dealing No. AA2524 which Memorandum of Common Provisions is incorporated into and by this plan, unless otherwise approved in writing by Hume City Council.
- (ii) Shall not construct or allow to construct any more than one dwelling per lot.

Restriction (i) shall expire ten years after the date of registration of this plan.

2067S-02 VER KILVI.DWG BC/BC



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ORIGINAL SHEET
SIZE: A3

SHEET 8

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PLAN OF SUBDIVISION PS 746199M

CREATION OF RESTRICTION B

Upon registration of this plan the following restriction is to be created.

Land to Benefit: Lots in the plan.

Land to be Burdened: Lot 214.

Description of Restriction:

The registered proprietor or proprietors for the time being of any burdened lot on this plan:

- (i) Must not build or erect or allow to be built or erected any building or structure, other than a building or structure which shall be built or erected in accordance with the provisions of the Memorandum of Common Provisions (MCP) retained by the Registrar of Titles registered in Dealing No. AA2573 which Memorandum of Common Provisions is incorporated into and by this plan, unless otherwise approved in writing by Hume City Council.
- (ii) Shall not construct or allow to construct any more than one dwelling per lot.

Restriction (i) shall expire ten years after the date of registration of this plan.

NOTE: Lot 214 with reference to MCP AA2573 is a Type A lot as per Hume City Council Planning Permit P16756.

2067S-02 VER KILVI.DWG BC/BC



Melbourne Survey T 9869 0813 REF 2067s-02

ORIGINAL SHEET
SIZE: A3

SHEET 9

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PLAN OF SUBDIVISION PS 746199M

CREATION OF RESTRICTION C

Upon registration of this plan the following restriction is to be created.

Land to Benefit: Lots in the plan.

Land to be Burdened: Lots 201 to 233 (Both inclusive)


Description of Restriction:

The registered proprietor or proprietors for the time being of any lot on this plan to which the following restrictions apply shall not:

- (i) Build or cause to be built or allow to be built or allow to remain a dwelling or any other improvements, or carry out cause to be carried out or allow to be carried out any building or construction works on the Lot unless:
 - (a) Copies of building plans, elevations, roof plan, site plan (incorporating setback from all boundaries, building envelope, existing contour, proposed finished floor levels and site levels, all proposed driveways and paths, details of fences and outbuildings and landscaping) and schedule of external colours and materials ("plans") have been submitted to the Annadale Assessment Panel care of Moremac Property Group Pty Ltd, Suite 2, 860 Doncaster Road Doncaster East 3109 or such other entity as may be nominated by the Annadale Assessment Panel from time to time;
 - (b) The plans comply with the Design Guidelines, a copy of which can be obtained from the website at www.annadale.com.au and
 - (c) The Design Assessment Panel or such other entity as may be nominated by the Design Assessment Panel from time to time has given its written approval to the plans prior to the commencement of works;
- (ii) At any time erect, construct, build or cause to be erected, constructed or built on a lot:
 - (a) Any building other than one private dwelling with the usual outbuildings.
 - (b) Any building with the same front facade to that of an existing private dwelling within 5 house lots, and opposite the private dwelling and within 5 house lots, regardless of street intersections.
 - (c) Any private dwelling with a total floor area (excluding any verandah, balcony or garage) of less than:
 - (i) 120m² in the case of a lot having an area between 300m² and 450m²
 - (ii) 150m² in the case of a lot having an area between 451m² and 600m²
 - (iii) 180m² the case of a lot having an area greater than 601m²
 - (d) Any private dwelling (including garage) of which less than thirty percent (30%) of the external walls (excluding windows) is constructed of brick, brick veneer, masonry, masonry veneer or other approved texture coated material.
 - (e) Any private dwelling (including garage) upon which fascia boards trim and exposed metalwork is not colour coordinated with the dwelling house, unless approved by the Design Assessment Panel.
 - (f) Any private dwelling (including garage) with unpainted and / or untreated metalwork, unless approved by the Design Assessment Panel.
 - (g) Any private dwelling (including garage) with reflective glazing and / or tinted glass, unless approved by the Design Assessment Panel.
 - (h) Any private dwelling (including garage or carport) with a roof of other than masonry, terracotta roof tiles or other non reflective materials.
 - (i) Any private dwelling that does not allow for lock up car accommodation for at least one vehicle.
 - (j) Any open carports.
 - (k) Any garage which is constructed of materials other than materials of the same type and finish as the private dwelling on a lot.
 - (l) Any garage with roller doors or metal tray deck doors.

CONTINUED ON SHEET 11

2067S-02 VER KILVI.DWG BC/BC

 <p>Melbourne Survey T 9869 0813 REF 2067s-02</p>		ORIGINAL SHEET SIZE: A3	SHEET 10
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PLAN OF SUBDIVISION PS 746199M


CREATION OF RESTRICTION C

Upon registration of this plan the following restriction is to be created (continued from Sheet 10).

- (iii) At any time construct or build a driveway of any material other than coloured concrete, pavers or concrete with exposed aggregate or stamped or stenciled surfacing in neutral coloured tones.
- (iv) At any time construct or build a driveway within 500mm of a side boundary.
- (v) At any time allow features to exist other than screening plants, between a driveway and a side boundary, restricted to the closest side boundary.
- (vi) Damage existing driveways, crossovers and footpaths during the construction of driveways.
- (vii) Delay the construction of driveway from the front allotment boundary to the setback of the garage for more than 90 days from the date of the issue of the Certificate of Occupancy in relation to the private dwelling constructed on the said lot.
- (viii) Delay the front landscaping to the dwelling for more than 90 days from the date of the issue of the Certificate of Occupancy in relation to the private dwelling constructed on the said lot.
- (ix) Leave incomplete building works for more than 90 days without construction being carried out, and shall not delay completion of all building works resulting in the issue of a Certificate of Occupancy, for more than 12 months.
- (x) Erect or cause to permit to be erected or remain erected any fencing upon a side or rear boundary of a lot :-
 - (a) Unless such fence is 1.8 metres in height and is constructed of double sided timber palings with exposed posts and timber capping.
 - (b) Between the front boundary and 1 metre behind the front building line.
 - (c) Constructed of steel sheeting or compressed board.
- (xi) Occupy the private dwelling unless the construction of the perimeter fencing has been completed.
- (xii) Except with prior written consent of Moremac Property Group Pty Ltd and in accordance with the Annadale Design Guidelines, commence construction of any building or landscaping works.

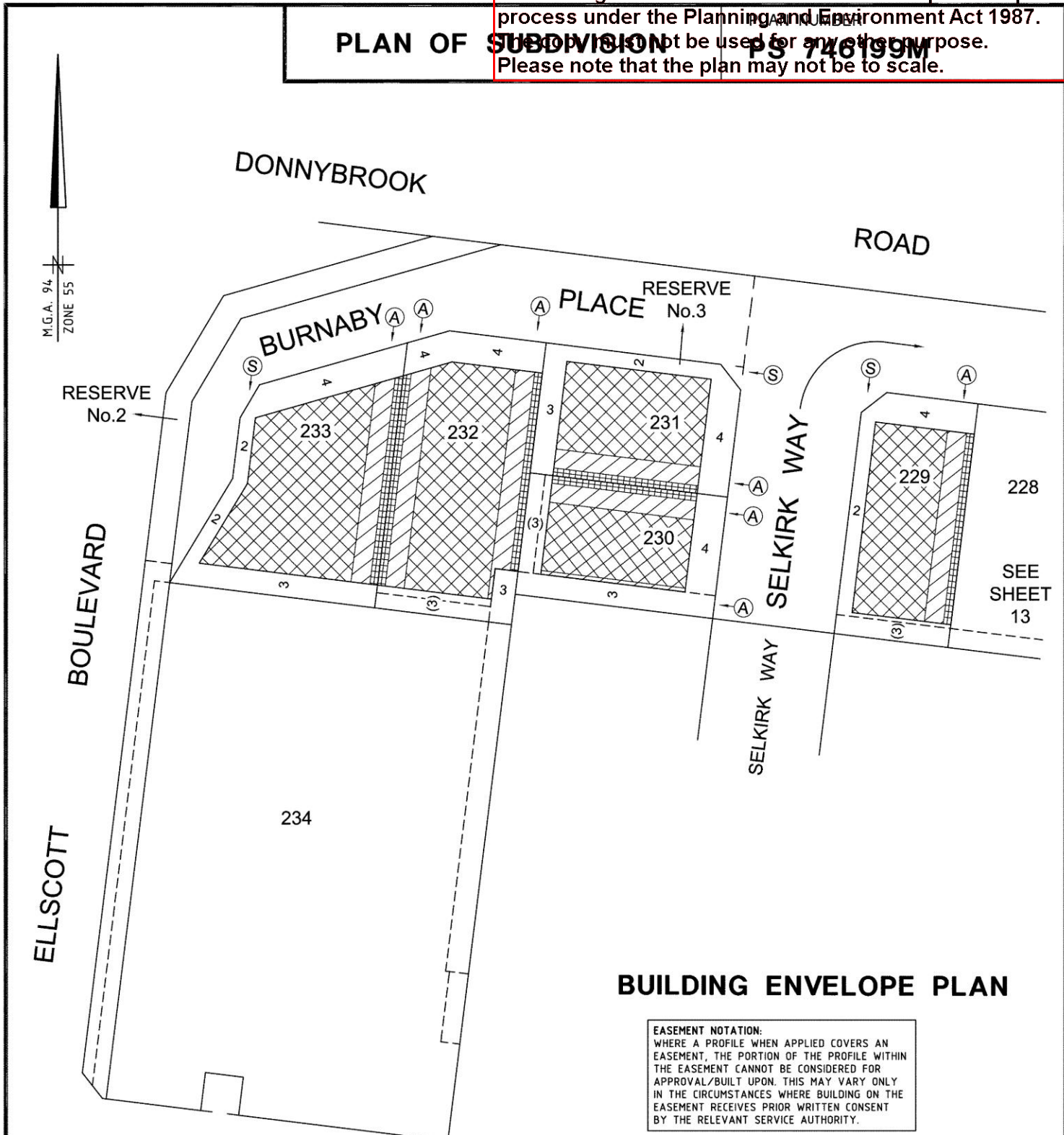
This restriction shall expire four years after the date of registration of this plan.

2067S-02 VER KILVI.DWG BC/BC

 <p>Melbourne Survey T 9869 0813 REF 2067s-02</p>		ORIGINAL SHEET SIZE: A3	SHEET 11
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PLAN OF SUBDIVISION PS 746199M



BUILDING ENVELOPE PLAN

EASEMENT NOTATION:
 WHERE A PROFILE WHEN APPLIED COVERS AN EASEMENT, THE PORTION OF THE PROFILE WITHIN THE EASEMENT CANNOT BE CONSIDERED FOR APPROVAL/BUILT UPON. THIS MAY VARY ONLY IN THE CIRCUMSTANCES WHERE BUILDING ON THE EASEMENT RECEIVES PRIOR WRITTEN CONSENT BY THE RELEVANT SERVICE AUTHORITY.

NOTATIONS:
 THE BUILDING ENVELOPES ON THIS PLAN ARE SHOWN ENCLOSED BY CONTINUOUS THICK LINES.

LOTS MARKED * ARE AFFECTED BY MCP AA2573 AND WITH REFERENCE TO MCP AA2573 IS A TYPE A LOT. ALL OTHER LOTS ARE AFFECTED BY MCP AA2524.

2067S-02 VER KILVI.DWG BC/BC



Melbourne Survey T 9869 0813 REF 2067s-02

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SHEET 12

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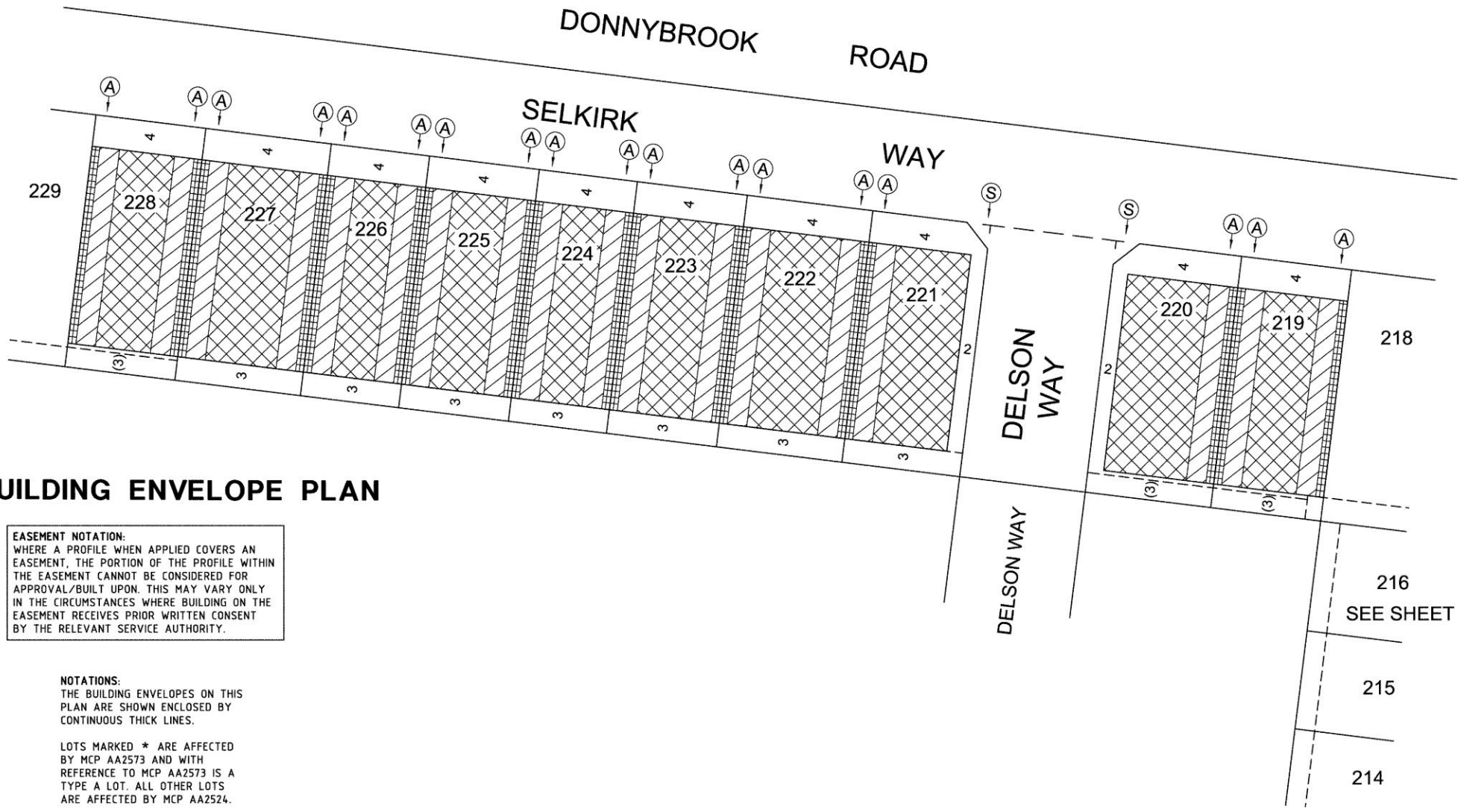
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PLAN OF SUBDIVISION

PLAN NUMBER
PS 746199M

M.G.A. 94
ZONE 55

SEE SHEET 12



BUILDING ENVELOPE PLAN

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2067S-02 VER KILVI.DWG BC/BC



Melbourne Survey T 9869 0813 REF 2067s-02

SCALE 1:500
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LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE A3 SHEET 13

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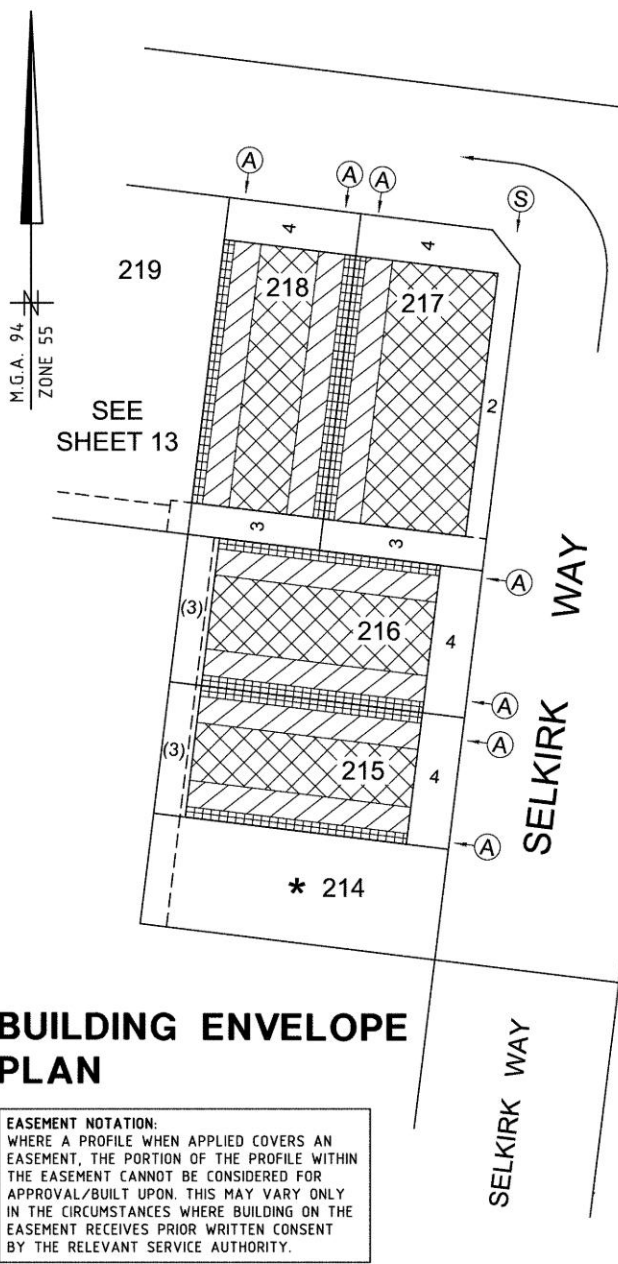
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PLAN OF SUBDIVISION

PLAN NUMBER
PS 746199M

DONNYBROOK ROAD



SEE SHEET 13

RESERVE No.1

BETHANY WAY

SELKIRK WAY

211 210 209 208 202 201

STETTLER BOULEVARD

SEE SHEET 15

BUILDING ENVELOPE PLAN

EASEMENT NOTATION:
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SCALE 1:500
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LENGTHS ARE IN METRES

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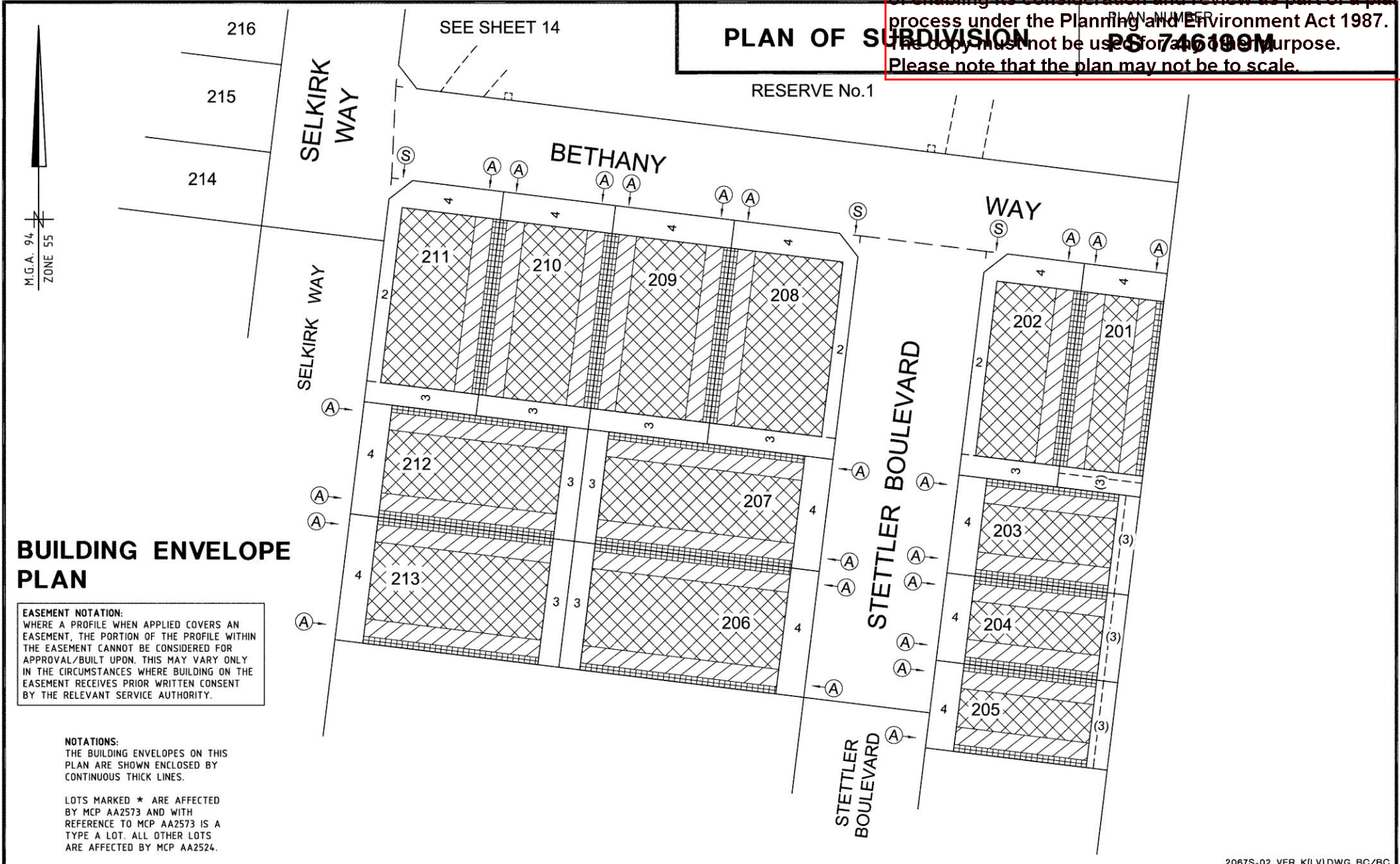
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PLAN OF SUBDIVISION
PLAN NUMBER: PS 746199M



BUILDING ENVELOPE PLAN

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20/12/2017,
SPEAR Ref: S081367C



26 August 2024

██████████
Hume Council
1079 Pascoe Vale Road
Broadmeadows VIC 3047

Application: S72 Amendment to Permit P25396
Address: 3/3 Enderby Drive, Mickleham VIC 3064
RE: Planning Assessment

Dear ██████████

We write to formally lodge a Section 72 Amendment to the abovementioned planning permit, issued 16 February 2024. The application seeks the following amendments to the permit as follows:

- Amendment to Condition 4 to allow for trading hours to be extended to 12am each day. The existing condition allows the premises to operate until 10pm.

A response against the relevant planning considerations and policies is provided below.

1. Zone Assessment

Urban Growth Zone – Schedule 4

As outlined within Council's Further Information Request, Schedule 4 of the Urban Growth Zone relates to the Merrifield West Precinct Structure Plan. Plan 1 to Clause 37.07 shows the future urban structure proposed for the PSP area. The subject site has already been developed in accordance with these provisions.

Pursuant to Section 2.2 of the Schedule to the Zone, the applied zone provisions for the subject site must be generally in accordance with the General Residential Zone (Clause 32.08). An assessment against the provisions of the zone, as they relate to the proposed changes to the existing use, can be found below.

General Residential Zone Provisions

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Clause 32.08-2 – Table of Uses

The use is operating pursuant to the existing planning permit issued on 16 February 2024.

Decision Guidelines

Pursuant to Clause 32.08-13, the following guidelines must be considered when deciding an application, as appropriate:

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

In response

The proposal will result in marginal intensification of the existing use on site, which has been deemed appropriate by Council pursuant to the existing permit issued. The proposal is considered appropriate to facilitate better operations for an existing small local business, currently operating without any adverse amenity impacts. The proposed increase in operations is considered minor as a limited number of customers are expected during the additional proposed hours of operation. Clients typically visiting the site during these hours generally make short stops along their commutes home. We do not expect an overall increase to the maximum number of patrons on site at any one time and therefore no adverse noise or traffic impacts are expected as a result of the proposal.

The proposal is considered appropriate for the site, and does not change the intent of the existing planning approval issued. There are no buildings and works proposed, as the site has already been

developed in accordance with the existing approval which is for a non-residential use and development of the property.

The proposal will generally serve local community needs and is compatible with residential, as previously determined by the Responsible Authority.

The proposal relies on all the existing car parking and bicycle parking on site and does not seek to amend any of these existing development components.

Municipal Planning Strategy

The proposal does not warrant a full response to the Municipal Planning Strategy, which is outlined under Clause 02 of the Hume Planning Scheme.

The Municipal Planning Strategy outlines overarching policy provisions for the entire municipality. The subject site has already been developed and used per the existing planning permit issued, under which the café is a minor part of the approval.

The proposal does not change the intent of the existing approval but seeks to allow an additional two (2) hours of operation for the premises. This is considered reasonable and appropriate as the use is currently operating with no amenity issues.

Planning Policy Framework

The application is considered minor in nature and does not change the intent of the existing permit on the site. Impact against the Planning Policy Framework is therefore considered negligible.

The only Clause that could be considered relevant to the proposal is Clause 17 relating to Economic Development. Please see assessment against this Clause below.

Clause 17.01-1S Diversified Economy

Objective

To strengthen and diversify the economy.

Relevant Strategies

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.

- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.

Clause 17.01-1L Diversified Economy – Hume

Relevant Strategies

- Encourage site consolidation and integrated development on small sites within existing employment areas to improve their functionality.
- Support existing employment areas with a large number of businesses in similar sectors.
- Facilitate use and development that supports the continued operations of wineries in and around the Sunbury township.

In response

The proposal is considered consistent with the provisions outlined above. The site is existing and no buildings and works are proposed. The proposal is considered appropriate and will positively contribute to diversifying the economy and providing appropriate service to the area.

We trust that Council has received all of the required information to assess the application. If any questions arise, please do not hesitate to contact the applicant to discuss the proposal.

Sincerely,



Merette Shenouda

Director

M & D Town Planning Pty Ltd

PLANNING PERMIT



Permit No.: P25396
Planning Scheme: Hume Planning Scheme
Responsible Authority: Hume City Council

ADDRESS OF THE LAND:
(Lot 234 PS 746199M Vol 11962 Fol 292),
3/3 ENDERBY DR
MICKLEHAM VIC 3064

THE PERMIT ALLOWS:
THE DEVELOPMENT AND USE OF THE LAND FOR A CONVENIENCE SHOP ASSOCIATED WITH EXISTING CAFE AND THE DISPLAY OF BUSINESS IDENTIFICATION SIGNS

NOTE: THIS IS A PLANNING PERMIT - NOT A BUILDING APPROVAL. IF THIS PROPOSAL INCLUDES ANY BUILDING WORK, A BUILDING APPROVAL UNDER THE BUILDING ACT 1993 ('The Act') WILL ALSO BE REQUIRED. IF ANY SUCH PLAN ENDORSED WITH THIS PERMIT NEEDS TO BE MODIFIED TO MEET ANY REQUIREMENTS FOR BUILDING APPROVAL OR FOR ANY OTHER REASON YOU MUST SUBMIT ANY SUCH MODIFIED PLAN TO THE COUNCIL'S PLANNING DEPARTMENT FOR ENDORSEMENT.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The use and/or development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.
2. The use of the land or of any buildings on the subject land shall not be altered or changed to some other use except with the written consent of the Responsible Authority.
3. Except with the prior written consent of the Responsible Authority, the maximum number of staff on the premises at any one time must not exceed 4.
4. Except with the prior written consent of the Responsible Authority, the use permitted by this permit may only operate between the following times:
 - Monday – Sunday: 6:00am – 10:00pm
5. The use or development permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.

Date issued: 16 February 2024

**Signature for the
Responsible Authority:**



6. Collection of waste must be undertaken by a private contractor and must not cause unreasonable disturbance to nearby residential properties to the satisfaction of the Responsible Authority.
7. The subject land must be maintained in an orderly and neat manner at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
8. The use and occupation of the development must be managed so that the amenity of the area is not detrimentally affected, including through the:
 - a. transportation of materials, goods, or commodities to or from the subject land;
 - b. appearance of any building, works, or materials;
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;
 - d. presence of vermin; or
 - e. in any other way.
9. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.
10. The location and details of the signs as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
11. Except where no planning permission is required under the provisions of the *Hume Planning Scheme*, no other signs may be displayed on the site without the prior written consent of the Responsible Authority.
12. The signs must be located wholly within the title boundary of the site and must not be located within or encroach on the road reserve. This includes existing sight lines or traffic signs.
13. The signs must not be animated, and no flashing or moving lights may be displayed.
14. The signs permitted by this permit must not be floodlit or illuminated by external lights except with the prior written consent of the Responsible Authority.
15. Bunting, streamers, flags, windvanes, or similar material must not be displayed except with the prior written consent of the Responsible Authority.
16. The signs as shown on the endorsed plans must be constructed and maintained to the satisfaction of the Responsible Authority.
17. This permit shall expire if:

Date issued: 16 February 2024

**Signature for the
Responsible Authority:**



PERMIT NO: P25396

Sheet 3 of 4

- a. the use permitted by this permit is not commenced within two years of the date of this permit; or
 - b. if the use is discontinued for a period of two years; or
 - c. works are not commenced within three years; or
 - d. works are not completed within six years.
18. This permit will expire 15 years from the issue date. A new application must be made to continue the display of signs on the site.
19. On expiry of this permit, the signs and any structures built specifically to support and illuminate it must be removed to the satisfaction of the Responsible Authority.

NOTES:

- If a request for an extension of dates is made out of time allowed, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
04 JUN 2024	<p>Pursuant to Section 71 of the <i>Planning and Environment Act 1987</i>, the permit has been corrected as follows:</p> <ul style="list-style-type: none">• Amend the Permit preamble with: 'the development and use of the land for a convenience shop associated with existing café, and the display of business identification signs'• Add conditions 10, 11, 12, 13, 14, 15, 16, 18, and 19 with subsequent renumbering of permit conditions.

Date issued: 16 February 2024

Signature for the Responsible Authority:



IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- (a) from the date specified in the permit, or
- (b) if no date is specified, from –
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

- 1. A permit for the development of land expires if -
 - (a) the development or any stage of it does not start within the time specified in the permit; or
 - (b) the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - (c) the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
- 2. A permit for the use of land expires if -
 - (a) the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - (b) the use is discontinued for a period of two years.
- 3. A permit for the development and use of land expires if -
 - (a) the development or any stage of it does not start within the time specified in the permit, or;
 - (b) the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - (c) the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development; or
 - (d) the use is discontinued for a period of two years.
- 4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision –
 - (a) the use or development of any stage is to be taken to have started when the plan is certified; and
 - (b) the permit expires if the plan is not certified within two years of the issue of the permit.
- 5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- (a) The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- (b) An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- (c) An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- (d) An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- (e) An application for review must state the grounds upon which it is based.
- (f) A copy of an application for review must also be served on the Responsible Authority.
- (g) Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date issued: 16 February 2024 **Signature for the Responsible Authority:** 