

Office Use Only

VicSmart?

☐ YES

☐ NO


Specify class of VicSmart application:


Application No.:


Date Lodged: / /

## Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the back 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 concerns, please contact Council's planning department.

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

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

 Click for further information.

Clear Form

### Application Type

Is this a VicSmart application?\*

☒ No ☐ Yes

If yes, please specify which VicSmart class or classes:

 If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application.

### Pre-application Meeting

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

☒ No ☐ Yes

If 'Yes', with whom?:

Date:

day / month / year

### The Land

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

Street Address \*

Unit No.:


St. No.: 641

St. Name: Tarneit Road

Suburb/Locality: Hoppers Crossing

Postcode: 3029

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.: 119

☐ Lodged Plan

☐ Title Plan

☒ Plan of Subdivision

No.: 139570

OR

B

Crown Allotment No.:

Section No.:

Parish/Township Name:

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## The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

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

The registered proprietor seeks to remove the restrictive covenant burdening the property to allow for more than one dwelling to be constructed upon the property and for this property to be made out of materials other than brick veneer or stone.

Please see attached submissions for full details.

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Estimated cost of any development for which the permit is required \*

Cost \$0

You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within metropolitan Melbourne (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for information.

## 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.

The land currently has one private dwelling house erected upon it.

Provide a plan of the existing conditions. 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.

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## 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: Mr	First Name: Ash	Surname: Hetherington
Organisation (if applicable): Rosendorff Lawyers		
Postal Address: If it is a P.O. Box, enter the details here:		
Unit No.: 2.03	St. No.: 448	St. Name: St Kilda Road
Suburb/Locality: Melbourne	State: VIC	Postcode: 3004
<b>Contact information for applicant OR contact person below</b>		
Business phone: (03) 8320 2951		Email: ash@rosendorff.com.au
Mobile phone:		Fax: (03) 8320 2905
<b>Contact person's details*</b>		
Name: Same as applicant <input checked="" type="checkbox"/>		
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:
Name: Same as applicant <input type="checkbox"/>		
Title: Mr	First Name: Reji	Surname: Daniel
Organisation (if applicable):		
Postal Address: If it is a P.O. Box, enter the details here:		
Unit No.:	St. No.: 44	St. Name: Thomas Carr Drive
Suburb/Locality: Tarneit	State: VIC	Postcode: 3029
Owner's Signature (Optional):		Date: 30/06/2021
		day / month / year

## Information requirements

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

Is the required information provided?

☒ Yes ☐ No

## 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:	Date: 30/06/2021
	day / month / year

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

VOLUME 09583 FOLIO 504

Security no : 124089224157Y

Produced 12/04/2021 04:32 PM

LAND DESCRIPTION

Lot 119 on Plan of Subdivision 139570.  
PARENT TITLE Volume 09517 Folio 865  
Created by instrument LP139570 05/12/1984

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

REJI MELECHITTEDATHU DANIEL of 44 THOMAS CARR DRIVE TARNEIT VIC 3029  
AN083410D 07/09/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AN083411B 07/09/2016

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

COVENANT L433696N 20/12/1984

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 LP139570 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: 641 TARNEIT ROAD HOPPERS CROSSING VIC 3029

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS  
Effective from 22/10/2016

DOCUMENT END

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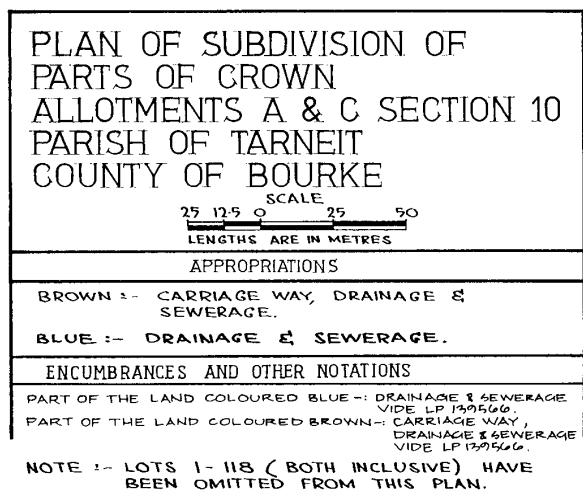
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LP139570

EDITION 2

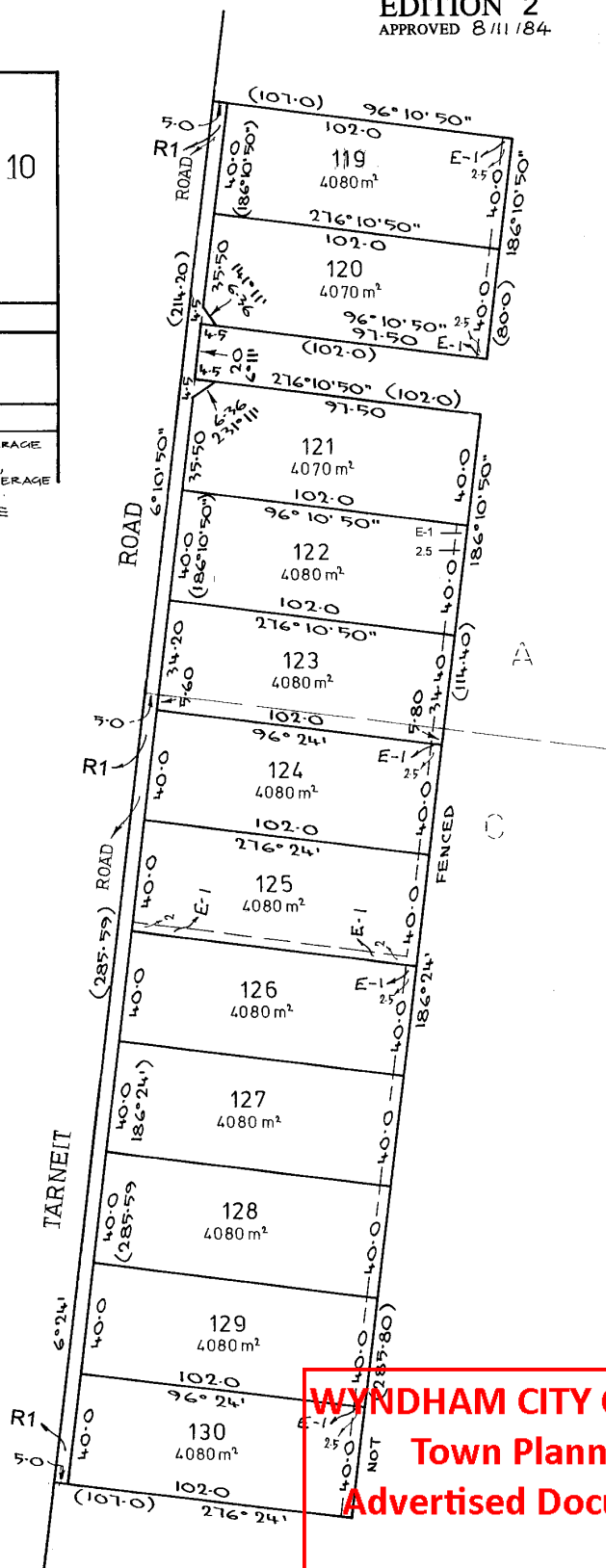
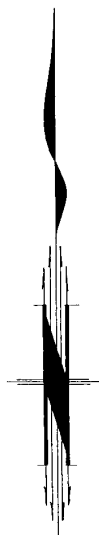
APPROVED 8/11/84



V9517 F865

CHART No. 9 + LITHO

## COLOUR CONVERSION

E-1 = BLUE  
R1 = BROWN

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Titles Office Use Only

REGD

201284 1143 45 33 L433696N

Lodged at the Titles Office by

MR. G. CARUANA

Code 5742Y

VICTORIA

TRANSFER OF LAND

Subject to the encumbrances affecting the land including any created by dealings lodged for registration prior to the lodging of this instrument the transferor for the consideration expressed at the request and by the direction of the directing party (if any) transfers to the transferee the estate and the interest specified in the land described together with any easement hereby created and subject to any easement hereby reserved or restrictive covenant herein contained or covenant created pursuant to statute and included herein. (Notes 1-4)

Land

being lot 119 on Plan of Subd: 139570 being the land described in Certificate of Title Volume 9517 Folio 865-9583 504 (Note 5)

AMENDED

11 APR 1985

WITH CONSENT OF SOLICITOR FOR

(Note 5)

Consideration

\$33000

Transferor

EBLING PTY. LTD.

(Note 7)

Transferee

GEORGE SAM CARUANA and CARMEN CARUANA,  
both of 2 CROWE STREET, WERRIBEE, as Joint Tenants

(Note 8)

Estate and Interest

All our estate and interest in fee simple

(Note 9)

Directing Party

(Note 10)

ODE: 0%

UTY: \$643-50

ASSESSOR: m

ALUE: 33000

Controller of Stamps Use Only

Creation (or Reservation) of Easement  
and/or  
Covenant

(Notes 11-12)

Refer overleaf for Covenant

A memorandum of the within instrument  
has been entered in the Register Books



T2

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Approval No. T2/1

WYNDHAM CITY COUNCIL

Town Planning  
3TRANS-103748 S.D.V. 4 20DEC84  
RECEIPT- 23088 114 \$VVVVVV443.50  
Advised Documents



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TOWN PLANNING

RESTRICTIVE COVENANT

"The said transferees GEORGE SAM CARUANA and CARMEN CARUANA with the intent that the benefit of this covenant shall be attached to run at law and in equity with every lot of the said Plan of Sub-division other than the lot hereby transferred and that the burden of covenant shall be annexed to run to and run at law and in equity with the said land hereby transferred. DOES HEREBY for themselves and their transferees executors administrators and assigns and as a separate covenant with the said transferor EBLING PTY. LTD. and other the registered proprietor or proprietors for the time being of all the land comprised in the said Plan of Subdivision or any part or parts other than the land hereby transferred COVENANT that the said transferees GEORGE SAM CARUANA and CARMEN CARUANA shall not any time erect construct or build or cause to be erected constructed or built on the land hereby transferred of if more than one lot on the said Plan of Subdivision then on any one such lot and building other than one private dwelling house having a minimum area of 148.65 square metres (excluding outbuildings) and no such dwelling house (excluding outbuildings) shall be erected having exterior walls other than substantially of brick veneer or stone".

AMENDED

11 APR 1985

With consent of  
solicitor

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TOWN PLANNING

Date

20<sup>th</sup> December 1984.

(Note 13)

Execution and Attestation

(Note-14)

THE COMMON SEAL OF  
EBLING PTY. LTD.was hereunto affixed in  
accordance with its Articles of  
Association in the presence of:

DIRECTOR:-

SECRETARY:-

Authorised Counter-signatory:-

Signed by the Transferees  
in the presence of:-

M. Sarana

Sarana  
C. CaruanaGeorge Sam Caruana  
Carmen CaruanaWYNDHAM CITY COUNCIL  
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TOWN PLANNING

TO THE REGISTRAR OF TITLES:

Please register this transfer, and upon completion of dealing hand  
Certificate of Title to Lot 119 on Plan of Subdivision No. 139570  
to issue to Lodging Party.



BARKER HARTY &amp; CO.

NOTES

1. This form must be used for any transfer by the registered proprietor—
  - (a) of other than the whole of an estate and interest in fee simple
  - (b) by direction
  - (c) in which an easement is created or reserved
  - (d) which contains a restrictive covenant or a covenant created pursuant to statute.

2. Transfers may be lodged as an original only and must be typed or completed in ink.

3. All signatures must be in ink.

4. If there is insufficient space in any panel to accommodate the required information use an annexure sheet (Form A1) or (if there is space available) enter the information under the appropriate heading after any creation or reservation of easement or covenant. Insert only the words "See Annexure A" (or as the case may be) or "See overleaf" in the panel as appropriate.

Multiple annexures may appear on the same annexure sheet but each must be correctly headed.

All annexure sheets should be properly identified and signed by the parties and securely attached to the instrument.

5. Volume and folio references must be given. If the whole of the land in a title is to be transferred no other description should be used. If the transfer affects part only of the land in a title the lot and plan number or Crown description should also be given. Any necessary diagram should be endorsed hereon or on an annexure sheet (Form A1).

6. Set out the amount (in figures) or the nature of the consideration. If the transfer is by direction show the various considerations

e.g. \$ ..... paid by B to A

\$ ..... paid by C to B

In a transfer on sale of land subject to a mortgage it should be clearly shown whether or not the amount owing under the mortgage is included in the consideration e.g. \$ ..... which includes the amount owing under mortgage No. ....

7. Insert full name. Address is not required.

8. Insert full name and address. If two or more transferees state whether as joint tenants or tenants in common. If tenants in common specify shares.

9. Set out "All my estate and interest in the fee simple" (or other as the case may be).

10. If the transfer is by direction give the full name of any directing party and show the various considerations under the consideration heading.

11. Set out any easement being created or reserved and define the dominant and servient tenements.

12. Set out full details of any covenant and define the covenantee and the land to bear the burden and to take the benefit of the covenant.

13. The transfer must be dated.

14. If an executing party is a natural person execution should read "Signed by the transferor (transferee, directing party) in the presence of .....". The witness must be an independent person. If an executing party is a body corporate execution should conform to any prescribed formalities relating to the affixing of the common seal.

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