

Version No. 002
Planning and Environment Regulations 1998
S.R. No. 8/1998

Version incorporating amendments as at 1 August 2004

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PART 1—PRELIMINARY

1. Objectives

The objectives of these Regulations are to prescribe—

- (a) the manner and form of giving notice required to be given by the Act; and
- (b) methods of serving notices or other documents; and
- (c) times for doing anything required to be done by the Act; and
- (d) forms for the purposes of the Act; and
- (e) information to be included in any applications, notices, permits and requests required to be given by the Act; and
- (f) the manner of keeping the register required to be kept by the Act; and
- (g) information that is to be made available by responsible authorities to the public and the Minister; and
- (h) that information to be given to a responsible authority is to be verified by statutory declaration or other means; and
- (i) the penalty for offences under section 126 of the Act for the purposes of section 130 of the Act; and

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Part 1—Preliminary

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- (j) particulars which a planning infringement notice must contain; and
- (k) regions for the purposes of the Act; and
- (l) any other matters required by the Act to be prescribed.

2. Authorising provisions

These Regulations are made under sections 4G(1), 14, 19(1)(c), 31, 35(4)(a), 38, 40, 47(1)(a), 49(1), 52(1), 54(2), 55(2), 55A(3), 59(2), 64, 65, 79, 92, 96C(4)(c), 97O(2), 97P(1)(b), 110(2), 130, 132(3), 147(1)(c), 149A(1)(b)(ii), 181(2), 183(1), 199, 201(2) and 202 of the **Planning and Environment Act 1987**.

3. Commencement

These Regulations come into operation on 3 February 1998.

4. Revocation¹

The following Regulations are **revoked**—

- (a) the Planning and Environment (Amendment No. 1) Regulations 1989²;
- (b) the Planning and Environment (Amendment No. 2) Regulations 1989³;
- (c) the Planning and Environment (Amendment No. 3) Regulations 1990⁴;
- (d) the Planning and Environment (Amendment) Regulations 1994⁵; and
- (e) the Planning and Environment (Amendment No. 1) Regulations 1989⁶.

5. Definitions

In these Regulations "**the Act**" means the **Planning and Environment Act 1987**.

PART 2—PLANNING SCHEMES

**6. Information required in relation to
section 60(1)(b)(ii)**

If a responsible authority considers any matter under section 60(1)(b)(ii) of the Act, it must provide a copy of the matter for inspection free of charge at the offices of—

- (a) the Minister; and
- (b) a municipal council if the planning scheme applies to its municipal district; and
- (c) the responsible authority.

7. Information required by Minister

A responsible authority must provide the Minister with any information or report the Minister requests, in relation to the powers, functions and duties of the responsible authority under the Act.

PART 3—AMENDMENT OF PLANNING SCHEMES

8. 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) any municipal council where it is not the planning authority and the amendment affects land within the municipal district for which that municipal council is responsible; and
- (b) the Minister administering the **Conservation, Forests and Lands Act 1987**; and
- (c) the Minister administering the **Mineral Resources Development Act 1990**.

9. 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) any municipal council where it is not the planning authority and the amendment affects land within the municipal district for which that municipal council is responsible; and
- (b) the Minister administering the **Conservation, Forests and Lands Act 1987**; and
- (c) the Minister administering the **Mineral Resources Development Act 1990**.

10. Notices under section 19

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

- (a) give the title of the amendment; and
- (b) include a brief description of the effect of the amendment; and
- (c) indicate by general description (which may be by map) the land affected; and
- (d) state where the amendment may be inspected; and
- (e) give the name and address of the planning authority for the receipt of submissions.

11. Notice under section 96C

A notice under section 96C of the Act of the preparation of an amendment to a planning scheme and notice of an application for a permit being considered concurrently with the amendment under Division 5 of Part 4 of the Act—

- (a) must include an explanatory report of the amendment and the application; and
- (b) must be in the form of Form 1.

12. Information to be submitted to the Minister under section 31

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

- (a) the reasons for the amendment; and
- (b) a list of the notices given under section 19(1) of the Act; and

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Part 3—Amendment of Planning Schemes

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- (c) a summary of action taken under sections 19(2), (3) and (7) of the Act; and
- (d) copies of any submissions or reports received on the amendment; and
- (e) if a panel is appointed under Part 8 of the Act—
 - (i) the report of the panel; and
 - (ii) the reasons why any panel recommendations were not adopted; and
- (f) a report on submissions not referred to a panel; and
- (g) a description of and the reasons for any changes made to the amendment before adoption.

13. 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

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Part 3—Amendment of Planning Schemes

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- (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 Development Act 1990**; or
- (g) the amendment may unreasonably prejudice the extraction of stone as defined under the **Extractive Industries Development Act 1995**; or
- (h) the amendment may unreasonably prejudice the use of a pipeline for which a permit has been granted or for which a permit application has been made under the **Pipelines Act 1967**.

14. Notice of approval under section 38(1)

A notice to be laid before Parliament under section 38(1) of the Act must be in the form of Form 2.

15. Documents to be lodged with an approved amendment

For the purposes of section 4G(1) and section 40 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 amendment but which does not form part of the amendment;

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Part 3—Amendment of Planning Schemes

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- (c) any agreement under section 173 of the Act
which will not come into operation fully
unless the amendment comes into operation.
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PART 4—PERMITS

16. 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 and address 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 owns the land.

17. Application for permit under section 96A

An application for a permit under section 96A must be made in writing to the responsible authority and must—

- (a) state the name and address 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 owns the land.

18. Register

For the purposes of section 49(1) of the Act, the prescribed form of the register is in the form of Schedule 2.

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

A notice of an application for a permit under section 52(1) of the Act must be in the form of Form 3.

20. More information—section 54(2)

For the purposes of section 54(2) of the Act, the prescribed time is 28 days after the responsible authority received the application.

21. More information—section 55(2)

For the purposes of section 55(2) of the Act, the prescribed time is 21 days.

22. More information—section 55A(3)

For the purposes of section 55A(3) of the Act, the prescribed period is 21 days.

23. Verification of information

A responsible authority may require verification of—

- (a) any information in an application for a permit; or
- (b) any information provided under section 54 of the Act—

by statutory declaration or other written confirmation by the applicant satisfactory to the responsible authority.

24. Form of permits other than permits granted under Division 5 of Part 4 of the Act

A permit, other than a permit granted under Division 5 of Part 4 of the Act, must be in the form of Form 4.

25. Form of permits granted under Division 5 of Part 4

A permit granted under Division 5 of Part 4 of the Act must be in the form of Form 5.

26. 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 further information, 28 days from the day on which the responsible authority gives that information; or

-
- (c) if the applicant has appealed to the Administrative Appeals 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.

27. Notice under section 64

A notice of a decision to grant a permit given under section 64 of the Act must be in the form of Form 6.

28. Notice under section 65

A notice of a decision to refuse to grant a permit given under section 65 of the Act must be in the form of Form 7.

29. Notice under section 96K

A notice of a refusal to grant a permit given under section 96K of the Act must be in the form of Form 8.

30. Appeals under section 79

- (1) Except in the case of an application for a permit which is in respect of an extractive industry, the prescribed time for the purposes of section 79 of the Act is 60 days.

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- (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(2) of the Act the responsible authority has not required the applicant to provide it or a referral authority with further 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(2) of the Act the responsible authority has required the applicant to provide it or a referral authority with further information in accordance with section 54 of the Act and the applicant has not appealed against the requirement and has given the information as required, the day on which the information is given; or
 - (c) if a requirement to give information has been appealed against and the Administrative Appeals 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) 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 his or her 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.

31. 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.

32. Time for giving of notice

The 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 Administrative Appeals Tribunal.

PART 5—CERTIFICATES OF COMPLIANCE

33. Form of certificates

- (1) A certificate of compliance applied for under section 97N(1)(a) of the Act must be in the form of Form 9.
- (2) A certificate of compliance applied for under section 97N(1)(b) of the Act must be in the form of Form 10.

34. 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.

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Part 6—Compensation

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PART 6—COMPENSATION

35. Statement under section 110

A statement of compensation paid which is lodged under section 110 of the Act must be in the form of Form 11.

36. Request under section 110

A request under section 110(4) of the Act to cancel an entry made under section 110(3) of the Act must be in the form of Form 12.

PART 7—ENFORCEMENT AND LEGAL PROCEEDINGS

37. Planning infringement penalty

The prescribed penalty under section 130(3) of the Act is one penalty unit.

38. Contents of planning infringement notice

In addition to the matters set out in section 130(2) of the Act, a planning infringement notice must contain—

- (a) the name and address of the responsible authority; and
- (b) the name of the authorised officer; and
- (c) the name and address of the person alleged to have committed the offence; and
- (d) the address or other information required to identify the land where the offence occurred; and
- (e) the date and, if necessary, the time the offence occurred; and
- (f) the circumstances of the alleged offence; and
- (g) the names and addresses of the owner and the occupier of the land; and
- (h) the date of issue of the infringement notice; and
- (i) relevant details to assist a person to pay the penalty; and
- (j) the period for payment and the time by which any additional steps required to expiate the offence must be carried out; and

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Part 7—Enforcement and Legal Proceedings

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- (k) a statement to the effect that—
 - (i) if the amount of the penalty is paid and any required additional steps taken within the requisite times the matter will not be brought before a court; however the responsible authority may withdraw an infringement notice at any time within 28 days after the notice is served by serving a withdrawal notice, and if the authority withdraws the notice the authority may either take no other action or may take other action including bringing the matter before a court or seeking an enforcement order in accordance with the Act; and
 - (ii) a planning infringement notice cannot be withdrawn if within the requisite time any required steps have been taken and the penalty paid; and
- (l) the signature of the authorised officer who issued the notice.

39. Payment of penalties under section 132

Payment of any penalty under section 132 of the Act may be made to the responsible authority—

- (a) by post; or
- (b) at the office of the responsible authority during office hours.

40. Service of notices and documents

- (1) 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

Reg. 40
amended by
S.R. No.
97/2004
reg. 4(2) (ILA
s. 39B(2)).

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- (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, electronic communication or facsimile machine; and
- Reg. 40(1)(b) amended by S.R. No. 97/2004 reg. 4(1)(a).
- (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—
- Reg. 40(1)(c) inserted by S.R. No. 97/2004 reg. 4(1)(b).
- (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.
- (2) In this regulation "**electronic communication**" has the same meaning as it has in the **Electronic Transactions (Victoria) Act 2000**.
- Reg. 40(2) inserted by S.R. No. 97/2004 reg. 4(2).

41. Time for decision—section 149A

For the purposes of section 149A(1)(b)(ii) of the Act, the prescribed time is 30 days.

PART 8—ADMINISTRATION

42. Registration of agreements under section 181

An application to the Registrar of Titles under section 181 of the Act must be in the form of Form 13.

43. Cancellation or amendment of registered agreements under section 183

A responsible authority must tell the Registrar of Titles under section 183 of the Act—

- (a) of the ending of any agreement, in the form of Form 14; or
- (b) of an amendment to an agreement (other than an amendment referred to in paragraph (c)) in the form of Form 15; or
- (c) of an amendment to an agreement removing certain land from the application of the agreement, in the form of Form 16.

44. Planning certificates under section 199

For the purposes of section 199(1) of the Act, the prescribed information which must 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 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.

45. Form of planning certificate

For the purposes of section 199(2) of the Act, the prescribed form of a planning certificate is in the form of Form 17.

46. 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 of the Act is in the form of Form 18.

47. Time under section 201

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

48. Regions for the purposes of the Act

The prescribed regions for the purposes of the Act are the regions described in regulation 6 of, and Schedule One to, the Planning and Environment Regulations 1988⁷ as in force at 16 February 1988.

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SCHEDULES

SCHEDULE 1

FORM 1

Section 96C

**NOTICE OF THE PREPARATION OF AN AMENDMENT TO A
PLANNING SCHEME AND NOTICE OF AN APPLICATION FOR
PLANNING PERMIT**

[*insert name*] PLANNING SCHEME

AMENDMENT [*insert number*]

APPLICATION [*insert reference number*]

The land affected by the amendment is [*insert description*].

The land affected by the application is [*insert description*].

The amendment proposes to [*brief description of amendment*].

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

The person who requested the amendment and the applicant for the permit is [*insert name*].

You may inspect the:

- * amendment and the application, and
- * any documents that support the amendment and application, and
- * the explanatory report about the amendment and application,

at the office of the planning authority, [*insert name of planning authority, and address where amendment and application can be inspected*].

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

Any person who may be affected by the amendment or by the granting of the permit may make a submission to the planning authority.

The closing date for submission is [*insert date*]. A submission must be sent to the [*name and address of planning authority*].

Signature for the Planning Authority

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FORM 2

Section 38(1)

NOTICE OF APPROVAL

of

AMENDMENT TO A PLANNING SCHEME

To Be Presented

TO PARLIAMENT

On *[insert date]* the Minister for Planning and Local Government 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 has exempted the planning authority or himself or herself from any of the notice requirements of section 17, 18, 19 or the regulations insert the appropriate paragraph[s]—]

The Minister exempted *[planning authority /himself or herself]* 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/himself or herself]* from the requirements of *[insert the regulation[s] from which exemption was given]* of the Planning and Environment Regulations 1998 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]*

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

The Minister did not consult the responsible authority.

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

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

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

For the Minister for Planning and Local Government

Date: *[insert date notice given]*

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FORM 3

Section 52(1)

NOTICE OF AN APPLICATION FOR 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 sent to the responsible authority in writing, include the reasons for the objection and state how the objector would be affected.

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) of the Act is to be given]*.

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

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FORM 4

PLANNING PERMIT

Permit No.:

Planning Scheme:

Responsible Authority:

ADDRESS OF THE LAND:

THE PERMIT ALLOWS:

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Date Issued:

Signature for the

Responsible Authority:

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 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:
 - (i) the date of the decision of the Administrative Appeals 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

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- * 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 5 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 APPEALS?

- * The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Administrative Appeals Tribunal, in which case no right of appeal exists.
- * An appeal 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 appeal must be lodged within 60 days after the giving of that notice.

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- * An appeal is lodged with the Administrative Appeals Tribunal.
 - * An appeal must be made on a Notice of Appeal form which can be obtained from the Administrative Appeals Tribunal, and be accompanied by the applicable fee.
 - * An appeal must state the grounds upon which it is based.
 - * An appeal must also be served on the Responsible Authority.
 - * Details about appeals and the fees payable can be obtained from the Administrative Appeals Tribunal.
-

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FORM 5

**PLANNING PERMIT GRANTED UNDER DIVISION 5 OF PART 4
OF THE PLANNING AND ENVIRONMENT ACT 1987**

Permit No.:

Planning Scheme:

Responsible Authority:

ADDRESS OF THE LAND:

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

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

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

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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 5 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.
-

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WHAT ABOUT APPEALS?

- * Any person affected may appeal against—
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
 - * An appeal is lodged with the Administrative Appeals Tribunal.
 - * An appeal must be made on a notice of Appeal form which can be obtained from the Administrative Appeals Tribunal, and be accompanied by the applicable fee.
 - * An appeal must state the grounds upon which it is based.
 - * An appeal must also be served on the Responsible Authority.
 - * Details about appeals and the fees payable can be obtained from the Administrative Appeals Tribunal.
-

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FORM 6

Section 64

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?

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

Date Issued:

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 APPEALS?

For the Applicant—

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

For an Objector—

- * An objector may appeal against the decision of the Responsible
Authority to grant a permit. The appeal must be lodged within 21 days
of the giving of this notice.
- * If there is no appeal, a permit will be issued after 21 days of the giving
of this notice.

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For all appeals—

- * An appeal is lodged with the Administrative Appeals Tribunal.
 - * An appeal must be made on the prescribed Notice of Appeal form which can be obtained from the Administrative Appeals Tribunal, and be accompanied by the applicable fee.
 - * An appeal must state the grounds upon which it is based.
 - * An appeal must also be served on the Responsible Authority.
 - * Notice of the appeal must be given in writing to all other parties to the appeal as soon as practicable after an appeal is lodged. An objector who appeals must give notice to the person who applied for the permit. An applicant who appeals must give notice to all objectors.
 - * Details about appeals and the fees payable can be obtained from the Administrative Appeals Tribunal.
-

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FORM 7

Section 65

REFUSAL TO GRANT A PERMIT

Application No:

Planning Scheme:

Responsible Authority:

ADDRESS OF THE LAND:

WHAT HAS BEEN REFUSED?

WHAT ARE THE REASONS FOR THE REFUSAL?

Date Issued:

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 on the reverse side the reasons for the refusal.
- * The reasons or grounds on which the application has been refused are those of the responsible authority unless otherwise stated.

WHAT ABOUT APPEALS?

- * The person who applied for the permit may appeal against the refusal. The appeal must be lodged within 60 days of the giving of this notice.
- * An appeal is lodged with the Administrative Appeals Tribunal.
- * An appeal must be made on the prescribed Notice of Appeal form which can be obtained from the Administrative Appeals Tribunal and be accompanied by the applicable fee.
- * An appeal must state the grounds upon which it is based.
- * An appeal must also be served on the Responsible Authority.

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-
- * Notice of the appeal must be given in writing to all other parties to the appeal as soon as practicable after an appeal is lodged. An objector who appeals must give notice to the person who applied for the permit. An applicant who appeals must give notice to all objectors.
 - * Details about appeals and the fees payable can be obtained from the Administrative Appeals Tribunal.

For an Objector—

- * If the applicant appeals against this decision, the applicant must give notice in writing to all objectors as soon as practicable after an appeal is lodged. Objectors will be invited to any appeal hearing.
-

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FORM 8

Section 96K

**REFUSAL TO GRANT A PERMIT UNDER SECTION 96K OF THE
PLANNING AND ENVIRONMENT ACT 1987**

Application No.:

Planning Scheme:

Responsible Authority:

ADDRESS OF THE LAND:

WHAT HAS BEEN REFUSED?

GROUND ON WHICH THE PERMIT IS REFUSED:

Date Issued:

Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Minister has directed the responsible authority to refuse the permit. The grounds on which the permit is refused are set out on the reverse side. The grounds are those of the Minister.

WHAT ABOUT APPEALS?

In accordance with section 96M of the **Planning and Environment Act 1987**, an applicant may not appeal the refusal to the Administrative Appeals Tribunal.

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Sch. 1

FORM 9

Section 97O

**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.

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S.R. No. 8/1998

Sch. 1

FORM 10

Section 97O

**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 in 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.

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WHAT ABOUT APPEALS?

A Certificate is a statement about the provisions of the planning scheme. If you disagree with the refusal of the responsible authority to issue a Certificate for any aspect of the use or development covered in the application, you may appeal to the Administrative Appeals Tribunal in accordance with section 97P of the **Planning and Environment Act 1987** and the relevant provisions of the **Planning Appeals Act 1980** and the **Administrative Appeals Tribunal Act 1984**.

- * An appeal is lodged with the Administrative Appeals Tribunal.
 - * An appeal must be made on the prescribed form which can be obtained from the Administrative Appeals Tribunal, and be accompanied by the applicable fee.
 - * An appeal must state the grounds upon which it is based.
 - * An appeal must also be served on the Responsible Authority.
 - * Details about appeals and the fees payable can be obtained from the Administrative Appeals Tribunal.
-

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FORM 11

Section 110(2)

STATEMENT OF COMPENSATION PAID

Lodged at the Land Titles office 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 for which compensation has been paid: *(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:

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FORM 12

Section 110(4)

CANCELLATION OF STATEMENT OF COMPENSATION PAID

Planning and Environment Act 1987

Lodged at the Land Titles office 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 Land Titles Office)*

Signature for applicant:

Name of Officer:

Date:

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FORM 13

Section 181

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

Planning and Environment Act 1987

Lodged at the Land Titles office by:

Name:

Phone:

Address:

Ref: Customer Code:

The 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)*

Authority: *(name and address)*

Section and Act under which agreement made:

A copy of the Agreement is attached to this Application.

Signature for the Authority:

Name of Officer:

Date:

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FORM 14

Section 183

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

Planning and Environment Act 1987

Lodged at the Land Titles office by:

Name:

Phone:

Address:

Ref: Customer Code:

The Authority notifies that the Agreement has ended and requires
cancellation of the recording in the Register for the land.

Land: *(Insert Volume and Folio references of all land affected by agreement)*

Authority: *(name and address)*

Agreement Application Number: *(insert Land Titles Office reference)*

Signature for the Authority:

Name of Officer:

Date:

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FORM 15

Section 183

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

Planning and Environment Act 1987

Lodged at the Land Titles office by:

Name:

Phone:

Address:

Ref: Customer Code:

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

Land: *(Insert Volume and Folio references of all affected land)*

Authority: *(name and address)*

Agreement Application Number: *(insert Land Titles Office 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 Plan of Subdivision or pursuant to an Order of the Administrative Appeals Tribunal), a copy of which is attached.

Signature for the Authority:

Name of Officer:

Date:

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FORM 16

Section 183

**APPLICATION BY A RESPONSIBLE AUTHORITY FOR AN
AMENDMENT TO REMOVE LAND FROM AN AGREEMENT**

Planning and Environment Act 1987

Lodged at the Land Titles office by:

Name:

Phone:

Address:

Ref: Customer Code:

The Authority notifies that the Agreement has been amended so as to remove the land from its effect and requires cancellation of the recording in the Register for the land.

Land: *(Insert Volume and Folio references to land to be removed)*

Authority: *(name and address)*

Agreement Application Number: *(insert Land Titles Office 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 Administrative Appeals Tribunal), a copy of which is attached.

Signature for the Authority:

Name of Officer:

Date:

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FORM 17

Section 199(2)

PLANNING CERTIFICATE

Certificate reference number:

Applicant's name and address:

Name and address of the responsible authority issuing the certificate:

Address of the land which is the subject of the certificate:

Name of the planning scheme covering the land:

Description of the provisions of the planning scheme shown on the planning scheme maps which apply to the land:

Description of any amendment to the planning scheme maps available for inspection which apply to land.

Signed.....

Authorised officer of the responsible authority

Date Issued.....

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FORM 18

Section 201(2)

Applicant's Name and Address

APPLICATION FOR UNDERLYING ZONING

Certificate Number states that the land at

is wholly or partly reserved for public purposes under the planning scheme.

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

.....
Applicant's signature

.....
Date

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Sch. 2

SCHEDULE 2

Section 49(1)

REGISTER UNDER SECTION 49 OF THE ACT

Application Number	Date Received	Applicant's Name and Address	Address of the Land	Proposed Use or Development	Change to Application	Notice of application	Date and Decision of Responsible Authority	Correction or Amendment to Permit	Date and Determination of Administrative Appeals Tribunal
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Endnotes

ENDNOTES

1. General Information

The Planning and Environment Regulations 1998, S.R. No. 8/1998 were made on 3 February 1998 by the Governor in Council under sections 4G(1), 14, 19(1)(c), 31, 35(4)(a), 38, 40, 47(1)(a), 49(1), 52(1), 54(2), 55(2), 55A(3), 59(2), 64, 65, 79, 92, 96C(4)(c), 97O(2), 97P(1)(b), 110(2), 130, 132(3), 147(1)(c), 149A(1)(b)(ii), 181(2), 183(1), 199, 201(2) and 202 of the **Planning and Environment Act 1987**, No. 45/1987 and came into operation on 3 February 1998: regulation 3.

The Planning and Environment Regulations 1998 will sunset 10 years after the day of making on 3 February 2008 (see section 5 of the **Subordinate Legislation Act 1994**).

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Planning and Environment Regulations 1998 by statutory rules, subordinate instruments and Acts.

Planning and Environment (Amendment) Regulations 2004, S.R. No. 97/2004

Date of Making: 27.7.04

Date of Commencement: 1.8.04: reg. 2

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Endnotes

3. Explanatory Details

¹ The Planning and Environment Regulations 1988, S.R. No. 20/1988, reprinted to S.R. No. 124/1995 were revoked on 2 February 1998 by the operation of section 5 of the **Subordinate Legislation Act 1994**.

² S.R. No. 22/1989.

³ S.R. No. 195/1989.

⁴ S.R. No. 58/1990.

⁵ S.R. No. 206/1994.

⁶ S.R. No. 124/1995.

⁷ See note 1.