

To Elaine Lee - Town Planning

Application - WYP14348/23

Application is for the Removal of Covenant

At : 55 Huntingfield Drive, HOPPERS CROSSING VIC 3029

The Application is to remove the covenant from Title

Lot 1341 on Plan of Subdivision 092924.

PARENT TITLE Volume 08929 Folio 139

Created by instrument T710570C 02/06/1995

Thank you Kon Moutis

Dreamplan design Drafting Services

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To Elaine Lee - Town Planning

Application - WYP14348/23 Removal of Covenant

At : 55 Huntingfield Drive HOPPERS CROSSING VIC 3029

Response to Section 60(2) of the Act

- (2) The responsible authority must not grant a permit which allows the removal or variation of a restriction (within the meaning of the **Subdivision Act 1988**) unless it is satisfied that the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer—

- (a) financial loss; or
- (b) loss of amenity; or
- (c) loss arising from change to the character of the neighbourhood; or
- (d) any other material detriment—

as a consequence of the removal or variation of the restriction.

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1. Financial Loss - The removal of covenant will not have much impact on financial loss and the subdivision and will give others the opportunity to apply in future to do the same . the removal will give greater value and opportunity to develop the land.
2. Loss of amenity – the proposal will and design will have minimal loss to the amenity and will have good access to these amenities in the area and the increase better services.
3. Loss from arising from changes to character of the neighbourhood , There is development next door with already two unit development and are more in the area and the character of the neighbourhood is changing with the times and also will be keeping with style and look of the surrounding dwellings and developments.
4. Other material detriment In the context of land, an entity suffers material detriment in relation to land because of a decision if the decision has, or is likely to have, an adverse impact on the entity's use or enjoyment of the land and will be minimal .
5. The relevant sections of the Wyndham Planning Scheme include Clause 52.05 which refers to the matters listed in Clause 65 –

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

The matters set out in section 60 of the Act.

Any significant effects the environment, including the contamination of land, may have on the use or development.

The Municipal Planning Strategy and the Planning Policy Framework.

The purpose of the zone, overlay or other provision.

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1) No Other Overlays

Any matter required to be considered in the zone, overlay or other provision. **No provision**

The orderly planning of the area.

The Area has already have units develop in the area and is growing in time and the area is well designed with parks , schools and shops and good transport

The effect on the environment, human health and amenity of the area.

The effects to the environment will be minimal with good landscaped areas on the site and good open areas and will give more better health and amenities to the people using the areas .

The proximity of the land to any public land.

The land is in a good area to access the public park land and easy walking distance

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

The site will do minimal impact land degradation due to design of gardens and water tanks to keep the land from degradation ,

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

The site will have water tanks , garden areas with lawn and rocks and good drainage system to collect the excess water run off from the site .

The extent and character of native vegetation and the likelihood of its destruction.

The land has minimal vegetation with only grass and concrete areas , with the development will be increasing the native vegetation in our landscape design to create good landscape and tree into the design to council requirements

Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

This will be encouraged to protect if any native vegetation is there and will be encourage to use plant to regenerate

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The land is not in a flood zone but the design will encourage good material and good management into the design to minimise such hazards with green material and environmentally friendly products.

The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Safety on site is a must, with good management to implement good access coming and going from the site and have staff to control traffic management on the site to minimise traffic flow and good signs near or on the site to protect people accessing and leaving the site

The impact the use or development will have on the current and future development and operation of the transport system.

The Transport is good in the area and we encourage people using public transport but also keeping in mind the site will have car parking and bike areas on site to use .

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Date Plans Provided: 19/02/2024

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

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VOLUME 10243 FOLIO 871

Security no : 124107907085T
Produced 26/07/2023 05:25 PM

LAND DESCRIPTION

Lot 1341 on Plan of Subdivision 092924.
PARENT TITLE Volume 08929 Folio 139
Created by instrument T710570C 02/06/1995

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT (as to whole or part of the land) in instrument E636903

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP092924 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: 55 HUNTINGFIELD DRIVE HOPPERS CROSSING VIC 3029

ADMINISTRATIVE NOTICES

NIL

eCT Control 17086Q SINGH & CO LAWYERS
Effective from 02/09/2022

DOCUMENT END

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Document Type	Instrument
Document Identification	E636903
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1200 A RT T 09-14 06-13-19 DEC13-72

PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:

Freehold

Date Plans Provided: 19/02/2024

VICTORIA

TRANSFER OF LAND

Melbourne being registered as the proprietor of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of Four Thousand One Hundred and Thirty-five Dollars paid to it by

DO HEREBY TRANSFER to the said

as joint tenants all its estate and

interest in ALL THAT piece of land being Lot 1341 on Plan of Subdivision No. 92924 Parish of Tarneit County of Bourke and being the whole of the land more particularly described in Certificate of Title Volume 8929 Folio 139 AND the said

as Transferees with the intention

that the benefit of this covenant shall be attached to and run at law and in equity with each and every lot on the said plan of subdivision other than the said Lot hereby transferred and that the burden of this covenant shall be annexed to and run at law and in equity with the said lot ^{HEREBY TRANSFERRED} do hereby for themselves their heirs executors administrators and transferees the

registered proprietor or proprietors for the time being of the lot hereby transferred COVENANT with the said transferor and its successors and transferees or other the registered proprietor or proprietors for the time being of each and every lot on the said Plan of Subdivision or any part thereof other than the lot hereby transferred THAT the said transferees their heirs executors administrators and transferees shall not at any time build construct or erect or cause to be built constructed or erected on the said lot hereby transferred or any part thereof any building other than one single dwelling (with or without a garage or other out-buildings) having external walls of any material other than brick brick veneer or stone and it is intended that the above covenant shall appear as an encumbrance on the Certificate of Title to be issued in respect of the land hereby transferred.

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VICTORIA - SPAIN DUTY

DEC-11-72 6066/82 05612

LEA1015***63-09



DATED this 22nd day of November One thousand nine
hundred and seventy-two.

Executed by the said [REDACTED]
[REDACTED] by its being signed sealed

ENCUMBRANCES REFERRED TO.

As to the land coloured blue. Any easements affecting the same.

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DE636903-2-5

A memorandum of the within instrument
has been entered in the Register Book.



TRANSFER
OF
LAND

DATED:

1972

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