
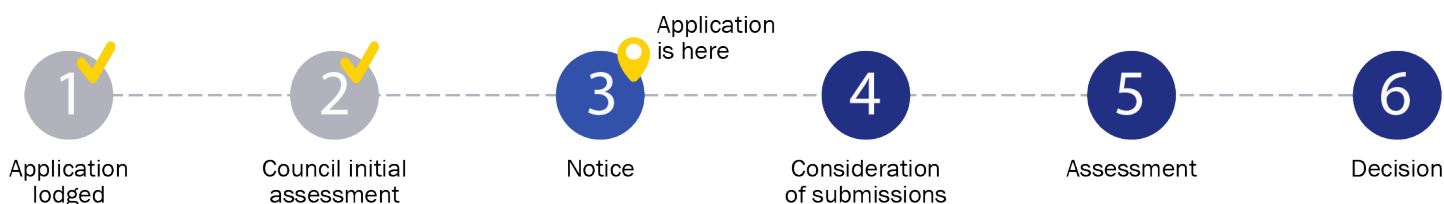


Notice of Application for a Planning Permit

The land affected by the application is located at:	L17 LP125942 15 Diane Close, Pakenham VIC 3810
The application is for a permit to:	Removal of Restrictive Covenant K021522
A permit is required under the following clauses of the planning scheme:	
52.02	To proceed under Section 23 of the <i>Subdivision Act 1988</i> to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant
APPLICATION DETAILS	
The applicant for the permit is:	Hargreaves Design Group
Application number:	T240497
<p>You may look at the application and any documents that support the application at the office of the Responsible Authority:</p> <p>Cardinia Shire Council, 20 Siding Avenue, Officer 3809.</p> <p>This can be done during office hours and is free of charge.</p> <p>Documents can also be viewed on Council's website at cardinia.vic.gov.au/advertisedplans or by scanning the QR code.</p>	
	
HOW CAN I MAKE A SUBMISSION?	
This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:	
15 August 2025	
WHAT ARE MY OPTIONS? Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority. If you object, the Responsible Authority will notify you of the decision when it is issued.	<p>An objection must:</p> <ul style="list-style-type: none">• be made to the Responsible Authority in writing;• include the reasons for the objection; and• state how the objector would be affected. <p>The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.</p>



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Application for a Planning Permit

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

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

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

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

i Click for further information.

Clear Form

The Land **i**

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

Street Address *

Unit No.:

St. No.: 15

St. Name: DIANE CLOSE

Suburb/Locality: PAKENHAM

Postcode: 3810

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.: 17

☐ Lodged Plan

☐ Title Plan

☒ Plan of Subdivision

No.: LP125942

OR

B

Crown Allotment No.:

Section No.:

Parish/Township Name:

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.

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

Proposed Dual occupancy and removal of restrictive covenant

Proposed new two bedroom unit facing Barrington

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



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.

Cost \$ 400,000

⚠ 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 for information.


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

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.

Single storey dwelling exists on site.
The existing carport and Verandah are proposed to be removed


 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.

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.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Name:

Title: MRS

Organisation (if applicable): HARGREAVES DESIGN GROUP

Postal Address:

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

Unit No.: 3

St. No.: 5

St. Name: COOK DRIVE

Suburb/Locality: PAKENHAM

State: VIC

Postcode: 3810

Contact information for applicant OR contact person below

Business phone: 0359402340

Email: rose@hargreaves.design

Mobile phone:

Fax:

Contact person's details*

Same as applicant ☒

Name:

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

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

Unit No.:

St. No.:

St. Name:

Suburb/Locality:

State:

Postcode:

Name:

Same as applicant ☐

Organisation (if applicable):

Postal Address:

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

Unit No.:


Owner's Signature (Optional):

Date: 26/09/24

day / month / year

Declaration

This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant and that all the information in this application is true and correct.

Signature

Date: 26/09/24

day / month / year

Need help with the Application?

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 planning permit checklist. Insufficient or unclear information may delay your application.

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



No



Yes

If 'Yes', with whom?:

Date:

day / month / year

Checklist

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.



Provided all necessary supporting information and documents?



A full, current copy of title information for each individual parcel of land forming the subject site.



A plan of existing conditions.



Plans showing the layout and details of the proposal.



Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.



If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).



If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.



Completed the relevant council planning permit checklist?



Signed the declaration?

Lodgement

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

Cardinia Shire Council
PO Box 7
Pakenham VIC 3810

In person: 20 Siding Avenue, Officer

Contact information:

Telephone: 1300 787 624

Email: mail@cardinia.vic.gov.au

DX: 81006

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

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

MORE INFORMATION

The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

How is land identified?


Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description - the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

 Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting Planning Schemes Online at planning-schemes.delwp.vic.gov.au

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au. Contact your local Council to obtain a planning certificate in Central Goldfields, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.


See **Example 2**.


Estimated cost of development

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. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

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.

 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.

Metropolitan Planning Levy refer Division 5A of Part 4 of the *Planning and Environment Act 1987* (the Act). A planning permit application under section 47 or 96A of the Act for a development of land in metropolitan Melbourne as defined in section 3 of the Act may be a leviable application. If the cost of the development exceeds the threshold of \$1 million (adjusted annually by consumer price index) a levy certificate must be obtained from the State Revenue Office after payment of the levy. A valid levy certificate must be submitted to the responsible planning authority (usually council) with a leviable planning permit application. Refer to the State Revenue Office website at www.sro.vic.gov.au for more information. A leviable application submitted without a levy certificate is void.

Existing Conditions

How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. 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.

See **Example 3**.

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.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



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

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

Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

⚠ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

⚠ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.landata.vic.gov.au – go direct to "titles & property certificates".

Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with Council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example 4**.

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.

Checklist

What additional information should you provide to support the proposal?

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 permit 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.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Request to amend a current planning permit application

This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the *Planning and Environment Act 1987*) or after notice is given (section 57A of the Act).

PERMIT APPLICATION DETAILS

Application No.:	T240497 PA
Address of the Land:	15 Diane Close, Pakenham VIC 3810

APPLICANT DETAILS

Name:	[REDACTED] HARGREAVES DESIGN GROUP
Organisation:	HARGREAVES DESIGN GROUP
Address:	3/5 COOK DRIVE PAKENHAM
Phone:	0359402340
Email:	rose@hargreaves.design

AMENDMENT TYPE

Under which section of the Act is this amendment being made? (select one)	
Section 50 – Amendment to application at request of applicant before notice:	<input checked="" type="checkbox"/>
Section 50A – Amendment to application at request of responsible authority before notice:	<input type="checkbox"/>
Section 57A – Amendment to application after notice is given:	<input type="checkbox"/>

AMENDMENT DETAILS

What is being amended? (select all that apply)		
What is being applied for <input type="checkbox"/>	Plans / other documents <input checked="" type="checkbox"/>	Applicant / owner details <input type="checkbox"/>
Land affected <input type="checkbox"/>	Other <input type="checkbox"/>	
Describe the changes. If you need more space, please attach a separate page.		
The removal of restrictive covenant registered on title under Instrument K021522, which limits development on the land to a single dwelling. Reason for Amendment: The removal of the covenant is necessary to facilitate a dual occupancy development on the site.		

The existing covenant is outdated, and the proposed development is consistent with the planning policy framework, surrounding character, and development patterns in the area. A full written submission in support of the removal has been attached.		
Specify the estimated cost of any development for which the permit is required:		
Not applicable <input type="checkbox"/>	Unchanged <input checked="" type="checkbox"/>	New amount \$

DECLARATION

I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application.	
Name:	
Signature:	
Date:	11/07/25

LODGEMENT

<p>Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au</p> <p>You can also make amendments to your application via the Cardinia ePlanning Portal at https://eplanning.cardinia.vic.gov.au/</p> <p>If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.</p>

IMPORTANT INFORMATION

<p>It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.</p> <p>Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.</p> <p>No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the <i>Planning and Environment (Fees) Regulations 2016</i> for more information.</p> <p>The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.</p> <p>Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.</p> <p>Any material submitted with this request, 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 <i>Planning and Environment Act 1987</i>.</p>

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

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

Page 1 of 1

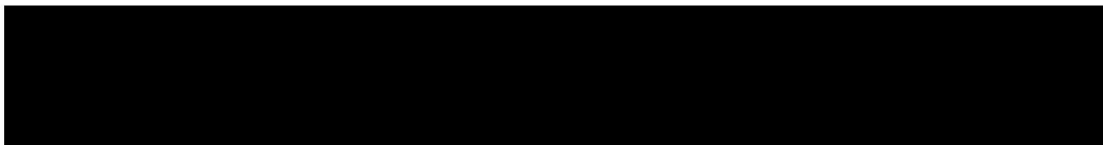
VOLUME 09387 FOLIO 488

Security no : 124116369597L
Produced 04/07/2024 02:33 PM

LAND DESCRIPTION

Lot 17 on Plan of Subdivision 125942.
PARENT TITLE Volume 08936 Folio 606
Created by instrument LP125942 06/08/1980

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES



COVENANT K021522 26/07/1982

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 LP125942 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)



DOCUMENT END

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	LP125942
Number of Pages (excluding this cover sheet)	2
Document Assembled	04/07/2024 14:33

Copyright and disclaimer notice:

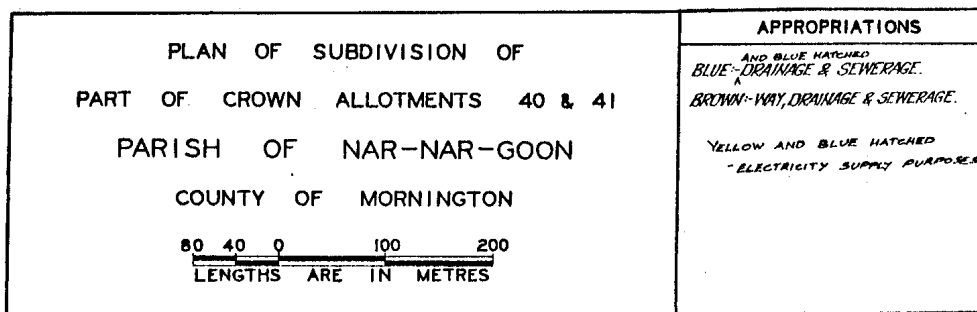
© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

LP125942

EDITION 1
PARISH/T-SHIP/CHARTS 2



Vol 8936 Fol 606

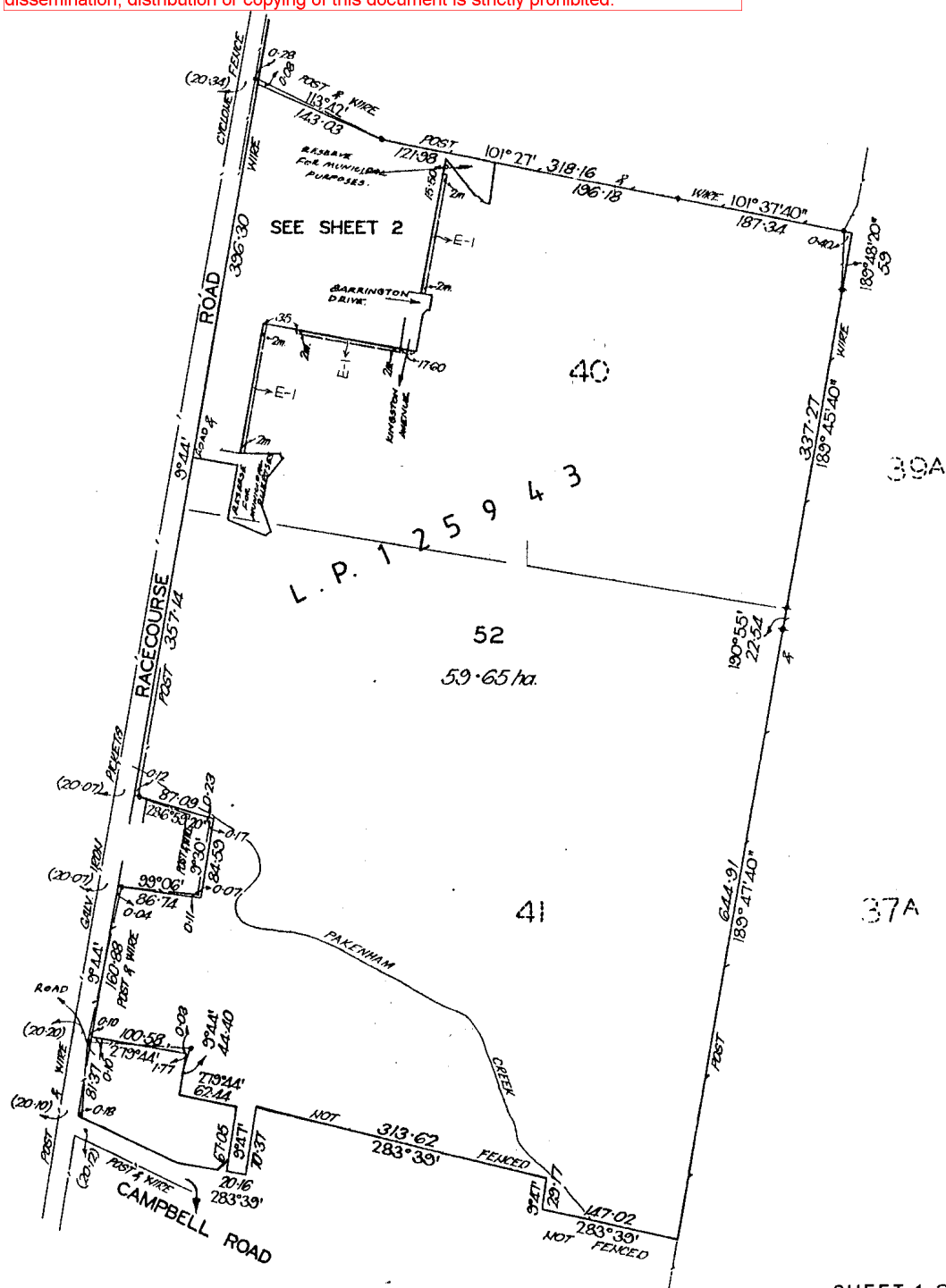
APPROVED 27/02/80

COLOUR CONVERSION

BLUE = E-1
BROWN = E-2

REF. 3086/1

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

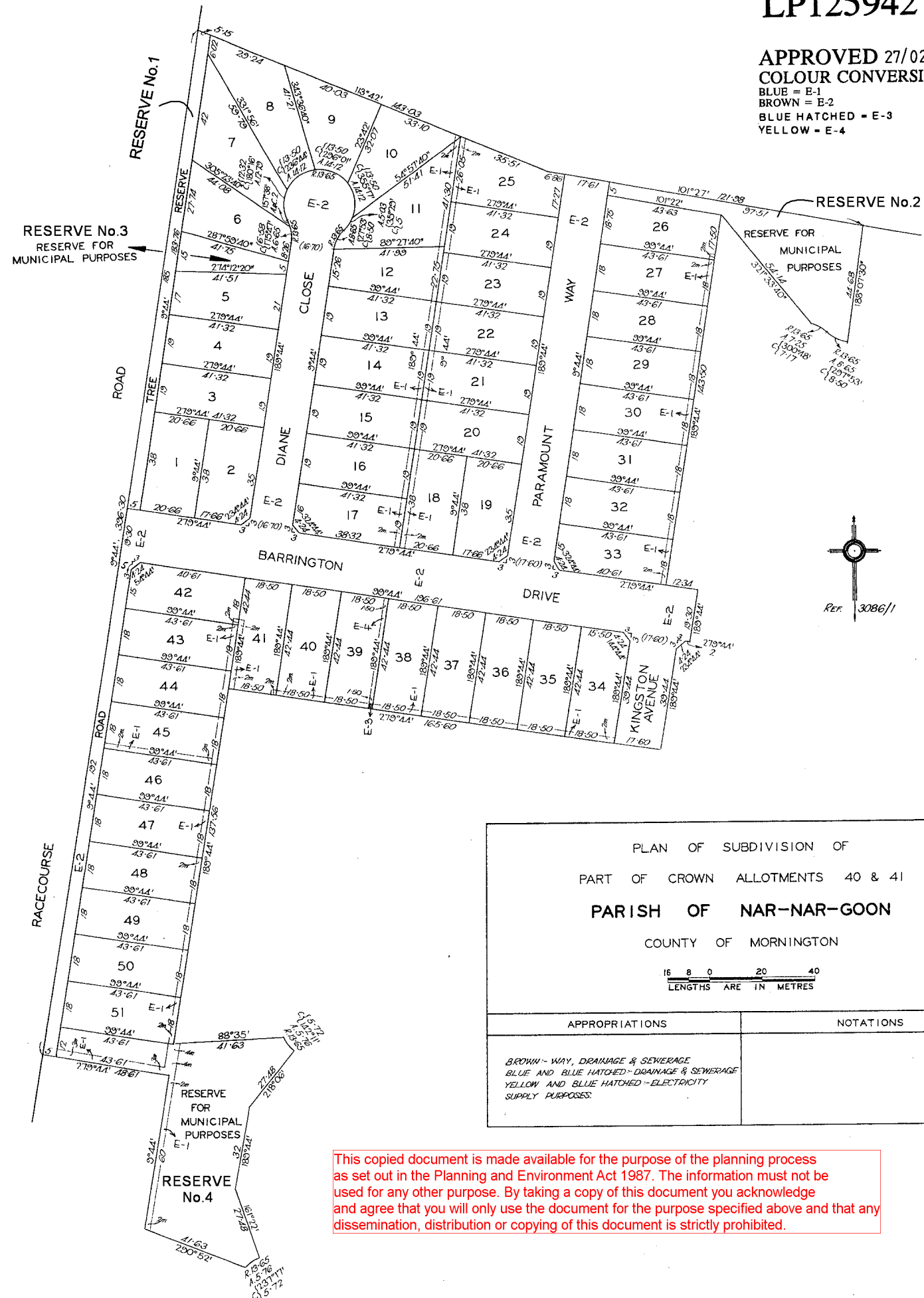


SHEET 1 OF 2 SHEETS

LP125942

APPROVED 27/02/80
COLOUR CONVERSION

BLUE = E-1
BROWN = E-2
BLUE HATCHED = E-3
YELLOW = E-4



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Instrument
Document Identification	K021522
Number of Pages (excluding this cover sheet)	4
Document Assembled	04/07/2024 14:33

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

K 21522



DK021522-1-1

K 21522

REGD

Amold Bloch

MACPHERSON & KELLEY

c2-48 03416 JUL26-82 VICTORIA

TRANSFER OF LAND

WE, F.T.G. NOMINEES PTY. LTD. of the Office of Ernest Fookes & Co., 257 Collins Street, Melbourne in the State of Victoria being registered as the proprietors of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder IN CONSIDERATION of the sum of EIGHT THOUSAND DOLLARS (\$8,000.00) HEREBY TRANSFER to RAYMOND ANDREW CAMERON Credit Manager and SHEILA MARGARET CAMERON Married Woman both of 17 James Street, Pakenham in the said State as joint tenants ALL OUR estate and interest in ALL THAT piece of land being Lot 17 on Plan of Subdivision No. 125942 and being the whole of the land more particularly described in Certificate of Title Volume 9387 Folio 488 AND WE the said RAYMOND ANDREW CAMERON and SHEILA MARGARET CAMERON DO HEREBY FOR OURSELVES AND OUR successors in title the registered proprietor or proprietors for the time being of the land hereby transferred and as separate covenants COVENANT with F.T.G. NOMINEES PTY. LTD. AND ITS successors in title the registered proprietor or proprietors for the time being of the land comprised in the said plan of subdivision and every part or parts thereof (other than the land hereby transferred) that the transferee will not erect or cause to be erected on the said land hereby transferred any building or erection other than a single dwelling house together with the usual outbuildings and the single dwelling house is to have external walls made of stone brick or brick veneer and have an area of at least 115 square metres around the external walls and a roof of tiles or other building materials excluding galvanized sheet iron and this covenant shall appear on the certificate of title to issue for the said land and run with the land AND such covenant shall be noted as an encumbrance effecting the same and every part thereof.

DATED this 20th day of July One .. / 2 thousand nine hundred and eighty-two.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

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



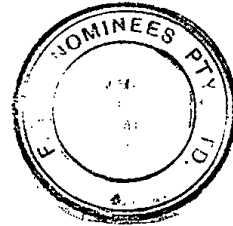
JUL 25 02 9 58 46 0 50536

LEB 101 * 10 000

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

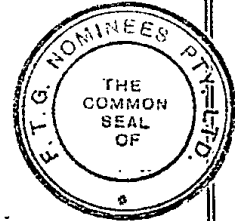
-2-

THE COMMON SEAL of F.T.G. NOMINEES)
PTY. LTD. is hereunto affixed in)
accordance with its Articles of)
Association in the presence of:)



[Signature] Director

[Signature] Secretary



SIGNED by the said RAYMOND ANDREW)
CAMERON and the said SHEILA)
MARGARET CAMERON in the presence of)

[Signature]
R.A. Cameron
[Signature]
S.M. Cameron
S.M. Cameron

[Signature]
D. Cameron
witness

ENCUMBRANCES REFERRED TO:

The encumbrances (if any) at the foot of the said Certificate of Title.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



DK021522-2-7

DATED

1982

F.T.G. NOMINEES PTY. LTD.

TO

R.A. & S.M. CAMERON

TRANSFER OF LAND

MESSRS. MACPHERSON & KELLEY,
SOLICITORS,
114 MAIN STREET,
PAKENHAM 3810.
REF: PAK JH/PH
TEL: (059) 41 1577

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

FEIGL & NEWELL PTY. LTD. A.B.N. 91 155 326 195

Professional Title Searchers

ESTABLISHED 1968

Consultant for:

SEMI & LOCAL GOVERNMENT
SURVEYORS
PLANNERS
VALUERS
SOLICITORS
ESTATE AGENTS

Searchers of:

T.L.A. TITLES
GENERAL LAW
CROWN LANDS
SURVEY INFORMATION
CORPORATE AFFAIRS
ELECTORAL ROLLS

29th May 2025

TO WHOM IT MAY CONCERN

RE PROPERTY: 15 DIANE CLOSE, PAKENHAM

My name [REDACTED] am a Director of the firm Feigl & Newell Pty Ltd.

Our firm is considered to be experts in the field of Covenant Beneficiaries and we are retained by Barristers to brief them in these matters.

After careful perusal of the Covenant in Instrument of Transfer Number K21522, it would appear that the beneficiaries are all of the land outlined green on the attached plan. The land outlined orange has the burden of said Covenant, being the subject property.

My methodology for arriving at this conclusion is the Covenant in Instrument of Transfer number K21522, states that the benefit of this Covenant is with the Registered Proprietors for the time being of the lots comprised in Plan of Subdivision LP125942, other than the lot hereby transferred.

See spread sheet attached for benefitted property addresses.

Please advise if any further information is required.



Postal Address: G.P.O. Box 76 St Kilda 3182

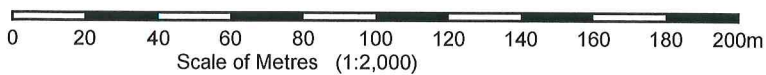
Telephone: 03 9629 3011

Email: info@feiglnewell.com.au Website: www.feiglnewell.com.au

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Data Source: Vicmap Property



MGA Zone 55

Melways- 317 G7 (ed.42) Vicroads- 449 G11 (ed.8)

Created 02:19 PM on May 29, 2025

Co-ordinates of Plot Corners

NW 367872,5785210

SW 367881,5784762

MGA Zone 55

WARNING:

No warranty is given as to the accuracy or completeness of this map.

Dimensions are approximate.

For property dimensions, undertake a Title search.

Co-ordinates of Plot Corners

NE 368230,5785218

SE 368240,5784769

MGA Zone 55

Beneficiaries of Cov					
15 Diane Close					
Lot No.	Vol. Fol.	Transfer	Dated		
1	9387.472	L161282T	20/07/1984	2	Barrington Dve, Pakenham
2	9387.473	K733802	27/01/1984	4	Barrington Dve, Pakenham
3	9387.474	L147995S	16/07/1984	1	Diane Cl, Pakenham
4	9387.475	L40265X	17/05/1984	2	Diane Cl, Pakenham
5	9387.476	J833120	7/04/1982		
6	9387.477	K779809	29/02/1984	4	Diane Cl, Pakenham
7	9387.478	K509451	18/08/1983	5	Diane Cl, Pakenham
8	9387.479	K526049	30/08/1983	6	Diane Cl, Pakenham
9	9387.480	K850244S	17/04/1984	7	Diane Cl, Pakenham
10	9387.481	K476515	26/07/1983	8	Diane Cl, Pakenham
11	9387.482	K65125	27/08/1982	9	Diane Cl, Pakenham
12	9387.483	K274982	23/02/1983	10	Diane Cl, Pakenham
13	9387.484	K242611	27/01/1983	11	Diane Cl, Pakenham
14	9387.485	K219730	4/01/1983	12	Diane Cl, Pakenham
15	9387.486	K651920	30/11/1983	13	Diane Cl, Pakenham
16	9387.487	K629341	14/11/1983	14	Diane Cl, Pakenham
17	9387.488	K21522	26/07/1982	15	Diane Cl, Pakenham
18	9387.489	K643594	24/11/1983	6	Barrington Dve, Pakenham
19	9387.490	K197205	14/12/1982	8	Barrington Dve, Pakenham
20	9387.491	K479351	28/07/1983	30	Paramount Way, Pakenham
21	9387.492	K600493	24/10/1983	28	Paramount Way, Pakenham
22	9387.493	J919861	7/05/1982		
23	9387.494	K341528	22/04/1983	24	Paramount Way, Pakenham
24	9387.495	K166910	19/11/1982	22	Paramount Way, Pakenham
25	9387.496	K470444	21/07/1983	20	Paramount Way, Pakenham
26	9387.497	K99598	27/09/1982	21	Paramount Way, Pakenham
27	9387.498	K639128	21/11/1983	23	Paramount Way, Pakenham
28	9387.499	K476518	26/07/1983	25	Paramount Way, Pakenham
29	9387.500	K191238	9/12/1982	27	Paramount Way, Pakenham
30	9387.501	K663955	8/12/1983	29	Paramount Way, Pakenham
31	9387.502	K574349	5/10/1983	31	Paramount Way, Pakenham
32	9387.503	K402882	3/06/1983	33	Paramount Way, Pakenham
33	9387.504	L40265X	17/05/1984	35	Paramount Way, Pakenham
34	9387.505	L557677T	13/03/1985	15	Barrington Dve, Pakenham
35	9387.506	K621452	9/11/1983	13	Barrington Dve, Pakenham
36	9387.507	L161282T	20/07/1984	11	Barrington Dve, Pakenham
37	9387.508	K476517	26/07/1983	9	Barrington Dve, Pakenham
38	9387.509	K754196	13/02/1984	7	Barrington Dve, Pakenham
39	9387.510	K677878	16/12/1983	5	Barrington Dve, Pakenham
40	9387.511	K476519	26/07/1983	3	Barrington Dve, Pakenham
41	9387.512	K677878	16/12/1983	1	Barrington Dve, Pakenham
42	9387.513	L581798S	27/03/1985	106	Racecourse Rd, Pakenham
43	9387.514	L212637A	17/08/1984	104	Racecourse Rd, Pakenham
44	9387.515	L197006P	9/08/1984	102	Racecourse Rd, Pakenham
45	9387.516	K476520	26/07/1983	100	Racecourse Rd, Pakenham
46	9387.517	L233539C	30/08/1984	98	Racecourse Rd, Pakenham

47	9387.518	K476516	26/07/1983	96	Racecourse Rd, Pakenham
48	9387.519	L273961N	21/09/1984	94	Racecourse Rd, Pakenham
49	9387.520	L268430G	19/09/1984	92	Racecourse Rd, Pakenham
50	9387.521	K232633	18/01/1983	90	Racecourse Rd, Pakenham
51	9387.522	L485803A	30/01/1985	88	Racecourse Rd, Pakenham
52	8936.606	LP125943	6/08/1980		

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

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

Page 1 of 1

VOLUME 09387 FOLIO 488

Security no : 124124896859X
Produced 29/05/2025 02:40 PM

LAND DESCRIPTION

Lot 17 on Plan of Subdivision 125942.
PARENT TITLE Volume 08936 Folio 606
Created by instrument LP125942 06/08/1980

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT K021522 26/07/1982

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 LP125942 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: 15 DIANE CLOSE PAKENHAM VIC 3810

DOCUMENT END

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

K 21522



DK021522-1-1

K 21522

REGD

Amold Bloch

MACPHERSON & KELLEY

J.

1405

c2-48 03416 JUL26-82 VICTORIA
TRANSFER OF LAND

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



JUL 23-82 958460 50536

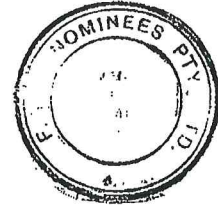
LEBUT ***14000

WE, F.T.G. NOMINEES PTY. LTD. of the Office of Ernest Fookes & Co., 257 Collins Street, Melbourne in the State of Victoria being registered as the proprietors of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder IN CONSIDERATION of the sum of EIGHT THOUSAND DOLLARS (\$8,000.00) HEREBY TRANSFER to RAYMOND ANDREW CAMERON Credit Manager and SHEILA MARGARET CAMERON Married Woman both of 17 James Street, Pakenham in the said State as joint tenants ALL OUR estate and interest in ALL THAT piece of land being Lot 17 on Plan of Subdivision No. 125942 and being the whole of the land more particularly described in Certificate of Title Volume 9387 Folio 488 AND WE the said RAYMOND ANDREW CAMERON and SHEILA MARGARET CAMERON DO HEREBY FOR OURSELVES AND OUR successors in title the registered proprietor or proprietors for the time being of the land hereby transferred and as separate covenants COVENANT with F.T.G. NOMINEES PTY. LTD. AND ITS successors in title the registered proprietor or proprietors for the time being of the land comprised in the said plan of subdivision and every part or parts thereof (other than the land hereby transferred) that the transferee will not erect or cause to be erected on the said land hereby transferred any building or erection other than a single dwelling house together with the usual outbuildings and the single dwelling house is to have external walls made of stone brick or brick veneer and have an area of at least 115 square metres around the external walls and a roof of tiles or other building materials excluding galvanized sheet iron and this covenant shall appear on the certificate of title to issue for the said land and run with the land AND such covenant shall be noted as an encumbrance effecting the same and every part thereof.

DATED this 20th day of July One thousand nine hundred and eighty-two. .. / 2

-2-

THE COMMON SEAL of F.T.G. NOMINEES)
PTY. LTD. is hereunto affixed in)
accordance with its Articles of)
Association in the presence of:)



[Signature] Director

[Signature] Secretary



SIGNED by the said RAYMOND ANDREW)
CAMERON and the said SHEILA)

MARGARET CAMERON in the presence of)

[Signature]
R.A. Cameron
[Signature]
S.M. Cameron
S.M. Cameron

[Signature]
D. Cameron
witness

ENCUMBRANCES REFERRED TO:

The encumbrances (if any) at the foot of the said Certificate of Title.



DATED

1982

F.T.G. NOMINEES PTY. LTD.

TO

R.A. & S.M. CAMERON

TRANSFER OF LAND

MESSRS. MACPHERSON & KELLEY,
SOLICITORS,
114 MAIN STREET,
PAKENHAM 3810.
REF: PAK JH/PH
TEL: (059) 41 1577

<p>PLAN OF SUBDIVISION OF PART OF CROWN ALLOTMENTS 40 & 41 PARISH OF NAR-NAR-GOON COUNTY OF MORNINGTON</p> <p>80 40 0 100 200 LENGTHS ARE IN METRES</p>	<p>APPROPRIATIONS</p> <p>AND BLUE HATCHED BLUE - DRAINAGE & SEWERAGE. BROWN - WAY, DRAINAGE & SEWERAGE.</p> <p>YELLOW AND BLUE HATCHED "ELECTRICITY SUPPLY PURPOSES"</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

LP125942

EDITION 1
PARISH/T-SHIP/CHARTS 2



REF. 3086/1

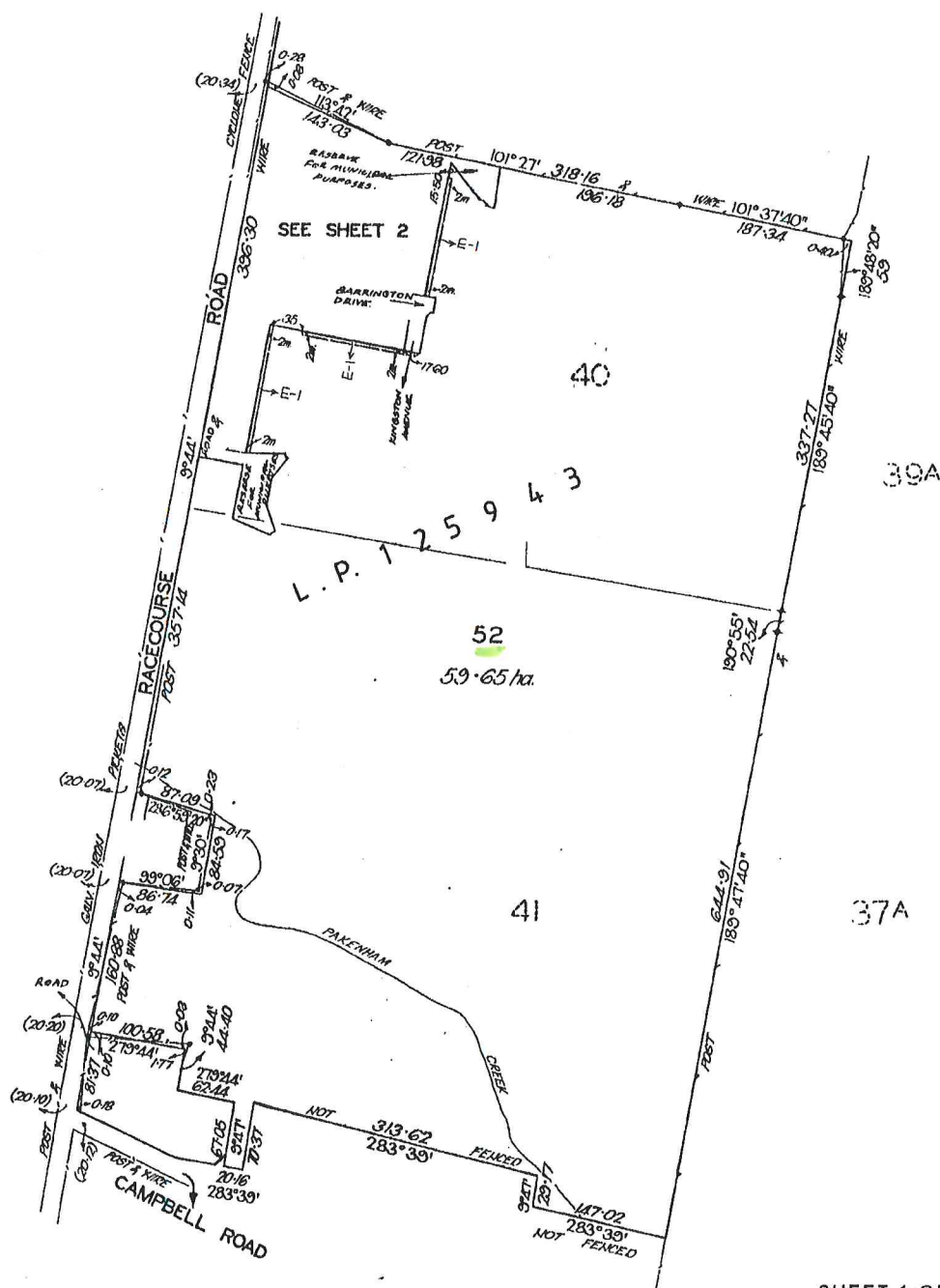
Vol 8936 Fol 606

APPROVED 27/02/80

COLOUR CONVERSION

BLUE = E-1
BROWN = E-2

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.



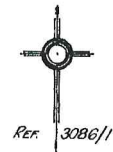
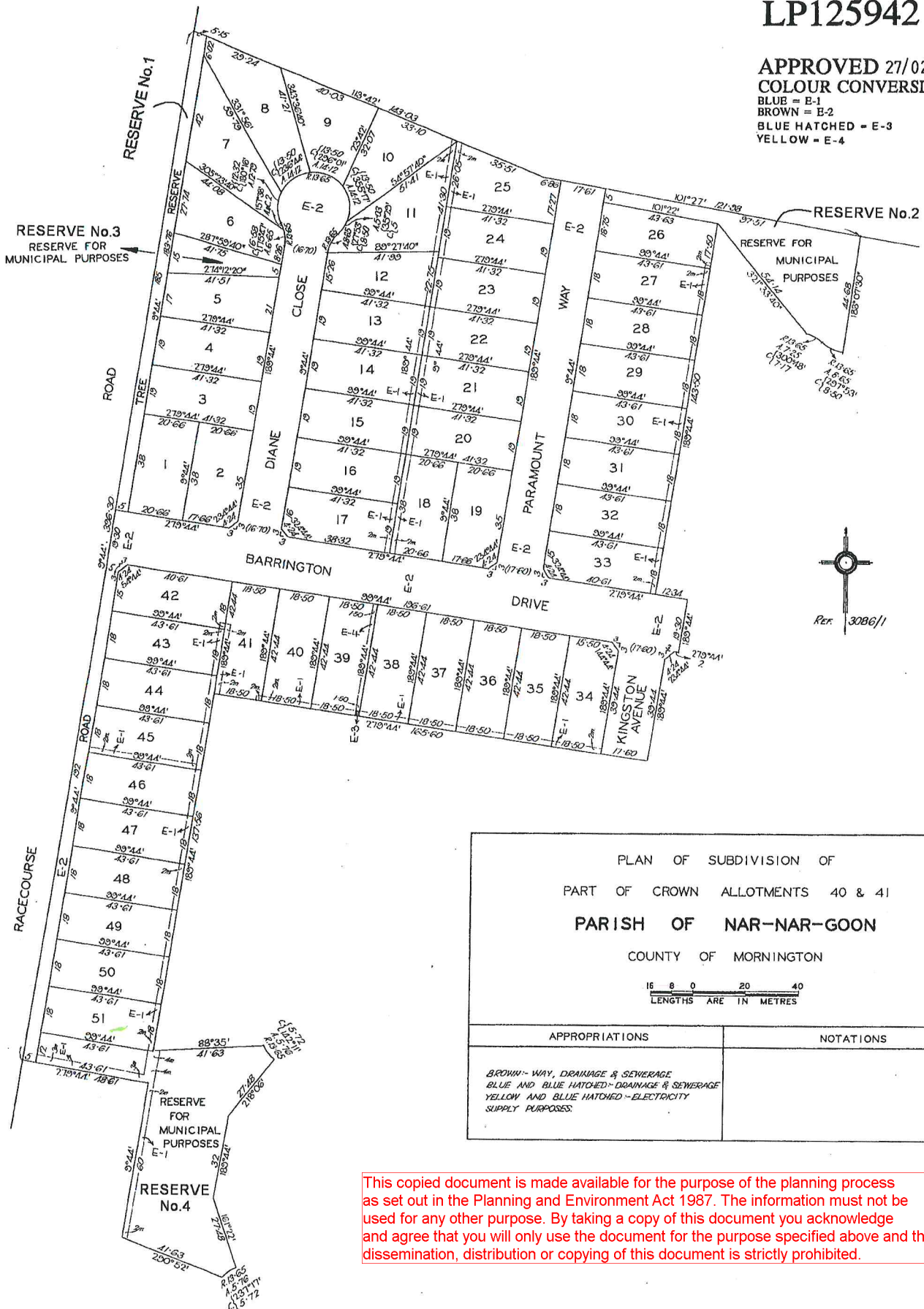
SHEET 1 OF 2 SHEETS

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

LP125942

APPROVED 27/02/80
COLOUR CONVERSION

BLUE = E-1
BROWN = E-2
BLUE HATCHED = E-3
YELLOW = E-4



PLAN OF SUBDIVISION OF
PART OF CROWN ALLOTMENTS 40 & 41
PARISH OF NAR-NAR-GOON
COUNTY OF MORNINGTON

APPROPRIATIONS	NOTATIONS
<p>BROWN:- WAY, DRAINAGE & SEWERAGE BLUE AND BLUE HATCHED:- DRAINAGE & SEWERAGE YELLOW AND BLUE HATCHED :-ELECTRICITY SUPPLY PURPOSES.</p>	

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

ORIGINAL

**NOT TO BE TAKEN FROM THE OFFICE
OF TITLES**



VICTORIA

REGISTER BOOK

VOL. 8936 FOL. 606

Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

VOL. 8936 FOL. 606

BOYVILLE PTY. LTD. of 237 Lonsdale Street Bendong is now the proprietor of
an estate in fee simple subject to the encumbrances notified hereunder in - - -
ALL THAT piece of land delineated and coloured red on the map on the sheet - - -
annexed hereto containing ~~one hundred and sixty one acres one rood fifteen~~ - - -
~~perches and three tenths of a perch or thereabouts~~ being Lot 2 on Plan of - - -
subdivision No. 37732 Parish of Har-er-goan County of Morungton - - - - -

DATED the 10th day of April 1972

Edgar

Assistant Registrar of Titles



ENCUMBRANCES REFERRED TO

Delivered
on-line by
LANDATA®

WARNING
This document provides an image of a cancelled folio of the Register. It is not a statement
from the register of subsisting information in relation to the land to which it refers.

PLAN 125942
AFFECTS LAND HEREIN

~~THE OF ROADS AND RESERVES ON
PLAN OF SUBDIVISION NO. 125942
REMAINS IN THIS CERTIFICATE OF
TITLE~~ DATE 6/8/80

MEASUREMENTS ARE IN

Derived from Vol. 8567 Fol. 299
4355181

CAVEAT No. E884591 LODGED 4 JUL 1973

CAVEAT LAPSED 17 SEP 1976

CAVEAT No. E968039 LODGED 28 AUG 1973

CAVEAT WITHDRAWN 21-7-76

CAVEAT No. E969010 LODGED 29 AUG 1973

CAVEAT LAPSED 6 AUG 1976

F.T.G. NOMINEES PTY. LIMITED whose address
office
is at the ~~off~~ of E. Fookes & CO. of 257
Collins Street Melbourne is now the
proprietor.
Registered 21st July 1976
No.G245175

CAVEAT No. G878900 LODGED 25th Nov 77

CAVEAT LAPSED 22 MAR 1978

MORTGAGE to CREDIT HOUSE (VIC.)
PROPRIETARY LIMITED
Registered 24th January 1978
No.G942874

CANCELLED AS TO PART
Pursuant to Regulation 12 and Titles
issued as set out hereunder

on 6th August 1980
Lots one to 51 in Vol 9387
to Vol 9387 Fol

LP 125942

CANCELLED AS TO PART
Pursuant to Regulation 12 and Titles
issued as set out hereunder

on 6th August 1980
Lots one to 2 in Vol 9387 Fol 523
to Vol 9387 Fol 524

LP 125943

TRANSFER AS TO BALANCE No. L956440M
registered 23 OCT 1985
CANCELLED See Vol 9700 Fol 213

Vol 9700 Fol 214
Vol. 9700 Fol 215

CANCELLED



T08936-606-1-5

V.8936 F.606

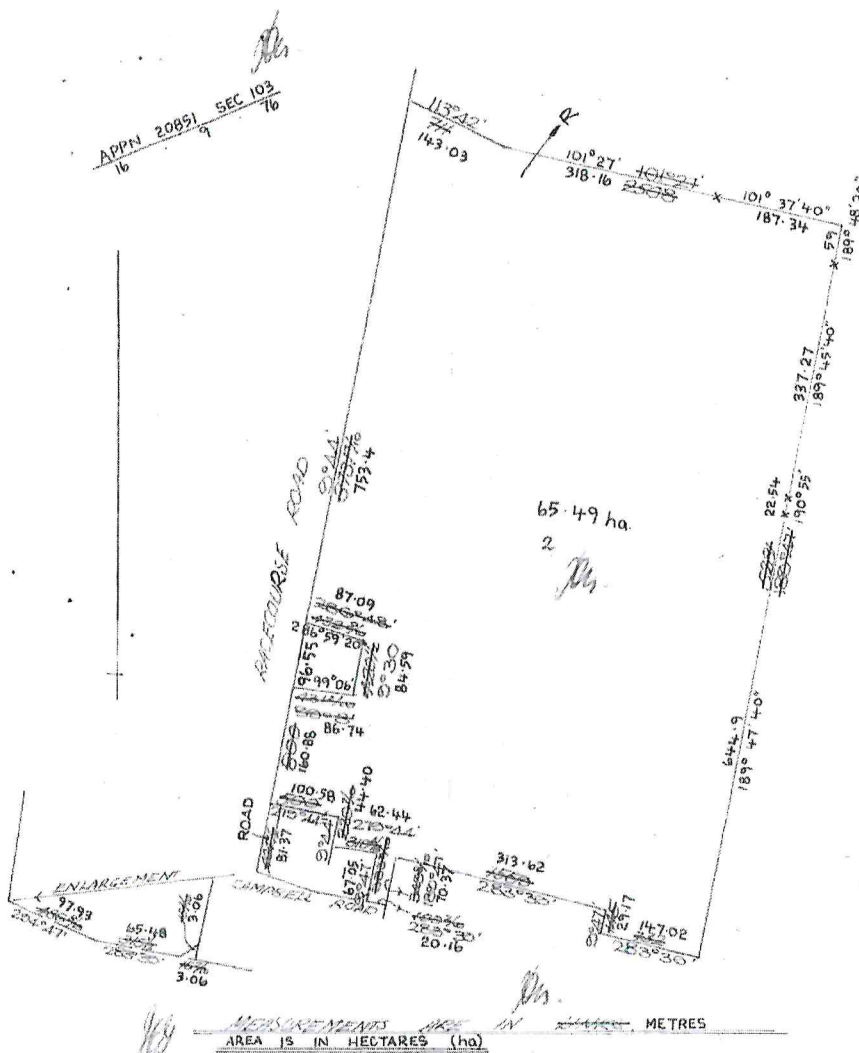
ANNEXED SHEET REFERRED TO IN
CERTIFICATE OF TITLE VOL. 8936 FOL. 606

ASSISTANT REGISTRAR OF TITLES

Delivered
on-line by
LANDATA®

WARNING

This document provides an image of a cancelled folio of the Register. It is not a statement from the register of subsisting information in relation to the land to which it refers.



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

11 July 2025

Town Planning Dept.
C/- Cardinia Shire Council
Henty Way
Pakenham, VIC. 3810

**RE: Removal of restrictive covenant for the proposed Dual occupancy Development
15 Diane Close, Pakenham**

Dear [REDACTED]

We write in support of a planning permit application lodged on behalf of [REDACTED] the current landowners of 15 Diane Close, Pakenham, which seeks approval for the construction of a second dwelling (dual occupancy) and the removal of a restrictive covenant registered on title under Instrument K021522.

Covenant Restriction Overview

The covenant currently restricts development on the land by stating that:

“...the transferee or transferees... will not erect or allow to be erected on the said land more than one dwelling house...”

This single dwelling restriction is incompatible with the proposed development, and therefore, its removal is required to facilitate the project

Proposal Overview

The subject site contains an existing single-storey brick dwelling with frontage to Diane Close. The proposal involves:

- Retention of the existing dwelling (Unit 1)
- Construction of a new single-storey dwelling (Unit 2) fronting Barrington Drive
- Provision of new, separate crossovers for each unit
- Demolition of the existing carport and verandah to accommodate new private open space and car parking
- Associated fencing, landscaping, and drainage works

Each dwelling will function independently, with a clear distinction in orientation and address presentation, thereby maintaining neighbourhood legibility and residential character.

Justification for Covenant Removal

a. Alignment with Local Planning Policy

The site is located within the General Residential Zone (GRZ) and is ideally suited for modest infill development. The Cardinia Planning Scheme actively encourages housing diversity and efficient land use, particularly in areas with established infrastructure and dual street frontages. This proposal delivers a high-quality outcome in accordance with these objectives.

b. Evolving Neighbourhood Character

There is an increasing pattern of dual occupancy and unit developments within Diane Close, Barrington Drive, and the broader Pakenham area. The prevalence of these developments confirms a broader change in the character of the area, which has shifted toward accommodating more diverse and affordable housing forms. The continued presence of this restrictive covenant unnecessarily limits sensible development in a well-located urban setting.

c. Redundancy of the Restriction

The original intent of the covenant – to restrict density during earlier subdivision stages – has now been superseded by modern planning controls under the Planning and Environment Act. These controls adequately regulate built form, density, amenity, and infrastructure capacity. As such, the covenant has become functionally redundant.

d. Minimal Amenity Impact

The design demonstrates:

- Compliant setbacks, open space, site coverage and permeability
- Dual frontage to avoid driveway sharing and congestion
- Low-scale single-storey form consistent with surrounding homes
- Respectful boundary treatment and fencing

All planning standards are exceeded or met, and the removal of the covenant will not result in any material detriment to surrounding landowners or beneficiaries.

The removal of the covenant is a necessary and reasonable request that enables a well-designed and policy-supported dual occupancy development. The proposal represents a logical and respectful evolution of the site, aligning with both strategic housing needs and the emerging built form context.

We respectfully request Council's support in approving both the dual occupancy and the removal of the restrictive covenant in accordance with the Planning and Environment Act 1987. Should Council require any additional information or clarification; we would be pleased to assist.

Yours faithfully,

BUILDING DESIGNER
HARGREAVES DESIGN GROUP

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Property Address	Number of Dwellings	Dwelling size	Construction Materials
11 & 11A Ashton Place	2 Dwellings	NO.11 - 148m ² ; NO.11A - 150M ²	Brick & Concrete Tiles Brick & Concrete Tiles
4 Barrington Drive	1 Dwelling & Vacant Block	NO.4 - 150 M ²	Brick & Concrete Tiles
8 Broadhurst Road / 2A Paramount Way	2 Dwellings	NO. 8 - 150M ² NO. 2A- 158M ²	Brick & Concrete Tiles Brick & Concrete Tiles
1 Kingston Avenue / 15A Barrington Drive	2 Dwellings	NO. 1 - 131M ² NO. 15A- 160M ²	Rendered Brick & Concrete Tiles Brick & Concrete Tiles
6 & 6A Kingston Avenue	2 Dwellings	NO. 6 - 130M ² NO. 6A- 135M ²	Rendered Brick & Concrete Tiles Brick & Concrete Tiles
7 & 7A Kingston Avenue	2 Dwellings	NO. 7 - 115M ² NO. 7A- 115M ²	Brick & Concrete Tiles / Brick & Colourbond Roofing
9 Kingston Avenue	1 Dwelling & Vacant Block	NOT SUBDIVIDED YET	Rendered Brick & Concrete Tiles
12A & 12B Kingston Avenue	2 Dwellings	NO. 12A - 110M ² NO. 12B - 110M ²	Brick & Concrete Tiles Brick & Concrete Tiles
23 Kingston Avenue	2 Dwellings		Brick & Concrete Tiles
27 Kingston Avenue	2 Dwellings		Brick & Colourbond Roofing
10 Lorraine Court	2 Dwellings		Brick & Concrete Tiles
68 Racecourse Road	2 Dwellings		Brick & Concrete Tiles
76 Racecourse Road	2 Dwellings		Brick & Concrete Tiles
80 Racecourse Road	2 Dwellings		Rendered Brick & Concrete Tiles
120 Racecourse Road North	2 Dwellings		Brick & Concrete Tiles

