

In accordance with the Planning and Environment Act (1987) (Section 61 (4)), Council cannot issue a planning permit or approve plans for use and development that is in breach of a covenant. Any use or development which is in breach of a covenant must be refused by Council, unless a planning permit to remove or vary the covenant is first granted. To apply for a Planning Permit for a Variation &/or Removal of Restrictive Covenants, each of the following Checklist items must be included at the time of the application to ensure prompt response times.

Important information.	The cost of, and responsibility for, gathering information and making initial assessments on an application lies solely with the applicant. Once Council has received all of the necessary information it will consider the matter as required under the legislation. Please submit the following information with your Application to create, remove &/or vary a Restrictive Covenant.	<input type="checkbox"/>
Application Form & Fees.	Completed Planning Application Form signed and payment of the prescribed fee.	<input type="checkbox"/>
Title.	A full current copy of Title for the land, including current ownership details, title plan and a full copy of any registered covenants, restrictions or Section 173 Agreements that apply to the land. <i>Please note: The Copy of Title must be clearly legible and no older than 60 days from when you lodge the planning permit application. You should contact Landata at the following website address https://www.landata.vic.gov.au/ to obtain a copy.</i>	<input type="checkbox"/>
Copy of the original "Parent" Title.	A full and current copy of the original "Parent" Title from which the subdivision was created indicating beneficiaries. <i>The Copy of Title must be clearly legible and no older than 60 days from when you lodge the planning permit application.</i>	<input type="checkbox"/>
Copy of Covenant for Subject Land.	A copy of the covenant &/or covenants for the subject land. A letter from a suitably qualified property lawyer or Licensed land surveyor which confirms the existence of the covenant &/or covenants and indicates which other land and landowners have the benefit of the covenant &/or covenants may be required.	<input type="checkbox"/>
Written details on how the Covenant is to be varied.	A written statement of how the proposed covenant &/or covenants is to be varied.	<input type="checkbox"/>
Purpose of the removal/variation of the Covenant.	A written statement detailing the purpose of the removal &/or variation of the covenant &/or covenants.	<input type="checkbox"/>
Addresses of the beneficiaries of the Covenant.	Formal written correspondence from a suitably qualified property lawyer or Licensed land surveyor and a completed Statutory Declaration listing the addresses of the beneficiaries of the Covenant.	<input type="checkbox"/>

Disclaimer: Please note this Checklist is for standard information required for lodgement. Additional information may be required by the assessing planning officer after registration.

If you require any assistance with preparing and/or collating the Checklist requirements, please contact a member of our Statutory Planning team on 1300 367 700 during office hours.