

Authorised Version No. 004
Planning and Environment Regulations 2015

S.R. No. 33/2015

Authorised Version incorporating amendments as at
2 July 2018

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Part 1—Preliminary

1 Objective

The objective of these Regulations is to prescribe—

- (a) the manner and form of giving notice required to be given by the **Planning and Environment Act 1987**; and
- (b) methods of serving notices or other documents under the Act; and
- (c) times for applications to the Victorian Civil and Administrative Tribunal under the Act; and
- (d) times for doing anything required to be done by the Act; and
- (e) forms for the purposes of the Act; and
- (f) information to be included in any applications, notices, permits and requests required to be given by the Act; and
- (g) the manner of keeping the register required to be kept by the Act; and
- (h) information that is to be made available by responsible authorities to the public and the Minister; and

- (i) that a responsible authority may require information it is given to be verified by statutory declaration or other means; and
- (j) information which must be set out in a planning certificate; and
- (k) other matters required by the Act to be prescribed.

2 Authorising provision

These Regulations are made under section 202 of the **Planning and Environment Act 1987**.

3 Commencement

These Regulations come into operation on 16 May 2015.

4 Revocation

The following Regulations are **revoked**—

- (a) the Planning and Environment Regulations 2005¹;
- (b) the Planning and Environment (Amendment) Regulations 2006²;
- (c) the Planning and Environment Amendment Regulations 2013³;
- (d) the Planning and Environment Amendment (VicSmart) Regulations 2014⁴.

5 Definitions

In these Regulations—

the Act means the **Planning and Environment Act 1987**;

VicSmart application means an application for a permit to which the VicSmart planning assessment process applies in accordance with any applicable planning scheme.

Part 2—Amendment of planning schemes

6 Ministers, public authorities, municipal councils and persons to be given notice under section 19(1)(c)

For the purposes of section 19(1)(c) of the Act, the following are prescribed—

- (a) if the amendment will affect land that is within the municipal district of a municipal council that is not the planning authority for the amendment, that municipal council;
- (b) if the amendment will amend the planning scheme to designate a Minister, public authority or municipal council as an acquiring authority, that Minister, public authority or municipal council;
- (c) the Minister administering the **Conservation, Forests and Lands Act 1987**;
- (d) the Minister administering the **Catchment and Land Protection Act 1994**;
- (e) the Minister administering the **Sustainable Forests (Timber) Act 2004**;
- (f) the Minister administering the **Mineral Resources (Sustainable Development) Act 1990**;
- (g) the Minister administering the **Pipelines Act 2005**.

7 Notices under section 19

A notice of the preparation of an amendment to a planning scheme given under section 19 of the Act must—

- (a) state the name of the planning scheme proposed to be amended; and

- (b) state the planning scheme amendment number; and
- (c) include a description (which may be by map) to identify the land affected by the amendment; and
- (d) briefly describe the effect of the amendment; and
- (e) state that the amendment, any documents that support the amendment, and the explanatory report about the amendment, may be inspected at the office of the planning authority during office hours free of charge; and
- (f) state the name of the planning authority and the address or addresses where the amendment and other documents may be inspected; and
- (g) state that any person may make a submission to the planning authority about the amendment; and
- (h) state the closing date for submissions and the address of the planning authority to which submissions may be sent; and
- (i) state that the planning authority must make a copy of every submission available at its office for any person to inspect during office hours free of charge until the end of two months after the amendment comes into operation or lapses; and
- (j) be signed on behalf of the planning authority.

8 Prescribed amendments

- (1) For the purposes of section 20A(1) of the Act, the prescribed classes of amendment are—
- (a) an amendment to correct an obvious or technical error in the Victoria Planning Provisions or a planning scheme; and
 - (b) an amendment to delete an expired clause in the Victoria Planning Provisions or a planning scheme; and
 - (c) an amendment to clarify or improve the style, format, language or grammatical form of a clause in the Victoria Planning Provisions or a planning scheme, if the intended effect of that clause or any other clause in the Victoria Planning Provisions or a planning scheme is not changed by that amendment; and
 - (d) an amendment to remove a clause that duplicates another clause in the Victoria Planning Provisions or a planning scheme; and
 - (e) an amendment to the Victoria Planning Provisions or a planning scheme to insert or update a heading; and
 - (f) an amendment to the Victoria Planning Provisions or a planning scheme to update a reference to a clause in the Victoria Planning Provisions or a planning scheme; and
 - (g) an amendment to delete a reference to an incorporated document or a reference document in the Victoria Planning Provisions or a planning scheme if that document has expired or the reference is redundant; and

- (h) an amendment to the description of a person, body, department, Act or statutory rule in the Victoria Planning Provisions or a planning scheme if the legal description of that person, body, department, Act or statutory rule has changed; and
- (i) an amendment to delete a reference to a person or body specified as a referral authority in the Victoria Planning Provisions or a planning scheme if that person or body requests the amendment; and
- (j) an amendment to delete a reference to a person or body to whom notice of an application for permit must be given in the Victoria Planning Provisions or a planning scheme if that person or body requests the amendment; and
- (k) an amendment to the schedule to the Heritage Overlay in a planning scheme to delete a reference to a heritage place being included on the Victorian Heritage Register under the **Heritage Act 1995** if the heritage place is not on that Register; and
- (l) an amendment to a planning scheme to include land in the Road Zone if that land has been declared a freeway or an arterial road under the **Road Management Act 2004**; and
- (m) an amendment to a planning scheme to delete a Road Closure Overlay from land; and
- (n) an amendment to a planning scheme to delete a Public Acquisition Overlay from land if the person or body designated in the planning scheme as the acquiring authority for that land has acquired the land; and

- (o) an amendment to a planning scheme to delete an Environmental Audit Overlay from land if a certificate of environmental audit has been issued for that land in accordance with Part IXD of the **Environment Protection Act 1970**; and
- (p) an amendment to extend the expiry of a clause in the Victoria Planning Provisions or a planning scheme for a period of 12 months or less, beginning on the day the amendment takes effect, if notice has been published in accordance with section 19(3) of the Act of the preparation of an amendment to introduce a clause that is similar or substantially the same; and
- (pa) an amendment to a planning scheme to incorporate an infrastructure contributions plan prepared in accordance with Part 3AB of the Act if—
 - (i) an amendment to the planning scheme has been approved to incorporate a precinct structure plan or strategic plan to which the infrastructure contributions plan relates; and
 - (ii) the infrastructure contributions to be imposed by the infrastructure contributions plan relate to land to which the precinct structure plan or strategic plan applies and do not contain a monetary component that includes a supplementary levy within the meaning of Part 3AB of the Act; and
- (q) any combination of the classes of amendment referred to in paragraphs (a) to (pa).

Reg. 8(1)(pa)
inserted by
S.R. No.
148/2016
reg. 4(1),
substituted by
S.R. No.
93/2018 reg. 4.

Reg. 8(1)(q)
amended by
S.R. No.
148/2016
reg. 4(2).

- (2) For the purposes of section 20A(4)(b) of the Act, the exempted classes of amendment are—
- (a) an amendment to the Victoria Planning Provisions; and
 - (b) an amendment to a planning scheme that—
 - (i) is a class of amendment prescribed in subregulation (1); and
 - (ii) is made as a result of an amendment to the Victoria Planning Provisions prepared under section 20A of the Act.

9 Information to be submitted to the Minister under section 31(1)

For the purposes of section 31(1) of the Act, the following is the prescribed information—

- (a) the reasons for the amendment;
- (b) a list of the notices given under section 19(1) of the Act;
- (c) a summary of action taken under section 19(1B) (if applicable), 19(2), 19(2A), 19(3) and 19(7) of the Act;
- (d) copies of any submissions or reports received on the amendment;
- (e) the reasons why any recommendations of a panel appointed under Part 8 of the Act were not adopted;
- (f) a report on submissions not referred to a panel;
- (g) a description of and the reasons for any changes made to the amendment before adoption.

10 Consent to approval of amendments under section 35(4)

For the purposes of section 35(4)(a) of the Act, the prescribed reasons are—

- (a) the amendment may unreasonably prejudice the use or development of land owned, controlled or managed by the Minister administering the **Conservation, Forests and Lands Act 1987**; or
- (b) the amendment may unreasonably prejudice the most suitable use of land in the public interest, for which land there is a special area plan under the **Catchment and Land Protection Act 1994**; or
- (c) the amendment may unreasonably prejudice the operation of a Code of Practice approved under Part 5 of the **Conservation, Forests and Lands Act 1987**; or
- (d) the amendment may unreasonably prejudice the use or development of land for timber production; or
- (e) the amendment may unreasonably prejudice the prevention or suppression of fires on Crown land; or
- (f) the amendment may unreasonably prejudice exploration or the use and development of land for mining purposes under the **Mineral Resources (Sustainable Development) Act 1990**; or
- (g) the amendment may unreasonably prejudice the extraction of stone under the **Mineral Resources (Sustainable Development) Act 1990**; or

- (h) the amendment may unreasonably prejudice the use of a pipeline for which a licence has been granted or for which a licence application has been made under the **Pipelines Act 2005**.

11 Notice of approval under section 38(1)

For the purposes of section 38(1) of the Act, the prescribed form of a notice to be laid before Parliament is Form 1 in Schedule 1.

12 Documents to be lodged with an approved amendment

For the purposes of sections 4G(1) and 40(1) of the Act, the prescribed documents are the following—

- (a) an explanatory report relating to the approved amendment or part of the amendment;
- (b) any document applied, adopted or incorporated in the planning scheme or the Victoria Planning Provisions by the amendment;
- (c) any agreement under section 173 of the Act which will not come into operation fully unless the amendment comes into operation.

Part 3—Permits

13 Applications for permits

An application for a permit under section 47(1)(a) of the Act must be made in writing to the responsible authority and must—

- (a) state the name, address and telephone number of the applicant; and
- (b) indicate clearly the land affected by the application by—
 - (i) stating the address of the land; or
 - (ii) stating the title particulars of the land; or
 - (iii) including a plan showing the land; or
 - (iv) any combination of these; and
- (c) state clearly the use, development or other matter for which the permit is required; and
- (d) describe the existing use of the land; and
- (e) if the permit is required to undertake development, state the estimated cost of any development for which the permit is required; and
- (f) state who is the owner of the land.

Note

Section 47 of the Act requires certain other information to accompany an application.

14 Applications for amendments of permits

An application for an amendment to a permit under section 72 of the Act must be made in writing to the responsible authority and must—

- (a) state the name, address and telephone number of the applicant; and

- (b) indicate clearly the land affected by the application by—
 - (i) stating the address of the land; or
 - (ii) stating the title particulars of the land; or
 - (iii) including a plan showing the land; or
 - (iv) any combination of these; and
- (c) clearly identify the permit to be amended; and
- (d) state clearly the amendment applied for; and
- (e) describe the existing use of the land; and
- (f) if the permit allows development, state the difference in estimated cost between the development allowed by the permit and the development to be allowed by the permit as amended; and
- (g) state who is the owner of the land.

Note

Section 47 of the Act requires certain other information to accompany an application.

15 Responsible authority register of applications

For the purposes of section 49(1) of the Act, the prescribed information is—

- (a) the application reference number; and
- (b) the date the responsible authority received the application; and
- (c) the applicant's name and address; and
- (d) the address of the land to which the application applies; and
- (e) the proposed use, development or other matter for which the application was made; and

- (f) whether the application is a VicSmart application; and
- (g) the details of any changes made to the application; and
- (h) the date that notice of the application is given; and
- (i) whether an officer of the municipal council is the responsible authority in relation to the application; and
- (j) the date and decision of the responsible authority; and
- (k) the details of any corrections or amendments of the permit; and
- (l) the date and determination of the Tribunal.

16 Notice of an application for a permit under section 52(1)

For the purposes of section 52(1) of the Act, the prescribed form of a notice of an application for a permit is Form 2 in Schedule 1.

17 Notice of an application to amend a permit under section 52(1)

For the purposes of section 52(1) of the Act, the prescribed form of a notice of an application to amend a permit is Form 3 in Schedule 1.

18 More information—section 54(1B)

For the purposes of section 54(1B) of the Act, the prescribed time is—

- (a) in the case of a VicSmart application, 5 business days after the responsible authority received the application; or
- (b) in the case of any other application, 28 days after the responsible authority received the application.

19 Information to be given to a referral authority

For the purposes of sections 55(1) and 57C(1) of the Act, the prescribed information is—

- (a) the application reference number; and
- (b) the date the responsible authority received the application; and
- (c) a description of why a permit is required; and
- (d) a list of the clauses in the planning scheme that require the application to be referred to that referral authority; and
- (e) a copy of the applicable description in the planning scheme of the kind of application required to be referred to that referral authority; and
- (f) whether the referral authority is a determining referral authority or a recommending referral authority for the application.

Note

Sections 55 and 57C of the Act require a responsible authority to give a copy of an application or amended application to a referral authority. Section 47 of the Act sets out information that must accompany an application and regulations 13 and 14 specify information that must be included in an application.

20 More information—sections 55(2) and 57C(2)

For the purposes of sections 55(2) and 57C(2) of the Act, the prescribed time is 21 days.

21 Verification of information

- (1) A responsible authority may require a person who applies for a permit or an amendment to a permit to verify—
 - (a) any information in an application for a permit or to amend a permit; or
 - (b) any information provided under section 54 of the Act.
- (2) A responsible authority may require that verification to be by statutory declaration or other written confirmation by the applicant that is satisfactory to the responsible authority.

22 Form of permits other than permits granted under Division 5 or 6 of Part 4 of the Act

- (1) The form of a permit, other than a permit granted under Division 5 or 6 of Part 4 of the Act, is Form 4 in Schedule 1.
- (2) The information to be included in a permit, other than a permit granted under Division 5 or 6 of Part 4 of the Act, is the information set out in Form 4 in Schedule 1.

23 Referral authority register

For the purposes of section 56A(1) of the Act, the prescribed information is—

- (a) the name of the responsible authority that referred the application; and
- (b) the application reference number given by the responsible authority; and
- (c) the reference number given to the application by the referral authority (if any); and
- (d) the date the referral authority received the application; and

- (e) the address of the land affected by the application; and
- (f) the proposed use, development or other matter for which the application is made; and
- (g) the date and decision of the referral authority.

24 Time for decision—section 59

The prescribed periods under section 59(2) of the Act are—

- (a) 28 days from the day on which the referral authority is given a copy of the application; or
- (b) if within 21 days of being given a copy of the application the referral authority tells the responsible authority that it needs more information, 28 days from the day on which the responsible authority gives that information; or
- (c) if the applicant has applied for a review of a requirement to provide more information to the Tribunal under section 78(b) of the Act and the Tribunal has—
 - (i) under section 85(1)(d)(i) of the Act directed the responsible authority to consider the application, 28 days from the day on which the direction was given; or
 - (ii) confirmed the requirement under section 85(1)(d)(ii) of the Act or changed the requirement under section 85(1)(d)(iii) of the Act, 28 days from the day on which the responsible authority gives the referral authority the information.

25 Information required in relation to section 60(1A)(g)

If a responsible authority considers any document under section 60(1A)(g) of the Act, before deciding on the application—

- (a) it must make a copy of the document available for inspection free of charge at its offices; and
- (b) if the land to which the planning scheme applies is within the municipal district of a municipal council that is not the responsible authority, it must give a copy of the document to the municipal council for the purpose of making the document available for inspection free of charge at the municipal council's offices.

26 Notice of decision to grant a permit

For the purposes of sections 64(1) and 66(2) of the Act, the prescribed form of a notice of a decision to grant a permit is Form 5 in Schedule 1.

27 Notice of decision to grant an amendment to a permit

For the purposes of sections 64(1) and 76A(2) of the Act, the prescribed form of a notice of a decision to grant an amendment to a permit is Form 6 in Schedule 1.

28 Notice of decision to refuse to grant a permit

For the purposes of sections 65(1) and 66(4) of the Act, the prescribed form of a notice of a decision to refuse to grant a permit is Form 7 in Schedule 1.

29 Notice of decision to refuse to grant an amendment to a permit

For the purposes of sections 76(1) and 76A(4) of the Act, the prescribed form of a notice of a decision to refuse to grant an amendment to a permit is Form 8 in Schedule 1.

30 Applications for review under section 77

An application for review under section 77 of the Act must be made within 60 days after the responsible authority gave notice under section 65 of the Act.

31 Applications for review under section 78

- (1) An application for review under section 78(a) of the Act must be made within 30 days after the responsible authority required the applicant to give notice under section 52(1)(d) or 57B of the Act.
- (2) An application for review under section 78(b) of the Act must be made within 60 days after the responsible authority required the applicant to provide more information under section 54(1) of the Act.

32 Applications for review under section 79

- (1) For the purposes of section 79 of the Act, the prescribed time is—
 - (a) 10 business days for a VicSmart application; or
 - (b) 60 days for all other applications.
- (2) The prescribed time for the purposes of section 79 of the Act begins to run from—
 - (a) if within the prescribed time under section 54 of the Act the responsible authority has not required the applicant to provide it or a referral authority with more information in

- accordance with section 54 of the Act, the day on which the responsible authority receives the application; or
- (b) if within the prescribed time under section 54 of the Act the responsible authority has required the applicant to provide it or a referral authority with more information in accordance with section 54 of the Act and the applicant has not applied for a review of the requirement and has given the information as required, the day on which the information is given; or
 - (c) if the applicant has applied for a review of a requirement to provide more information and the Tribunal has confirmed the requirement under section 85(1)(d)(ii) of the Act or changed a requirement under section 85(1)(d)(iii) of the Act, the day on which the information is given.
- (3) The prescribed time for the purposes of section 79 of the Act does not run—
- (a) if the responsible authority requires the applicant to give notice under section 52(1) or (1AA) of the Act, for the time between the making of that requirement and the giving of the last required notice; and
 - (b) for the time between the responsible authority being advised under section 56(5) of the Act by the Minister of the Minister's decision under section 56(4) of the Act to extend the time within which the referral authority is required to advise the responsible authority of its decision and the time at which the extension ends.

33 Applications for review under section 80

An application for review under section 80(1) of the Act must be made within 60 days after—

- (a) the responsible authority gave notice to the applicant under section 64 of the Act; or
- (b) if no notice was required to be given under section 64 of the Act, the date the permit was issued.

34 Applications for review under section 81

(1) An application for review under section 81(1) of the Act must be made within 60 days after—

- (a) the decision of the responsible authority referred to in section 81(1)(a) or (aa) of the Act; or
- (b) the failure of the responsible authority to extend the time within the one month period after the request for extension is made.

(2) An application for review under section 81(2) of the Act in relation to an application for a permit must be made before the last of the following to occur—

- (a) the lapse date specified in the notice given under section 54(1A) of the Act;
- (b) the new lapse date set out in a notice given under section 54A(4) of the Act, if applicable;
- (c) if the applicant for the permit has made an application to the Tribunal under section 78(b) of the Act in respect of a requirement for more information and the Tribunal has confirmed or changed the requirement, the new lapse date determined by the Tribunal under section 85(3) of the Act.

35 Application by objector for review under section 82

An application under section 82(1) of the Act for review of a decision by the responsible authority must be made within 28 days after the date of notice of that decision.

36 Applications for review under section 82AAA

An application for review under section 82AAA of the Act must be made within 21 days after the responsible authority gave notice of the decision to the recommending referral authority under section 66(2) or 76A(2) of the Act.

37 Request to cancel or amend a permit under section 89

- (1) A request under section 87(3) or 89 of the Act to cancel or amend a permit must include—
 - (a) the name and address of the person making the request; and
 - (b) whether the request is made as the responsible authority, a person under section 89 of the Act, a referral authority, the owner or occupier of the land or a person who is entitled to use or develop the land; and
 - (c) a description of the land sufficient to identify it; and
 - (d) the name of the responsible authority if it is not making the request; and
 - (e) if known by the person making the request—
 - (i) the name of any referral authority that was required to be given a copy of the application for the permit or application to amend the permit under section 55 of the Act; and

- (ii) if the request is not made by the owner or occupier, the names and addresses of the owner and the occupier of the land; and
 - (f) the date on which the person making the request had notice of the facts relied on in support of the request; and
 - (g) the facts relied on in support of the request.
- (2) For the purposes of section 89(2) of the Act, if a request referred to in subregulation (1) is made by a person under section 89 of the Act, the request must also include—
- (a) if the person was not given notice of the application, reasons why the person believes the person should have been given notice; and
 - (b) if applicable, reasons why the person believes the person has been adversely affected by a matter in section 89(1)(b) of the Act.

38 Notice under section 92

- (1) A notice of cancellation or amendment of a permit given under section 92 of the Act must give—
- (a) sufficient information to identify the permit; and
 - (b) details of the amendment or amendments made to the permit or a statement that the permit has been cancelled; and
 - (c) the ground or grounds for each amendment or for cancellation.
- (2) A notice must contain advice that there may be a right to compensation under the Act.

39 Time for giving of notice under section 92

A notice given under section 92 of the Act must be given within 7 days of receipt by the responsible authority of the decision of the Tribunal.

40 Application for permit under section 96A

An application for a permit under section 96A(1) of the Act must be made in writing to the planning authority and must—

- (a) state the name, address and telephone number of the applicant; and
- (b) indicate clearly the land affected by the application by—
 - (i) stating the address of the land; or
 - (ii) stating the title particulars of the land; or
 - (iii) including a plan showing the land; or
 - (iv) any combination of these; and
- (c) state clearly the use, development or other matter for which the permit is required; and
- (d) describe the existing use of the land; and
- (e) if the permit is required to undertake development, state the estimated cost of any development for which the permit is required; and
- (f) state who is the owner of the land.

Note

Section 96A(4) of the Act requires certain other information to accompany an application.

41 Notice under section 96C

- (1) A notice of the preparation of an amendment to a planning scheme and notice of an application for a permit being considered concurrently with the amendment given under section 96C of the Act must—
- (a) specify clearly that it is a notice of the preparation of an amendment to a planning scheme and notice of an application for a planning permit and is given under section 96C of the Act; and
 - (b) state the name of the planning scheme proposed to be amended; and
 - (c) state the permit application reference number and the planning scheme amendment number; and
 - (d) include a description (which may be by map) to identify the land affected by the amendment; and
 - (e) include a description (which may be by map) to identify the land affected by the application; and
 - (f) briefly describe the effect of the amendment; and
 - (g) set out the use, development or other matter a permit is applied for; and
 - (h) state who is the applicant for the permit; and
 - (i) state that the amendment, the application, any documents that support the amendment and application, and the explanatory report about the amendment, may be inspected at the office of the planning authority during office hours free of charge; and

- (j) state the name of the planning authority and the address or addresses where the amendment, application and other documents may be inspected; and
 - (k) state that any person may make a submission to the planning authority about the amendment and the application; and
 - (l) state the closing date for submissions and the address of the planning authority to which submissions may be sent; and
 - (m) state that the planning authority must make a copy of every submission available at its office for any person to inspect during office hours free of charge until the end of two months after the amendment comes into operation or lapses; and
 - (n) be signed on behalf of the planning authority.
- (2) A notice given under section 96C(1) of the Act must be accompanied by a copy of the application and the explanatory report about the amendment.

42 Ministers, public authorities, municipal councils and persons to be given notice under section 96C(1)(c)

For the purposes of section 96C(1)(c) of the Act, the following are prescribed—

- (a) if the amendment will affect land that is within the municipal district of a municipal council that is not the planning authority for the amendment, that municipal council;
- (b) if the amendment will amend the planning scheme to designate a Minister, public authority or municipal council as an acquiring authority, that Minister, public authority or municipal council;

- (c) the Minister administering the **Conservation, Forests and Lands Act 1987**;
- (d) the Minister administering the **Catchment and Land Protection Act 1994**;
- (e) the Minister administering the **Sustainable Forests (Timber) Act 2004**;
- (f) the Minister administering the **Mineral Resources (Sustainable Development) Act 1990**;
- (g) the Minister administering the **Pipelines Act 2005**.

43 Form of permits granted under section 96I

- (1) The form of a permit granted under section 96I of the Act is Form 9 in Schedule 1.
- (2) The information to be included in a permit granted under section 96I of the Act is the information set out in Form 9 in Schedule 1.

44 Notice under section 96K

- (1) The form of a notice required to be given as a result of a direction under section 96K(1) of the Act is Form 10 in Schedule 1.
- (2) The information to be included in a notice required to be given as a result of a direction under section 96K(1) of the Act is the information set out in Form 10 in Schedule 1.

45 Form of permits granted under section 97F

- (1) The form of a permit granted under section 97F(2) of the Act is Form 11 in Schedule 1.
- (2) The information to be included in a permit granted under section 97F(2) of the Act is the information set out in Form 11 in Schedule 1.

46 Notice under section 97G of decision to refuse

For the purposes of section 97G(1) of the Act, the prescribed form of a notice of a decision to refuse to grant a permit is Form 12 in Schedule 1.

47 Notice under section 97K of decision to refuse

- (1) The form of a notice of a decision to refuse to amend a permit given under section 97K of the Act is Form 13 in Schedule 1.
- (2) The information to be included in a notice of a decision to refuse to amend a permit given under section 97K of the Act is the information set out in Form 13 in Schedule 1.

Part 4—Certificates of compliance

48 Form of certificates

- (1) For the purposes of section 97O(2) of the Act, the prescribed form for a certificate of compliance is—
 - (a) if the application for the certificate of compliance was made under section 97N(1)(a) of the Act, Form 14 in Schedule 1; and
 - (b) if the application for the certificate of compliance was made under section 97N(1)(b) of the Act, Form 15 in Schedule 1.
- (2) For the purposes of section 97O(2) of the Act, the prescribed information for a certificate of compliance is—
 - (a) if the application for the certificate of compliance was made under section 97N(1)(a) of the Act, the information set out in Form 14 in Schedule 1; and
 - (b) if the application for the certificate of compliance was made under section 97N(1)(b) of the Act, the information set out in Form 15 in Schedule 1.

49 Applications for review under section 97P(1)(a)

An application for review under section 97P(1)(a) of the Act must be made within 60 days after the responsible authority gave notice of its decision to refuse to issue a certificate under section 97O(4) or (5) of the Act.

50 Time to issue a certificate under section 97P

For the purposes of section 97P(1)(b) of the Act, the prescribed time is 30 days.

Part 5—Compensation

51 Statement under section 110

For the purposes of section 110(2) of the Act—

- (a) the prescribed manner of describing the land for which compensation was paid is in accordance with Form 16 in Schedule 1; and
- (b) the prescribed particulars of the compensation are the particulars set out in Form 16 in Schedule 1.

52 Request under section 110

- (1) The form of a request to the Registrar of Titles under section 110(4) of the Act is Form 17 in Schedule 1.
- (2) The information to be included in a request to the Registrar of Titles under section 110(4) of the Act is the information set out in Form 17 in Schedule 1.

Part 6—Enforcement and legal proceedings

53 Service of notices and documents

For the purposes of section 147(1)(c) of the Act, the other prescribed ways in which a person may give, serve or publish any notice or document are—

- (a) by messenger or courier service; and
- (b) if the person required to serve the notice or document has taken reasonable steps to ensure that the person to be served with the notice or document has suitable arrangements for its receipt, by document exchange, facsimile machine or, subject to paragraph (c), other electronic communication; and
- (c) if the person required to give or serve the notice or document (the **notifier**) has taken reasonable steps to ensure that the person to be given or served with the notice or document (the **recipient**) has suitable arrangements for the receipt of electronic communications and has agreed to receive the notice or document by electronic communication in accordance with this paragraph, by—
 - (i) making the notice or document available on the notifier's electronic address or an electronic address appointed by the notifier for retrieval by electronic communication by the recipient; and

- (ii) promptly notifying the recipient by electronic communication that the notice or document is available for retrieval on that address and the nature of the notice or document.

54 Time for decision—section 149

The prescribed time for a decision of a kind referred to in section 149(1)(a), (b) or (c) of the Act is 30 days.

Part 7—Administration

55 Application for agreement to proposal to amend or end an agreement

For the purposes of section 178A(2) of the Act, an application for agreement to a proposal to amend or end an agreement must be in writing and must—

- (a) state the applicant's name, address and phone number; and
- (b) clearly identify the agreement proposed to be amended, ended or ended in part; and
- (c) in the case of a proposal to amend an agreement, clearly describe—
 - (i) the proposed amendment; and
 - (ii) the purpose of the proposed amendment; and
 - (iii) any change in circumstances that necessitates the proposed amendment; and
- (d) in the case of a proposal to end an agreement, clearly describe—
 - (i) if the proposal is to end the agreement in part, the part of the agreement to be ended; and
 - (ii) if the proposal is to end the agreement as to any part of the land, the part of the land to be removed from the application of the agreement; and
 - (iii) why the agreement or that part of it is no longer required.

56 Notice of proposal to amend or end an agreement

- (1) The form of a notice of a proposal to amend or end an agreement given under section 178C of the Act is Form 18 in Schedule 1.
- (2) For the purposes of section 178C(5) of the Act, the prescribed information is the information set out in Form 18 in Schedule 1.

57 Notice of decision to amend or end an agreement

- (1) The form of a notice of a decision to amend or end an agreement given under section 178F(1) of the Act is Form 19 in Schedule 1.
- (2) The information to be included in a notice of a decision to amend or end an agreement given under section 178F(1) of the Act is the information set out in Form 19 in Schedule 1.

58 Notice of decision to refuse to amend or end an agreement

- (1) The form of a notice of a decision to refuse to amend or end an agreement given under section 178F(2) of the Act is Form 20 in Schedule 1.
- (2) The information to be included in a notice of a decision to refuse to amend or end an agreement given under section 178F(2) of the Act is the information set out in Form 20 in Schedule 1.

59 Recording of agreements under section 181

- (1) The form of an application to the Registrar of Titles under section 181(1) of the Act is Form 21 in Schedule 1.
- (2) For the purposes of section 181(2) of the Act, the prescribed particulars are the particulars set out in Form 21 in Schedule 1.

60 Cancellation or amendment of recorded agreements under section 183

For the purposes of section 183(1) of the Act, the prescribed manner in which a responsible authority must tell the Registrar of Titles—

- (a) of the ending of an agreement (other than an ending referred to in paragraph (c)), is lodging a form in accordance with Form 22 in Schedule 1; or
- (b) of an amendment to an agreement (other than an amendment referred to in paragraph (d)), is lodging a form in accordance with Form 23 in Schedule 1, together with a copy of the documents specified in that form; or
- (c) of the ending of an agreement as to part of the land, is lodging a form in accordance with Form 24 in Schedule 1; or
- (d) of an amendment to an agreement removing certain land from the application of the agreement, is lodging a form in accordance with Form 24 in Schedule 1, together with a copy of the documents specified in that form.

61 Applications for review under section 184

An application for review under section 184(1) of the Act must be made within 60 days after the applicant was given a copy of the proposed agreement.

62 Time to apply for review under section 184A

- (1) An application for review under section 184A(1)(a) and (b) of the Act of a decision of the responsible authority referred to in section 178E(3)(b) of the Act must be made within 21 days after the responsible authority gave notice under section 178F(1) of the Act.

- (2) An application for review under section 184A(1)(c) of the Act of a decision of the responsible authority referred to in section 178E(2)(c) or (3)(d) of the Act must be made within 60 days after the responsible authority gave notice under section 178F(2) of the Act.
- (3) For the purposes of section 184A(2)(a) of the Act, the prescribed time is 21 days.
- (4) For the purposes of section 184A(2)(b) of the Act, the prescribed time is 60 days.

63 Time to apply for review under section 184B

If a party to an agreement must be given notice of a decision of the responsible authority referred to in section 178E(3)(a) or (b) of the Act, an application for review by that party under section 184B of the Act must be made within 21 days after the responsible authority gave notice under section 178F(1) of the Act.

64 Time to apply for review under section 184C

An application for review under section 184C of the Act must be made within 21 days after the responsible authority gave notice to the objector under section 178F(1)(b) of the Act.

65 Planning certificates under section 199

For the purposes of section 199(1) of the Act, the prescribed information to be set out in a planning certificate is—

- (a) the certificate reference number; and
- (b) the name and address of the applicant for the certificate; and
- (c) the name and address of the responsible authority issuing the certificate; and

- (d) the address of the land that is the subject of the certificate; and
- (e) the name of the planning scheme covering the land; and
- (f) a description of the provisions of the planning scheme shown on the planning scheme maps which apply to the land; and
- (g) a description of any amendment to the planning scheme maps available for inspection under section 18 of the Act which apply to the land.

66 Declaration under section 201

For the purposes of section 201(2) of the Act, the prescribed form of an application for a declaration under section 201(1) of the Act is Form 25 in Schedule 1.

67 Time under section 201

For the purposes of section 201(3) of the Act, the prescribed time is 45 days.

Part 8—Transitional provisions

68 Transitional provisions

- (1) Subject to subregulations (2) and (3), for a period of 3 months from the commencement of these Regulations, it is sufficient compliance with these Regulations if the Minister, a person, responsible authority, referral authority or planning authority complies with the requirements of either these Regulations or the Planning and Environment Regulations 2005 (as in force immediately before their revocation) in relation to a specified requirement or other thing.
- (2) If a notice of a decision to amend or end an agreement is given under section 178F(1) of the Act between 16 May 2015 and 15 August 2015, the notice is taken to comply with regulation 57, whether or not the notice is given in the form of Form 19 in Schedule 1 or contains the information set out in Form 19 in Schedule 1.
- (3) If a notice of a decision to refuse to amend or end an agreement is given under section 178F(2) of the Act between 16 May 2015 and 15 August 2015, the notice is taken to comply with regulation 58, whether or not the notice is given in the form of Form 20 in Schedule 1 or contains the information set out in Form 20 in Schedule 1.
- (4) In this regulation—
specified requirement or other thing means any of the following—
 - (a) a notice given under the Act;
 - (b) an application made under the Act;
 - (c) a permit granted under the Act;
 - (d) a request made under the Act;

- (e) a certificate of compliance issued under the Act;
- (f) a statement lodged under section 110 of the Act;
- (g) the telling of the Registrar of Titles of the amending or ending of an agreement under section 183 of the Act.

Schedule 1—Forms

FORM 1

Section 38(1)

NOTICE OF APPROVAL OF AMENDMENT TO A PLANNING SCHEME TO BE PRESENTED TO PARLIAMENT

On *[insert date]* the Minister approved Amendment No. *[insert amendment number]* to the *[insert name of planning scheme]*.

The amendment was prepared by *[insert name of planning authority]*.
[Insert name of responsible authority] will be responsible for administering the scheme.

The changes to the scheme are: *[describe the changes made by the amendment]*.

[If the Minister did not exempt the planning authority or the Minister from any of the notice requirements of sections 17, 18 and 19 of the Act, or the regulations, insert the appropriate paragraph(s)—]

The Minister did not exempt *[planning authority/the Minister]* from any of the requirements of section 17, 18 or 19 of the **Planning and Environment Act 1987**.

The Minister did not exempt *[planning authority/the Minister]* from any of the requirements of the Planning and Environment Regulations 2015.

[If the Minister exempted the planning authority or the Minister from any of the notice requirements of sections 17, 18 and 19 of the Act, or the regulations, insert the appropriate paragraph(s)—]

The Minister exempted *[planning authority/the Minister]* from the requirements of section *[insert the section(s) from which exemption was given]* of the **Planning and Environment Act 1987** being the requirement *[describe the requirement(s) from which exemption was given]*.

The Minister exempted *[planning authority/the Minister]* from the requirements of *[insert the regulation(s) from which exemption was given]* of the Planning and Environment Regulations 2015 being the requirement *[describe the requirement(s) from which exemption was given]*.

[If any exemption was given, insert the appropriate paragraph—]

No notice of the amendment was given.

Notice of the amendment was given *[describe the notice given]*.

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[If any exemption was given, insert the appropriate paragraph—]

The Minister did not consult the responsible authority.

The Minister consulted the responsible authority which recommended in relation to the exemption—

[Insert summary of the responsible authority's recommendations if any]

[If the Minister did not prepare the amendment under section 20A of the Act, insert the following paragraph—]

The Minister did not prepare the amendment under section 20A of the **Planning and Environment Act 1987**.

[If the Minister prepared the amendment under section 20A of the Act, insert the following paragraph—]

The Minister determined to prepare the amendment in accordance with section 20A of the **Planning and Environment Act 1987**. Sections 17, 18 and 19 of the **Planning and Environment Act 1987** do not apply in respect of the amendment.

[Insert name and position of officer giving notice on behalf of the Minister]

For the Minister

Date: *[insert date notice given to the Clerk of each House of the Parliament]*

FORM 2

Section 52(1)

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at [*insert the location of the land*].

The application is for a permit to [*insert the use, development, or other matter applied for*].

The applicant for the permit is [*insert the name of the applicant for the permit*].

The application reference number is [*insert reference number*].

You may look at the application and any documents that support the application at the office of the responsible authority, [*insert name of responsible authority, and address where the application can be inspected*].

This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must be made to the responsible authority in writing, include the reasons for the objection and state how the objector would be affected.

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The responsible authority will not decide on the application before [*insert a date which is at least 14 days after the date the last notice under section 52(1) or (1AA) of the Act is to be given*].

If you object, the responsible authority will tell you its decision.

FORM 3

Section 52(1)

**NOTICE OF AN APPLICATION FOR AN AMENDMENT TO
A PLANNING PERMIT**

The land affected by the application is located at *[insert the location of the land]*.

The application is to amend permit number *[insert the reference number for the permit proposed to be amended]* by *[insert a brief description of the amendment applied for]*.

The applicant for the amendment to the permit is *[insert the name of the applicant for the amendment of the permit]*.

The application reference number is *[insert reference number]*.

You may look at the application and any documents that support the application at the office of the responsible authority, *[insert name of responsible authority, and address where the application can be inspected]*.

This can be done during office hours and is free of charge.

Any person who may be affected by the proposed amendment to the permit may object or make other submissions to the responsible authority.

An objection must be made to the responsible authority in writing, include the reasons for the objection and state how the objector would be affected.

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The responsible authority will not decide on the application before *[insert a date which is at least 14 days after the date the last notice under section 52(1) or (1AA) of the Act is to be given]*.

If you object, the responsible authority will tell you its decision.

FORM 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit No.:

Planning scheme:

Responsible authority:

ADDRESS OF THE LAND:

THE PERMIT ALLOWS: *[All matters that the responsible authority has decided to grant the permit for must be included in the description of what the permit allows.]*

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Date issued:

Signature for the responsible authority:

[If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit, and the name of the responsible authority that approved the amendment—]

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit *at the direction of the Victorian Civil and Administrative Tribunal.

**Delete if not applicable.*

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

[If this permit was not issued at the direction of the Victorian Civil and Administrative Tribunal or if this permit was issued at the direction of the Tribunal but the Tribunal did not direct that the permit or part of the permit

must not be amended by the responsible authority under Division 1A of Part 4 of the Act include the following paragraph—]

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

[If the Victorian Civil and Administrative Tribunal directed that the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—]

The Victorian Civil and Administrative Tribunal directed that this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

[If the Victorian Civil and Administrative Tribunal directed that a specified part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—]

The Victorian Civil and Administrative Tribunal directed that the following specified part(s) of this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**:

[List the specified part(s) of the permit that the Victorian Civil and Administrative Tribunal directed must not be amended by the responsible authority under Division 1A of Part 4 of the Act.]

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

- the development or any stage of it does not start within the time specified in the permit; or
- the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

- the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
- the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
- the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
- the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

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- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

FORM 5

Sections 64(1) and 66(2)

NOTICE OF DECISION TO GRANT A PERMIT

Application No.:

Planning scheme:

Responsible authority:

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND:

WHAT WILL THE PERMIT ALLOW?

[All matters that the responsible authority has decided to grant the permit for must be included in the description of what the permit allows.]

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

Date of notice:

Signature for the responsible authority:

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The responsible authority has decided to grant a permit. The permit has not been issued.

This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.

WHAT ABOUT REVIEWS?

For the applicant—

- The person who applied for the permit may apply for review of any condition in the notice of decision to grant a permit. The application for review must be lodged within 60 days of the giving of this notice.

[If an objection was received to the application include the following paragraph—]

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For an objector—

- An objector may apply for review of the decision of the responsible authority to grant a permit. The application for review must be lodged within 21 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 21 days of the giving of this notice.

[If a recommending referral authority objected to the grant of a permit or the responsible authority decided not to include a condition on the permit recommended by a recommending referral authority include the following paragraph—]

For a recommending referral authority—

- A recommending referral authority may apply for review of the decision of the responsible authority—
 - (a) to grant a permit, if that recommending referral authority objected to the grant of the permit; or
 - (b) not to include a condition on the permit that the recommending referral authority recommended.
- The application for review must be lodged within 21 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 21 days of the giving of this notice.

For all applications for review—

- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

FORM 6

Sections 64(1), 75 and 76A(2)

NOTICE OF DECISION TO AMEND A PERMIT

Application No.:

Planning scheme:

Responsible authority:

THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.

THE AMENDED PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND:

PERMIT FOR WHICH AMENDMENT WAS SOUGHT:

WHAT AMENDMENT IS BEING MADE TO THE PERMIT?

[All amendments that the responsible authority has decided to make to the permit must be included in the description of what amendment is being made to the permit.]

* TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?

**Delete if not applicable*

Date of notice:

Signature for the responsible authority:

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The responsible authority has decided to amend a permit. The amended permit has not been issued.

This notice sets out the changes to be made to the existing permit.

WHAT ABOUT REVIEWS?

For the applicant—

- The person who applied for the amendment to the permit may apply for review of any amendment to what the permit will allow, and any new or amended condition to which the permit will be subject, and any provision of the permit which the applicant asked to be amended but which has not been amended. The application for review must be lodged within 60 days of the giving of this notice.

Planning and Environment Regulations 2015
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[If an objection was received to the application include the following paragraph—]

For an objector—

- An objector may apply for review of the decision of the responsible authority to amend a permit. The application for review must be lodged within 21 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 21 days of the giving of this notice.

[If a recommending referral authority objected to the grant of an amended permit or the responsible authority decided not to include a condition on the amended permit recommended by a recommending referral authority, include the following paragraph—]

For a recommending referral authority—

- A recommending referral authority may apply for review of the decision of the responsible authority—
 - (a) to grant the amended permit, if that recommending referral authority objected to the grant of the amended permit; or
 - (b) not to include a condition on the amended permit that the recommending referral authority recommended.
- The application for review must be lodged within 21 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 21 days of the giving of this notice.

For all applications for review—

- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form, which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2015
S.R. No. 33/2015
Schedule 1—Forms

- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

FORM 7

Sections 65(1) and 66(4)

NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT

Application No.:

Planning scheme:

Responsible authority:

ADDRESS OF THE LAND:

WHAT HAS BEEN REFUSED?

GROUND(S) OF REFUSAL: [*Set out the specific grounds on which the application has been refused and state which of those grounds are from a determining referral authority.*]

Date of notice:

Signature for the responsible authority:

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The responsible authority has decided to refuse to grant a permit.
(Note: This is not a refusal under Division 5 of Part 4 of the **Planning and Environment Act 1987**.)
- This notice sets out the grounds on which the application has been refused.
- The grounds on which the application has been refused are those of the responsible authority unless otherwise stated.

WHAT ABOUT REVIEWS?

For the applicant—

- The person who applied for the permit may apply for a review of the refusal.
- The application for review must be lodged within 60 days of the giving of this notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2015
S.R. No. 33/2015
Schedule 1—Forms

- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

[If a recommending referral authority objected to the grant of a permit include the following paragraph—]

For a recommending referral authority—

- If the applicant applies for a review of this decision, the applicant must give notice to any recommending referral authority that objected to the grant of the permit after an application for review is lodged.

[If an objection was received to the application include the following paragraph—]

For an objector—

- If the applicant applies for a review of this decision, the applicant must give notice to objectors in accordance with the requirements of the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998**.

FORM 8

Sections 76(1) and 76A(4)

**NOTICE OF DECISION TO REFUSE TO GRANT AN
AMENDMENT TO A PERMIT**

Application No.:

Planning scheme:

Responsible authority:

ADDRESS OF THE LAND:

PERMIT FOR WHICH AMENDMENT WAS SOUGHT:

WHAT HAS BEEN REFUSED?

GROUND OF REFUSAL: [*Set out the specific grounds on which the application has been refused and state which of those grounds are from a determining referral authority.*]

Date of notice:

Signature for the responsible authority:

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The responsible authority has decided to refuse to amend a permit.
- This notice sets out the grounds on which the application has been refused.
- The grounds on which the application has been refused are those of the responsible authority unless otherwise stated.

WHAT ABOUT REVIEWS?

For the applicant—

- The person who applied for the amendment of the permit may apply for a review of the refusal.
- The application for review must be lodged within 60 days of the giving of this notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.

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- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

[If a recommending referral authority objected to the granting of an amendment to the permit include the following paragraph—]

For a recommending referral authority—

- If the applicant applies for a review of this decision, the applicant must give notice to any recommending referral authority that objected to the grant of the amendment to the permit after an application for review is lodged.

[If an objection was received to the application include the following paragraph—]

For an objector—

- If the applicant applies for a review of this decision, the applicant must give notice to objectors in accordance with the requirements of the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998**.

FORM 9

Section 96J

**PLANNING PERMIT GRANTED UNDER SECTION 96I OF
THE PLANNING AND ENVIRONMENT ACT 1987**

Permit No.:

Planning scheme:

Responsible authority:

ADDRESS OF THE LAND:

THE PERMIT ALLOWS: *[All matters that the Minister has decided to grant the permit for must be included in the description of what the permit allows.]*

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

[If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit, and the name of the responsible authority that approved the amendment—]

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. *[insert amendment number]* to the *[insert name of planning scheme]*.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

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- the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

FORM 10

Section 96K

**NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT
UNDER SECTION 96I OF THE PLANNING AND
ENVIRONMENT ACT 1987**

Application No.:

Planning scheme:

Responsible authority:

ADDRESS OF THE LAND:

WHAT HAS BEEN REFUSED?

GROUND OF REFUSAL: [*Set out the specific grounds on which the
permit has been refused.*]

Date of notice:

Signature for the responsible authority:

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The Minister has refused to grant the permit.
- The grounds on which the permit has been refused are set out in this notice.
- The grounds are those of the Minister.

WHAT ABOUT REVIEWS?

In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of this decision.

FORM 11

Section 97F

**PLANNING PERMIT GRANTED BY THE MINISTER UNDER
SECTION 97F OF THE PLANNING AND ENVIRONMENT
ACT 1987**

Permit No.:

Planning scheme:

ADDRESS OF THE LAND:

THE PERMIT ALLOWS: *[All matters that the Minister has decided to grant the permit for must be included in the description of what the permit allows.]*

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Date issued:

Signature for the Minister:

[If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit—]

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>
--------------------------	---------------------------------------

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Minister has granted and issued a permit under Division 6 of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates—

- from the date specified in the permit; or
- if no date is specified, from the date on which it was issued.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

- the development or any stage of it does not start within the time specified in the permit; or

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- the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
- the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
- the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
- the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

6. In accordance with section 97H of the **Planning and Environment Act 1987**, the responsible authority specified in the planning scheme is the responsible authority for the administration and enforcement of the **Planning and Environment Act 1987** and the relevant planning scheme in respect of this permit (whether or not the permit is amended) except that the Minister remains the responsible authority in respect of—
- any matters which the permit specifies to be done by, approved by or done to the satisfaction of the Minister; and
 - any extension of time under section 69 in relation to the permit; and
 - the correction of the permit under section 71(1); and
 - the amendment of the permit under section 97J.

WHAT ABOUT REVIEWS?

In accordance with section 97M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

FORM 12

Section 97G

**NOTICE OF REFUSAL BY THE MINISTER TO GRANT A
PERMIT UNDER SECTION 97F OF THE PLANNING AND
ENVIRONMENT ACT 1987**

Application No.:

Planning scheme:

ADDRESS OF THE LAND:

WHAT HAS BEEN REFUSED?

GROUND OF REFUSAL: [*Set out the specific grounds on which the application has been refused and state which of those grounds are from a determining referral authority.*]

Date of notice:

Signature for the Minister:

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The Minister has decided to refuse to grant a permit.
- This notice sets out the grounds on which the application has been refused.
- The grounds on which the application has been refused are those of the Minister unless otherwise stated.

WHAT ABOUT REVIEWS?

In accordance with section 97M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of this decision.

FORM 13

Section 97K

**NOTICE OF REFUSAL BY THE MINISTER TO AMEND A
PERMIT UNDER SECTION 97J OF THE PLANNING AND
ENVIRONMENT ACT 1987**

Application No.:

Planning scheme:

ADDRESS OF THE LAND:

PERMIT FOR WHICH AMENDMENT WAS SOUGHT:

WHAT HAS BEEN REFUSED?

GROUND OF REFUSAL: [*Set out the grounds on which the application has been refused and state which of those grounds are from a determining referral authority.*]

Date of notice:

Signature for the Minister:

IMPORTANT INFORMATION ABOUT THIS NOTICE:

WHAT HAS BEEN DECIDED?

- The Minister has decided to refuse to amend a permit.
- This notice sets out the grounds on which the application has been refused.
- The grounds on which the application has been refused are those of the Minister unless otherwise stated.

WHAT ABOUT REVIEWS?

In accordance with section 97M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of this decision.

FORM 14

Section 97O(2)

**CERTIFICATE OF COMPLIANCE—EXISTING USE OR
DEVELOPMENT**

Certificate No.:

Planning scheme:

Responsible authority:

ADDRESS OF THE LAND:

THE CERTIFICATE REFERS TO: [*State the use and development carried out and existing on the land. This may include reference to any plans or documents forming part of the application and endorsed by the responsible authority.*]

This certificate is issued in accordance with section 97N(1)(a) of the **Planning and Environment Act 1987**. The use or development existing on the land and referred to in this certificate complies with the requirements of the planning scheme at the date of this certificate.

Date issued:

Signature for the responsible authority:

IMPORTANT INFORMATION ABOUT THIS CERTIFICATE

WHAT IS THIS CERTIFICATE?

The responsible authority has issued this certificate with respect to the use and development existing on the subject land and referred to in the certificate.

EFFECT OF CERTIFICATE

A certificate is a statement about the effect of the planning scheme on the use or development on the land on the day it was issued.

FORM 15

Section 97O(2)

**CERTIFICATE OF COMPLIANCE—PROPOSED USE OR
DEVELOPMENT**

Certificate No.:

Planning scheme:

Responsible authority:

ADDRESS OF THE LAND:

THE CERTIFICATE REFERS TO: *[State the use and development proposed. This may include reference to any plans or documents forming part of the application and endorsed by the responsible authority.]*

This certificate is issued in accordance with section 97N(1)(b) of the **Planning and Environment Act 1987**. The use or development of the land proposed to be commenced or carried out and referred to in this certificate complies with the requirements of the planning scheme at the date of this certificate.

[Include the following paragraph only if required—]

The following parts of the use or development referred to in the application for this certificate are prohibited by the planning scheme or prohibited by the scheme unless a permit is granted by the responsible authority:

Date issued:

Signature for the responsible authority:

IMPORTANT INFORMATION ABOUT THIS CERTIFICATE

WHAT IS THIS CERTIFICATE?

The responsible authority has issued this certificate with respect to an application. It also sets out any aspects of the use or development referred to in the application which do not comply with the planning scheme.

EFFECT OF A CERTIFICATE

A certificate is a statement about the effect of the planning scheme on a proposed use or development, on the day it was issued.

FORM 16

Section 110(2)

STATEMENT OF COMPENSATION PAID

Planning and Environment Act 1987

Lodged by:

Name:

Phone:

Address:

Ref:

Customer code:

The applicant having paid compensation to the owners or occupiers requests that a recording of this statement be made in the Register for the land.

Land: *[insert Volume and Folio reference] [if part only, define the part]*

Applicant: *[name and address]*

Owners or occupiers: *[name and address]*

Details of compensation:

Amount paid:

Reason for compensation:

Section and Act under which compensation paid:

Signature for applicant:

Name of officer:

Date:

FORM 17

Section 110(4)

**CANCELLATION OF STATEMENT OF COMPENSATION
PAID**

Planning and Environment Act 1987

Lodged by:

Name:

Phone:

Address:

Ref:

Customer code:

The applicant requests cancellation of the recording of the statement of compensation paid made in the Register for the land.

Land: *[insert Volume and Folio reference] [if part only, define the part]*

Applicant: *[name and address]*

Application number: *[insert the number given to the dealing when the notification of the statement was made to the Office of Titles]*

Signature for applicant:

Name of officer:

Date:

FORM 18

Section 178C

**NOTICE OF PROPOSAL TO *AMEND / *END AN
AGREEMENT**

**Delete if not applicable*

Responsible authority:

DESCRIPTION OF THE LAND AFFECTED BY THE AGREEMENT:

DESCRIPTION OF THE PROPOSAL:

WHO INITIATED THE PROPOSAL?

[If the applicant applied to the responsible authority for agreement to the proposal under section 178A(1) of the Act, include the following paragraphs—]

The proposal was initiated by *[insert the name of the applicant]*, who applied to the responsible authority for agreement to the proposal under section 178A of the **Planning and Environment Act 1987**.

In accordance with section 178A(3) of the **Planning and Environment Act 1987**, the responsible authority has notified the applicant that it agrees in principle to the proposal.

[If the proposal was initiated by the responsible authority in accordance with section 178A(5) of the Act, include the following paragraph—]

The proposal was initiated by the responsible authority under section 178A(5) of the **Planning and Environment Act 1987**.

[If the proposal was initiated by the responsible authority under section 178E(3)(c) of the Act to amend or end the agreement in a manner that is substantively different from a proposal for which notice was previously given under section 178C of the Act, include the following paragraph—]

The proposal was initiated by the responsible authority under section 178E(3)(c) of the **Planning and Environment Act 1987** to amend or end the agreement in a manner that is substantively different from a proposal for which notice was previously given under section 178C of the **Planning and Environment Act 1987**.

You may look at the proposal and any documents that support the proposal at the office of the responsible authority, *[insert address where the application can be inspected]*.

This can be done during office hours and is free of charge.

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Any person who is given notice of the proposal, or who ought to have been given notice of the proposal under section 178C of the **Planning and Environment Act 1987**, may object to, or make any other submission in relation to, the proposal.

The responsible authority will not make a decision on the proposal under section 178E of the **Planning and Environment Act 1987** before *[insert a date which is at least 14 days after the date the last notice under section 178C of the Act is to be given]*.

If the responsible authority decides to amend or end the agreement, or refuses to amend or end the agreement, the responsible authority will give notice of its decision to any person who made an objection.

In most cases, the responsible authority will give notice of its decision to any person who made a submission.

If the responsible authority proposes to amend or end the agreement in a manner that is substantively different from the proposal, the responsible authority will give notice of the new proposal to all parties to the agreement and any other persons to whom the responsible authority considers the decision to amend or end the agreement may cause material detriment.

FORM 19

Section 178F(1)

**NOTICE OF DECISION TO *AMEND / *END AN
AGREEMENT**

**Delete if not applicable*

Responsible authority:

WHAT HAS BEEN DECIDED?

The responsible authority has decided to *[insert a description of what the responsible authority has decided in accordance with section 178E(3)(a) or (b) of the Act]*.

The responsible authority will not proceed to amend or end the agreement in accordance with the decision—

- until at least 21 days after the giving of this notice; or
- if an application for review is made in respect of the decision within that period, until the application for review is determined by the Victorian Civil and Administrative Tribunal or is withdrawn.

Date of notice:

Signature for the responsible authority:

WHAT ABOUT REVIEWS?

[If the responsible authority gave notice under section 178A(3) of the Act and made its decision in accordance with section 178E(3)(b) of the Act, include the following paragraphs—]

For the applicant—

- The person who applied to the responsible authority for agreement to the proposal to amend or end the agreement may apply for review of the decision to amend or end the agreement in a manner different to that proposal. The application for review must be lodged within 21 days of the giving of this notice.

For an objector—

- An objector may apply for review of the decision of the responsible authority to amend or end the agreement. The application for review must be lodged within 21 days of the giving of this notice.

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For a party to the agreement—

- A party to the agreement may apply for a review of a decision of the decision by the responsible authority to amend or end the agreement. The application for review must be lodged within 21 days of the giving of this notice.

For all applications for review—

- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the responsible authority.
- Notice of the application for review must be given to any person who objected to the proposal to amend or end the agreement.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

FORM 20

Section 178F(2)

NOTICE OF DECISION TO REFUSE TO *AMEND / *END AN AGREEMENT

**Delete if not applicable*

Responsible authority:

WHAT HAS BEEN DECIDED?

The responsible authority has decided to *[insert a description of what the responsible authority has decided in accordance with section 178E(2)(c) or (3)(d) of the Act]*.

GROUND(S) OF REFUSAL: *[Set out the grounds on which the responsible authority has refused to amend or end the agreement.]*

Date of notice:

Signature for the responsible authority:

[If the responsible authority gave notice under section 178A(3) of the Act, include the following paragraphs—]

WHAT ABOUT REVIEWS?

- The person who applied to the responsible authority for agreement to the proposal to amend or end the agreement may apply for review of the decision to refuse to amend or end the agreement. The application for review must be lodged within 60 days of the giving of this notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the responsible authority.
- Notice of the application for review must be given to any person who objected to the proposal to amend or end the agreement.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

FORM 21

Section 181

**APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE
RECORDING OF AN AGREEMENT**

Planning and Environment Act 1987

Lodged by:

Name:

Phone:

Address:

Ref:

Customer code:

The responsible authority, having made an agreement referred to in section 181(1) of the **Planning and Environment Act 1987**, requires a recording to be made in the Register for the land.

Land: *[insert Volume and Folio reference] [if part only, define the part]*

Responsible authority: *[name and address]*

Section and Act under which agreement made:

A copy of the agreement is attached to this application.

Signature for the responsible authority:

Name of officer:

Date:

FORM 22

Section 183(1)

**NOTIFICATION BY A RESPONSIBLE AUTHORITY OF THE
ENDING OF AN AGREEMENT**

Planning and Environment Act 1987

Lodged by:

Name:

Phone:

Address:

Ref:

Customer code:

The responsible authority notifies that the agreement has ended and requires
cancellation of the recording in the Register for the land.

Land: *[insert Volume and Folio reference] [if part only, define the part]*

Responsible authority: *[name and address]*

Agreement application number: *[insert Office of Titles reference]*

Signature for the responsible authority:

Name of officer:

Date:

FORM 23

Section 183(1)

**NOTIFICATION BY A RESPONSIBLE AUTHORITY OF
AMENDMENT TO AN AGREEMENT**

Planning and Environment Act 1987

Lodged by:

Name:

Phone:

Address:

Ref:

Customer code:

The responsible authority notifies that the agreement has been amended and requires that the recording in the Register be altered accordingly.

Land: *[insert Volume and Folio reference] [if part only, define the part]*

Responsible authority: *[name and address]*

Agreement application number: *[insert Office of Titles reference]*

The agreement has been amended in accordance with the terms of the deed of amendment to an agreement, or a provision in a statement of compliance relative to a plan of subdivision, or pursuant to an order of the Victorian Civil and Administrative Tribunal, a copy of which is attached together with a copy of the amended agreement.

Signature for the responsible authority:

Name of officer:

Date:

FORM 24

Section 183(1)

**NOTIFICATION BY A RESPONSIBLE AUTHORITY OF THE
REMOVAL OF LAND FROM AN AGREEMENT**

Planning and Environment Act 1987

Lodged by:

Name:

Phone:

Address:

Ref:

Customer code:

The responsible authority notifies that the *agreement has been amended so as to remove the land from its effect / *agreement has ended in respect of the land and requires cancellation of the recording in the Register for the land.

Land: *[insert Volume and Folio reference] [if part only, define the part]*

Responsible authority: *[name and address]*

Agreement application number: *[insert Office of Titles reference]*

*The agreement has been amended in accordance with the terms of the deed of amendment to an agreement, or a provision in a statement of compliance relative to a plan of subdivision or pursuant to an order of the Victorian Civil and Administrative Tribunal, a copy of which is attached together with a copy of the amended agreement.

**Delete if not applicable*

Signature for the responsible authority:

Name of officer:

Date:

FORM 25

Section 201(2)

**APPLICATION FOR DECLARATION OF UNDERLYING
ZONING**

Planning and Environment Act 1987

Applicant's name and address:

Certificate No. *[insert the number of the planning certificate for the land for which the application is being made]* states that the land to which the certificate applies is wholly or partly reserved for public purposes under the planning scheme and does not indicate the provisions of the scheme which would have applied to the land if the land had not been reserved.

Please provide a declaration setting out the provisions of the scheme which would have applied to the land if it had not been reserved.

*Please provide a declaration setting out the provisions of the scheme as in force at *[insert a date]*.

**Delete if not applicable*

Applicant's signature:

Date:

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Planning and Environment Regulations 2015, S.R. No. 33/2015 were made on 12 May 2015 by the Governor in Council under section 202 of the **Planning and Environment Act 1987**, No. 45/1987 and came into operation on 16 May 2015: regulation 3.

The Planning and Environment Regulations 2015 will sunset 10 years after the day of making on 12 May 2025 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the Planning and Environment Regulations 2015 by statutory rules, subordinate instruments and Acts.

Planning and Environment Amendment (Prescribed Class of Amendment)
Regulations 2016, S.R. No. 148/2016

Date of Making: 13.12.16

Date of Commencement: 15.12.16: reg. 3

Planning and Environment Amendment (Objectors Review Timing)
Regulations 2018, S.R. No. 76/2018

Date of Making: 13.6.18

Date of Commencement: 1.7.18: reg. 3

Planning and Environment Amendment (Prescribed Class of Amendment)
Regulations 2018, S.R. No. 93/2018

Date of Making: 26.6.18

Date of Commencement: 2.7.18: reg. 3

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4(a): S.R. No. 33/2005. Reprint No. 1 as at 13 November 2014.
Reprinted to S.R. No. 126/2014.

² Reg. 4(b): S.R. No. 135/2006.

³ Reg. 4(c): S.R. No. 132/2013.

⁴ Reg. 4(d): S.R. No. 126/2014.