

14 March 2024

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

PLANNING PERMIT APPLICATION – REMOVAL OF COVENANT ON TITLE – 120 KENNING ROAD - LOT 56 ON PLAN OF SUBDIVISION 092857 – COVENANT F698241

On behalf of JPB Developments PTY LTD, I am pleased to present you with a planning permit application for 120 Kenning Road – Lot 56 on Plan of Subdivision 092857. This permit application is for removal of the covenant on title – F698241. 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. (Subject Site)
21. Lot 57 – 130 Kenning Rd.
22. Lot 58 – 140 Kenning Rd.
23. Lot 59 – 150 Kenning Rd.
24. Lot 60 – 160 Kenning Rd.

Covenant F698241 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 Council 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 120 Kenning Road has recently been

approved by Council. Removal of this covenant would prevent these restrictions from being in 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 upon receipt of an invoice and payment instructions.

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 407

Security no : 124112084412V
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LAND DESCRIPTION

Lot 56 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 F698241 15/05/1975

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
AT390557F 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: 120 KENNING ROAD TARNEIT VIC 3029

ADMINISTRATIVE NOTICES

NIL

eCT Control 23951M ZOE RAMSAY-YATES
Effective from 20/10/2022

DOCUMENT END

Imaged Document Cover Sheet

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F698241

F698241

REGD

J.A. REDMOND & CO.

VICTORIA

TRANSFER OF LAND

TARNETT ESTATES PTY. LIMITED of 411 Lonsdale Street 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 FIFTEEN THOUSAND DOLLARS paid DOTH HEREBY TRANSFER to MICHAEL JOHN TAYLOR of 3 Trinafour Street Moonee Ponds Toolmaker all its estate and interest in ALL THAT piece of land being Lot 56 on Plan of Subdivision 92857 Parish of Tarneit and being part of the land particularly described in Certificate of Title Volume 4638 Folio 449 and the said MICHAEL JOHN TAYLOR as transferee with the intention that the ~~benefit~~ ^{burden} of this covenant shall be attached to and run at law and in equity with the said lot ~~do~~ Hereby for himself his heirs executors administrators and transferees the registered proprietor for the time being of the lot hereby transferred ^{and assparate covenants} COVENANTS 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 transferee his 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 a dwelling house having an area of less than one thousand square feet and other than of brick construction unless such other construction is approved in writing by the building inspector for the Shire of Werribee 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.

DATED this

day of

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

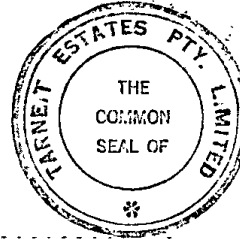


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THE COMMON SEAL OF TARNEIT)
ESTATES PTY. LIMITED)
WAS HEREUNTO AFFIXED IN ACCORDANCE)
WITH ITS ARTICLES OF ASSOCIATION)
IN THE PRESENCE OF:)



[Signature] DIRECTOR
[Signature] SECRETARY

SIGNED by the said) *M. J. Taylor*
MICHAEL JOHN TAYLOR)
in Victoria in the)
presence of :

WITNESSES) *[Signature]*

ENCUMBRANCES REFERRED TO:

The Encumbrances (if any) affecting the said land as set out at the foot of the said Certificate of Title.

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DATED

1975

TARNETT ESTATES PTY. LIMITED

- to -

MICHAEL JOHN TAYLOR

TRANSFER OF LAND

J.A. REDMOND & CO.
Solicitors,
482 Bourke Street,
MELBOURNE. 3000
67 8816

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