

14 March 2024

Planning Department
Wyndham City Council
45 Princess Highway
Werribee, VIC 3030

PLANNING PERMIT APPLICATION – REMOVAL OF COVENANT ON TITLE – 130 KENNING ROAD - LOT 57 ON PLAN OF SUBDIVISION 092857 – COVENANT H683069

On behalf of JPB Developments PTY LTD, I am pleased to present you with a planning permit application for 130 Kenning Road – Lot 56 on Plan of Subdivision 092857. This permit application is for removal of the covenant on title – H683069. The covenant currently identifies all lots on Plan of Subdivision 092857 as beneficiaries. These are listed below as follows:

1. Lot 37 – 650 Davis Rd.
2. Lot 38 – 155 Kenning Rd.
3. Lot 39 – 145 Kenning Rd.
4. Lot 40 – 135 Kenning Rd.
5. Lot 41 – 125 Kenning Rd.
6. Lot 42 - 115 Kenning Rd.
7. Lot 43 - 105 Kenning Rd.
8. Lot 44 - 95 Kenning Rd.
9. Lot 45 – 85 Kenning Rd.
10. Lot 46 – 75 Kenning Rd.
11. Lot 47 – 65 Kenning Rd.
12. Lot 48 – 55 Kenning Rd.
13. Lot 49 – 1130 Tarneit Rd.
14. Lot 50 - 60 Kenning Rd.
15. Lot 51 - 70 Kenning Rd.
16. Lot 52 - 80 Kenning Rd.
17. Lot 53 - 90 Kenning Rd.
18. Lot 54 – 100 Kenning Rd.
19. Lot 55 - 110 Kenning Rd.
20. Lot 56 - 120 Kenning Rd.
21. Lot 57 – 130 Kenning Rd. (*Subject Site*)
22. Lot 58 – 140 Kenning Rd.
23. Lot 59 – 150 Kenning Rd.
24. Lot 60 – 160 Kenning Rd.

Covenant H683069 prohibits construction of dwellings that are less than 1000 square feet (93m²) and any dwellings other than brick construction without specific approval in writing from the building inspector of Werribee Shire. These restrictions are inconsistent with Wyndham Council's goals for development in this area as outlined in the Tarneit North Precinct Structure Plan and the Wyndham City Council Planning

Scheme. Furthermore, an application for subdivision of the land at Breakneck Road has recently been approved by Council. Removal of this covenant would prevent these restrictions from burdening future landholders in the area.

We understand that Council will calculate the advertising fees associated with this application and that these fees will be payable by us along with the statutory application fee of \$1318.10 upon notification from Council.

Please find the enclosed items as part of the application:

- Completed Application Form
- Property Title and Copy of Plan
- Copy of Covenant

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

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VOLUME 09109 FOLIO 408

Security no : 124112084425G

Produced 23/01/2024 05:41 PM

LAND DESCRIPTION

Lot 57 on Plan of Subdivision 092857.

PARENT TITLES :

Volume 03585 Folio 992 Volume 04638 Folio 449

Volume 08782 Folio 594 to Volume 08782 Folio 595

Created by instrument LP092857 07/10/1975

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT H683069 14/09/1979

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.

NOTICE Section 201UB Planning and Environment Act 1987

AH462111E 30/08/2010

NOTICE Section 45 Melbourne Strategic Assessment (Environment Mitigation

Levy) 2020

AT390565G 01/07/2020

DIAGRAM LOCATION

SEE LP092857 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: 130 KENNING ROAD TARNEIT VIC 3029

DOCUMENT END

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Imaged Document Cover Sheet

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\$458-00
H683069

SEP-11 19014 SEP14-79

REGD

Q.B. SAVINGS BANK LIMITED

VICTORIA

TRANSFER OF LAND



DH683069-1-8

Freehold

We TARNEIT ESTATES PTY.LTD. of 608 St. Kilda Road, 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 TWENTY TWO THOUSAND NINE HUNDRED DOLLARS (\$22,900.00) paid to us by LAWRENCE ATHOL PLUMMER Fire Fighter and MARILYN ELIZABETH PLUMMER Married Woman both of Lot 57 Kenning Road Werribee, HEREBY TRANSFER to the said Lawrence Athol Plummer and Marilyn Elizabeth Plummer as the proprietors all my estate and interest in ALL THAT piece of land being Lot 57 on Plan of Subdivision 92857 Township of Werribee Parish of Tarneit County of Bourke and being the Whole of the land more particularly described in Certificate of Title Volume 9109 Folio 408 and the said Lawrence Athol Plummer and Marilyn Elizabeth Plummer with the intent that the benefit of this covenant shall be attached to and run at law and in equity with the land on the said plan of subdivision other than the land hereby transferred and each and every part thereof and that the burden of this covenant shall be annexed to and run at law and in equity with the land hereby transferred DOTH HEREBY for themselves their successors in title and other the registered proprietor or proprietors for the time being of the land hereby transferred or any part thereof and the per sons deriving title under them (but so that the said Lawrence Athol Plummer and Marilyn Elizabeth Plummer shall not be liable for any breach of covenant comitted after they have parted -thereof) and separate covenant COVENANT with the said Tarneit Estates Pty. Ltd. the registered proprietor or proprietors for the time being that they will not construct on the land hereby transferred a dwellinghouse having an area of less than 1000 square feet and other than of brick construction unless such other construction is approved in writing by the Building Inspector of the Shire of Werribee.

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



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VICTORIA CITY

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DATED this 23rd day of August 197

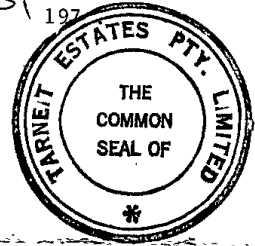
THE COMMON SEAL of TARNEIT ESTATES

PTY.LTD. was hereunto affixed in the

presence of -

Mary Spence

DIRECTOR



R. C. Smith

SECRETARY

SIGNED by the said LAWRENCE ATHOL

PLUMMER and MARILYN ELIZABETH

PLUMMER in Victoria in the presence of

ENCUMBRANCES REFERRED TO:

As set out at the foot of the said Certificate of Title.

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DH683089-2-4

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DATED

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TARNETT ESTATES PTY. LTD.

to

PLUMMER

TRANSFER OF LAND

DAWSON, KENNEDY & CO.,
270A Hampshire Road,
SUNSHINE, 3020.

Phone: 3110594

CAK

WYNDHAM CITY COUNCIL
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