



## Restrictive Covenants Declaration Form

Under the *Planning and Environment (Restrictive Covenants) Act 2000* a responsible authority is prohibited from granting or amending a permit or amending plans etc approved under a permit if anything authorised by the permit or amendment would result in a breach of a registered restrictive covenant.

The following form will assist you and the Council in determining how your application is potentially affected by the Act. Please complete the form and submit with your application.

Further advice is available from the Council's Planning Department or the Department of Sustainability and Environment website [www.dse.vic.gov.au](http://www.dse.vic.gov.au).

### **PART A**

Address of Land:

Number	Street		
Suburb			
Title details	Lot	LP	PS

Is a restrictive covenant recorded or registered on the certificate(s) of title?  Yes\*  No\*\*

Does a restriction on the registered plan of subdivision affect the land?  Yes\*  No\*\*

\*If you answered **YES** to **ONE** or **BOTH** of the questions above, you are required to complete Parts B ,C & D.

\*\* If you answered **NO** to **BOTH** of the questions above, please complete Part D (see reverse side).

### **PART B**

Does the planning permit application seek to authorise anything that would result in a breach of a registered restrictive covenant including any restriction on any registered plan of subdivision?  Yes  No

If you answered **NO** to the above, please briefly explain your reasons:

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(if you answered **NO**, this statement is complete – please complete Part D. If Council disagrees with your statement, Council staff will contact you)

If you answered **YES** to this statement, please explain which aspects of the permit you believe would result in a breach of the registered restrictive covenant including any restriction on any registered plan of subdivision

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## **PART C**

I am aware of the options now available to me and I have decided to:

**OPTION 1**

Make a new application for a planning permit to remove or vary a registered restrictive covenant. Please defer a decision on the current application until the new application is determined. The new planning permit application to remove or vary the restrictive covenant will include information clearly identifying each allotment or lot in the plan of subdivision benefited by the registered restrictive covenant.

**OPTION 2**

Make a request to the Supreme Court for an order to remove or vary the registered restrictive covenant. Please defer consideration of this planning permit application until I notify you of the outcome of the application to the Supreme Court.

**OPTION 3**

Make a request to Council to prepare an amendment to the planning scheme to remove or vary the registered restrictive covenant. Please defer a decision on this planning permit application until the planning scheme amendment process is complete.

**OPTION 4**

Withdraw this planning permit application and I intend to make a request that the Council prepare an amendment to the planning scheme to remove or vary the registered restrictive covenant and simultaneously consider an application for a permit which authorises a use and/or development that would otherwise result in a breach of the registered restrictive covenant.

**OPTION 5**

Withdraw this planning permit application.

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## **PART D**

Please return this completed form to Council, together with a current and full copy of title (including title plan) **AND** details of any restrictive covenants or other restrictions on title. The title must have been searched within 3 months of the date of application or amendment.

I declare that the above information is true and correct. I understand that obtaining or attempting to obtain a planning permit by wilfully making or causing to be made any false representation or declaration either orally or in writing is an offence under the *Planning & Environment Act 1987*.

Signed by or on the behalf of the applicant: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_