**COVENANT REMOVAL/VARIATION - PLANNING APPLICATION CHECKLIST**

* A planning permit may be required to remove or vary a covenant. If you are not sure whether a planning permit is required, please contact the Council’s Planning Department on (03) 5624 2411.
* If a planning permit is required, this checklist can be used to determine the relevant information required to accompany the planning application.

**FORMS, FEES AND LEGAL DOCUMENTS**

* Complete planning permit application form and pay application fee

For a copy of the application form and fee schedule please refer to <https://www.bawbawshire.vic.gov.au/Plan-and-Build/Planning-permits/Application-Forms-and-Permit-Information/Your-Planning-Permit#section-5>

* Certificate of Title not more than 60 days old including:
* Plan of Subdivision or Title Plan
* Restrictive Covenants (if any)
* Section 173 Agreements (if any)

To obtain the Certificate of Title please refer to landata.vic.gov.au

**PREPARE PLANNING APPLICATION INFORMATION**

* A written response from a suitably qualified professional in the field of property law confirming:
* the existence of the covenant
* all land which is burdened by and benefited by the covenant
* Certificate of Title and Instrument of Transfer for when the covenant was created for the subject site.
* The original Certificate of Title and Plan of Subdivision from which all the land in the subdivision was created and the dates of transfer for each lot from this Certificate of Title.
* Certificate of Title for each lot which benefits from the covenant (not more than 60 days old).
* A written response outlining:
* the reason for the removal or variation of the covenant
* the proposed wording of the covenant (only if variation proposed) and the intention
* how the removal or variation is not likely to adversely impact the surrounding neighbourhood character and amenity of land owners and occupiers who have benefit of the covenant
* whether the removal or variation creates an undesirable precedent
* whether the proposal is consistent with state and local policy of the Baw Baw Planning Scheme

**TERMS EXPLAINED**

**Planning**

Planning covers a broad range of issues, but is essentially about the control of the construction, growth and development of towns, cities and urban areas. Further information is available at

<https://www.planning.vic.gov.au/planning-in-victoria/a-guide-to-the-planning-system>

**Planning Permit**

A planning permit is a legal document that allows a certain use and/or development on land. A planning permit is not a building permit. You may need to obtain both a building permit and a planning permit. Further information is available at

<https://www.planning.vic.gov.au/planning-permit-applications/do-i-need-a-permit>

Under Victoria's planning system, local councils and the State Government develop planning schemes to control land use and development. They contain planning policies, zones, overlays and other provisions that affect how land can be used and developed. More information is available via: <http://planning-schemes.delwp.vic.gov.au/about>

Further information is available at <https://www.planning.vic.gov.au/planning-permit-applications/vicsmart>

**LODGEMENT**

You can lodge the planning permit application with Council via:

**Online:**

[planning@bawbawshire.vic.gov.au](mailto:planning@bawbawshire.vic.gov.au)

**Post:**

Baw Baw Shire Council

Planning Department

PO Box 304

WARRAGUL VIC 3820

**Person:**

Baw Baw Shire Office

33 Young Street

DROUIN VIC 3818