

**Authorised Version No. 010**  
**Planning and Environment Regulations 2005**

**S.R. No. 33/2005**

Authorised Version incorporating amendments as at  
13 November 2014

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
<b>PART 1—PRELIMINARY</b>	<b>1</b>
1 Objective	1
2 Authorising provision	2
3 Commencement	2
4 Revocation	2
5 Definitions	2
<b>PART 2—PLANNING SCHEMES</b>	<b>4</b>
6 Information required in relation to section 60(1A)(g)	4
<b>PART 3—AMENDMENT OF PLANNING SCHEMES</b>	<b>5</b>
8 Ministers, public authorities, municipal councils and persons to be given notice under section 19(1)(c)	5
9 Notices under section 19	6
9A Prescribed amendments	6
10 Information to be submitted to the Minister under section 31	9
11 Consent to approval of amendments under section 35(4)	10
13 Notice of approval under section 38(1)	11
14 Documents to be lodged with an approved amendment	11
<b>PART 4—PERMITS</b>	<b>12</b>
15 Applications for permits	12
16 Applications for amendments of permits	12
17 Responsible authority register of applications	13
18 Notice of an application for a permit under section 52(1)	14
19 Notice of an application to amend a permit under section 52(1)	14
20 More information—section 54	14
20A Information to be given to a referral authority	15
21 More information—sections 55(2) and 57C(2)	15
22 Verification of information	16

<i>Regulation</i>	<i>Page</i>
23 Form of permits other than permits granted under Division 5 or Division 6 of Part 4 of the Act	16
23A Referral authority register	16
24 Time for decision—section 59	17
25 Notice of decision to grant a permit	17
26 Notice of decision to grant an amendment to a permit	18
27 Notice of decision to refuse to grant a permit	18
28 Notice of decision to refuse to grant an amendment to a permit	18
29 Application for review under section 77	18
30 Application for review under section 78	18
31 Applications for review under section 79	19
32 Applications for review under section 80	20
33 Applications for review under section 81	20
34 Applications for review under section 82	21
34A Applications for review under section 82AAA	21
35 Request to cancel or amend a permit under section 89	21
36 Notice under section 92	22
37 Time for giving of notice under section 92	23
38 Application for permit under section 96A	23
39 Notice under section 96C	24
40 Ministers, public authorities, municipal councils and persons to be given notice under section 96C(1)(c)	25
41 Form of permits granted under Division 5 of Part 4	26
42 Notice under section 96K	26
43 Form of permits granted under Division 6 of Part 4	26
44 Notice under section 97G of decision to refuse	26
44A Notice under section 97K of decision to refuse	27
<b>PART 5—CERTIFICATES OF COMPLIANCE</b>	<b>28</b>
45 Form of certificates	28
46 Application for review under section 97P(1)(a)	28
47 Time to issue a certificate under section 97P	28
<b>PART 6—COMPENSATION</b>	<b>29</b>
48 Statement under section 110	29
49 Request under section 110	29
<b>PART 7—ENFORCEMENT AND LEGAL PROCEEDINGS</b>	<b>30</b>
52 Service of notices and documents	30
53 Time for decision—section 149	31

<i>Regulation</i>	<i>Page</i>
<b>PART 8—ADMINISTRATION</b>	<b>32</b>
53A Application for agreement to proposal to amend or end an agreement	32
53B Notice of proposal to amend or end an agreement	32
54 Recording of agreements under section 181	33
55 Cancellation or amendment of recorded agreements under section 183	34
56 Application for review under section 184	34
56A Time to apply for review under section 184A	34
56B Time to apply for review under section 184B	35
56C Time to apply for review under section 184C	35
57 Planning certificates under section 199	35
58 Declaration under section 201	36
59 Time under section 201	36
<hr/>	
<b>SCHEDULES</b>	<b>37</b>
<b>SCHEDULE 1—Forms</b>	<b>37</b>
Form 1—Notice of Approval of Amendment to a Planning Scheme to be Presented to Parliament	37
Form 2—Notice of an Application for a Planning Permit	39
Form 3—Notice of an Application for an Amendment to a Planning Permit	40
Form 4—Planning Permit	41
Form 5—Notice of Decision to Grant a Permit	45
Form 6—Notice of Decision to Amend a Permit	48
Form 7—Refusal to Grant a Permit	51
Form 8—Refusal to Grant an Amendment to a Permit	53
Form 9—Planning Permit Granted under Division 5 of Part 4 of the <b>Planning and Environment Act 1987</b>	55
Form 10—Refusal to Grant a Permit under Section 96K of the <b>Planning and Environment Act 1987</b>	58
Form 11—Planning Permit Granted by the Minister under Division 6 of Part 4 of the <b>Planning and Environment Act 1987</b>	59
Form 12—Refusal by the Minister to Grant a Permit under Section 97F of the <b>Planning and Environment Act 1987</b>	62
Form 13—Refusal by the Minister to Grant an Amendment to a Permit under Section 97J of the <b>Planning and Environment Act 1987</b>	63

<i>Regulation</i>	<i>Page</i>
Form 14—Certificate of Compliance—Existing Use or Development	64
Form 15—Certificate of Compliance—Proposed Use or Development	65
Form 16—Statement of Compensation Paid	67
Form 17—Cancellation of Statement of Compensation Paid	68
Form 18—Application by a Responsible Authority for the Making of a Recording of an Agreement	69
Form 19—Notification by a Responsible Authority of the Ending of an Agreement	70
Form 20—Notification by a Responsible Authority of Amendment of an Agreement	71
Form 21—Application by a Responsible Authority for an Amendment to Remove Land from an Agreement	72
Form 22—Application For Underlying Zoning	73
=====	
<b>ENDNOTES</b>	<b>75</b>
1. General Information	75
2. Table of Amendments	76
3. Explanatory Details	77

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**Authorised Version No. 010**  
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**S.R. No. 33/2005**

Authorised Version incorporating amendments as at  
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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 information to be given to a responsible authority is to be verified by statutory declaration or other means; and

Planning and Environment Regulations 2005

S.R. No. 33/2005

Part 1—Preliminary

r. 2

Reg. 1(j)  
revoked by  
S.R. No.  
135/2006  
reg. 3(a).

\* \* \* \* \*

(k) information which must be set out in a planning certificate; and

(l) 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 23 May 2005.

## 4 Revocation

The following Regulations are **revoked**—

(a) The Planning and Environment Regulations 1998<sup>1</sup>;

(b) the Planning and Environment (Amendment) Regulations 2004<sup>2</sup>.

## 5 Definitions

In these Regulations—

**Form** means Form in Schedule 1;

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

Reg. 5 def. of  
*the Act*  
amended by  
S.R. No.  
126/2014  
reg. 5(b).

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

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Reg. 5 def. of  
***VicSmart application***  
inserted by  
S.R. No.  
126/2014  
reg. 5(a).

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**PART 2—PLANNING SCHEMES**

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

If a responsible authority considers any matter under section 60(1A)(g) 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.

\* \* \* \* \*

Reg. 7  
revoked by  
S.R. No.  
132/2013  
reg. 4.

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

Reg. 8(ab)  
inserted by  
S.R. No.  
132/2013  
reg. 5(a).

Reg. 8(e)  
amended by  
S.R. No.  
132/2013  
reg. 5(b).

Reg. 8(f)  
substituted by  
S.R. No.  
132/2013  
reg. 5(c).

\* \* \* \* \*

Reg. 8(g)  
revoked by  
S.R. No.  
132/2013  
reg. 5(c).

## 9 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; and
- (f) state the proposed dates for hearings by a panel (including a directions panel) appointed under Part 8 of the Act.

Reg. 9(e)  
amended by  
S.R. No.  
132/2013  
reg. 6(a).

Reg. 9(f)  
inserted by  
S.R. No.  
132/2013  
reg. 6(b).

Reg. 9A  
inserted by  
S.R. No.  
132/2013  
reg. 7.

## 9A 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

Reg. 9A(1)(c)  
amended by  
S.R. No.  
126/2014  
reg. 6.

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- 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 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
  - (f) 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
  - (g) 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
  - (h) 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
  - (i) 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

r. 9A

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- (j) an amendment to a planning scheme to delete a Road Closure Overlay from land; and
  - (k) 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
  - (l) 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
  - (m) 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 given 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
  - (n) any combination of the classes of amendment referred to in paragraphs (a) to (m).
- (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) that is made as a result of an amendment to the Victoria Planning Provisions prepared under section 20A of the Act.

**10 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
- (c) a summary of action taken under sections 19(1B) (if applicable), 19(2), 19(2A), 19(3) and 19(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.

**11 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

Reg. 11(f)  
amended by  
S.R. No.  
132/2013  
reg. 8(a).

Reg. 11(g)  
amended by  
S.R. No.  
132/2013  
reg. 8(b).

(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.**

Reg. 11(h)  
substituted by  
S.R. No.  
132/2013  
reg. 8(c).

\* \* \* \* \*

Reg. 12  
revoked by  
S.R. No.  
132/2013  
reg. 9.

### 13 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 1.

### 14 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 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.

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**PART 4—PERMITS**

**15 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.

Note to reg. 15  
inserted by  
S.R. No.  
132/2013  
reg. 10.

**Note**

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

**16 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 and address of the applicant; and

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- (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 owns the land.

**Note**

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

**Note to reg. 16**  
inserted by  
S.R. No.  
132/2013  
reg. 10.

**17 Responsible authority register of applications**

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

- (a) the permit application 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

**Reg. 17**  
substituted by  
S.R. No.  
126/2014  
reg. 7.

- (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.

**18 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 2.

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

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

**20 More information—section 54**

For the purposes of section 54 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.

**20A 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 permit application 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.

Reg. 20A  
inserted by  
S.R. No.  
132/2013  
reg. 11.

**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 regulation 15 specifies information that must be included in an application.

**21 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.

## **22 Verification of information**

A responsible authority may require verification of—

- (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—

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

## **23 Form of permits other than permits granted under Division 5 or Division 6 of Part 4 of the Act**

A permit, other than a permit granted under Division 5 or Division 6 of Part 4 of the Act, must be in the form of Form 4.

## **23A Referral authority register**

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

- (a) the name of the responsible authority that referred the application; and
- (b) the permit application 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.

Reg. 23A  
inserted by  
S.R. No.  
132/2013  
reg. 12.

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## 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 further 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 Notice of decision to grant a permit

A notice of a decision to grant a permit under sections 64(1) and 66(2) of the Act must be in the form of Form 5 in Schedule 1.

Reg. 25  
substituted by  
S.R. No.  
132/2013  
reg. 13.

Reg. 26  
substituted by  
S.R. No.  
132/2013  
reg. 14.

**26 Notice of decision to grant an amendment to a permit**

A notice of a decision to grant an amendment to a permit under sections 64(1) and 76A(2) of the Act must be in the form of Form 6 in Schedule 1.

Reg. 27  
substituted by  
S.R. No.  
132/2013  
reg. 15.

**27 Notice of decision to refuse to grant a permit**

A notice of a decision to refuse to grant a permit under sections 65(1) and 66(4) of the Act must be in the form of Form 7 in Schedule 1.

Reg. 28  
substituted by  
S.R. No.  
132/2013  
reg. 16.

**28 Notice of decision to refuse to grant an amendment to a permit**

A notice of a decision to refuse to grant an amendment to a permit under sections 76(1) and 76A(4) of the Act must be in the form of Form 8 in Schedule 1.

**29 Application 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.

**30 Application for review under section 78**

Reg. 30(1)  
amended by  
S.R. No.  
135/2006  
reg. 3(b).

- (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.

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**31 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 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 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 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 give 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.

Reg. 31(1)  
substituted by  
S.R. Nos  
135/2006  
reg. 4,  
126/2014  
reg. 9.

- (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 52(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 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.

Reg. 32  
substituted by  
S.R. No.  
132/2013  
reg. 17.

### **32 Applications for review under section 80**

An application for review under section 80 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.

### **33 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 81(1)(aa) of the Act; or
  - (b) the failure of the responsible authority to extend the time within the one month period referred to in section 81(1)(b) of the Act.

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- (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 under section 54(1A) of the Act;
  - (b) the new lapse date set out in a notice under section 54A 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.

#### **34 Applications for review under section 82**

An application for review under section 82 of the Act must be made within 21 days after the responsible authority gave notice to the objector under section 64 of the Act.

#### **34A 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.

Reg. 34A  
inserted by  
S.R. No.  
132/2013  
reg. 18.

#### **35 Request to cancel or amend a permit under section 89**

- (1) A request under section 87(3) or 89 of the Act to amend a permit must include—
- (a) the name and address of the person making the request; and

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- (b) whether the request is made as the responsible authority, a person under section 89 of the Act, a referral authority or the owner or occupier of the land; and
  - (c) a description of the land sufficient to readily 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; 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, why the person believes the person should have been given notice; and
  - (b) if applicable, how the person believes the person has been adversely affected by a matter in section 89(1)(b) of the Act.

### **36 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.

### **37 Time for giving of notice under section 92**

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

### **38 Application for permit under section 96A**

An application for a permit under section 96A of the Act must be made in writing to the planning 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.

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### 39 Notice under section 96C

- (1) 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 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 **Planning and Environment Act 1987**;
  - (b) state the name of the relevant planning scheme;
  - (c) state the permit application number and the planning scheme amendment number;
  - (d) include a description to identify the land affected by the amendment;
  - (e) include a description to identify the land affected by the application;
  - (f) briefly describe the proposed amendment;
  - (g) set out the use, development or other matter a permit is applied for;
  - (h) state who is the applicant for the permit and who requested the amendment to the planning scheme;
  - (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;

- (j) state the name and address of the planning authority, and the address or addresses where the amendment, application and other documents may be inspected;
  - (k) state that any person who may be affected by the amendment or by the granting of the permit may make a submission to the planning authority;
  - (l) state the closing date for submissions, and the address of the planning authority to which submissions may be sent;
  - (m) 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.

**40 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
- (ab) 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; and
- (b) the Minister administering the **Conservation, Forests and Lands Act 1987**; and
- (c) the Minister administering the **Catchment and Land Protection Act 1994**; and

Reg. 40(ab)  
inserted by  
S.R. No.  
132/2013  
reg. 19(a).

r. 41

Reg. 40(e)  
amended by  
S.R. No.  
132/2013  
reg. 19(b).

- (d) the Minister administering the **Sustainable Forests (Timber) Act 2004**; and  
(e) the Minister administering the **Mineral Resources (Sustainable Development) Act 1990**; and

Reg. 40(f)  
substituted by  
S.R. No.  
132/2013  
reg. 19(c).

- (f) the Minister administering the **Pipelines Act 2005**.

Reg. 40(g)  
revoked by  
S.R. No.  
132/2013  
reg. 19(c).

\* \* \* \* \*

#### **41 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 9.

#### **42 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 10.

#### **43 Form of permits granted under Division 6 of Part 4**

A permit granted under section 97F of the Act must be in the form of Form 11.

Reg. 44  
substituted by  
S.R. No.  
132/2013  
reg. 20.

#### **44 Notice under section 97G of decision to refuse**

A notice under section 97G of the Act of a decision to refuse to grant a permit must be in the form of Form 12 in Schedule 1.

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**44A Notice under section 97K of decision to refuse**

A notice under section 97K of the Act of a decision to refuse to grant an amendment of a permit issued under Division 6 of Part 4 of the Act must be in the form of Form 13 in Schedule 1.

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Reg. 44A  
inserted by  
S.R. No.  
132/2013  
reg. 21.

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**PART 5—CERTIFICATES OF COMPLIANCE**

**45 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 14.
- (2) A certificate of compliance applied for under section 97N(1)(b) of the Act must be in the form of Form 15.

**46 Application 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 97O(5) of the Act.

**47 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**

**48 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 16.

**49 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 17.

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**PART 7—ENFORCEMENT AND LEGAL PROCEEDINGS**

Regs 50, 51  
revoked by  
S.R. No.  
135/2006  
reg. 5.

\* \* \* \* \*

**52 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
  - (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
  - (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

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(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**.

**53 Time for decision—section 149**

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

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**PART 8—ADMINISTRATION**

Reg. 53A  
inserted by  
S.R. No.  
132/2013  
reg. 22.

**53A Application for agreement to proposal to amend or end an agreement**

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

- (a) states the applicant's name and address; and
- (b) clearly identifies the agreement proposed to be amended, ended or ended in part; and
- (c) in the case of a proposal to amend an agreement, clearly describes—
  - (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 in part, clearly describes—
  - (i) the parts of the agreement proposed to be ended; and
  - (ii) why the agreement is no longer required.

Reg. 53B  
inserted by  
S.R. No.  
132/2013  
reg. 22.

**53B Notice of proposal to amend or end an agreement**

For the purposes of section 178C(5) of the Act, the prescribed information is—

- (a) a description of the land affected by the agreement; and
- (b) a description of the proposal; and

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- (c) if the applicant applied to the responsible authority for agreement to the proposal under section 178A of the Act, the applicant's name; and
  - (d) if the proposal was made 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, a statement to that effect; and
  - (e) the address of places where, during office hours, the proposal and any documents supporting the proposal may be inspected free of charge; and
  - (f) a statement that—
    - (i) 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 Act, may object to, or make any other submission in relation to the proposal; and
    - (ii) specifies the date from which the responsible authority may make a decision on the proposal under section 178E of the Act; and
    - (iii) the responsible authority will give notice of its decision to any person who made an objection or submission.

#### **54 Recording 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 18.

Reg. 54  
(Heading)  
amended by  
S.R. No.  
132/2013  
reg. 23.

Reg. 55  
(Heading)  
amended by  
S.R. No.  
132/2013  
reg. 24.

## **55 Cancellation or amendment of recorded 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 19; or
- (b) of an amendment to an agreement (other than an amendment referred to in paragraph (c)) in the form of Form 20; or
- (c) of an amendment to an agreement removing certain land from the application of the agreement, in the form of Form 21.

Reg. 56  
substituted by  
S.R. No.  
132/2013  
reg. 25.

## **56 Application 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.

Reg. 56A  
inserted by  
S.R. No.  
132/2013  
reg. 25.

### **56A 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 of its decision.
- (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) must be made within 60 days after the responsible authority gave notice under section 178F(2) of the Act of a decision to refuse to amend or end an agreement.
- (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.

**56B 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 the notice under section 178F(1) of the Act.

Reg. 56B  
inserted by  
S.R. No.  
132/2013  
reg. 25.

**56C 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.

Reg. 56C  
inserted by  
S.R. No.  
132/2013  
reg. 25.

**57 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 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

r. 58

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(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.

**58 Declaration under section 201**

An application for a declaration under section 201 of the Act must be in the form of Form 22.

**59 Time under section 201**

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

Reg. 60  
revoked by  
S.R. No.  
132/2013  
reg. 26.

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## SCHEDULES

### SCHEDULE 1

#### FORMS

#### FORM 1

Section 38(1)

Sch. 1 Form 1  
substituted by  
S.R. No.  
132/2013  
reg. 27.

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

On *[insert date]* the Minister for Planning 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 sections 17, 18 and 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 2005 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.

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

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

Planning and Environment Regulations 2005  
S.R. No. 33/2005

**Sch. 1**

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*[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 **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 for Planning

Date: *[insert date notice given]*

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**FORM 2**

Section 52

**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 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) or 52(1AA) of the Act is to be given]*.

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

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**FORM 3**

Section 52

**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 change applied for*].

The applicant for the amendment to 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 proposed amendment to 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) or 52(1AA) of the Act is to be given*].

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

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FORM 4

Sections 63 and 86

Sch. 1 Form 4  
substituted by  
S.R. No.  
132/2013  
reg. 28.

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:

*[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>
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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—]*

**Sch. 1**

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

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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 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.
- \* 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.

Planning and Environment Regulations 2005  
S.R. No. 33/2005

**Sch. 1**

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- \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
  - \* An application for review must be made on an Application for Review 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.
  - \* Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.
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**FORM 5**

Sections 64(1) and 66(2)

Sch. 1 Form 5  
substituted by  
S.R. No.  
132/2013  
reg. 29.

**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 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.

**Sch. 1**

*[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 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 the 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 Application for Review 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 in writing to all other parties to the review as soon as practicable after an application for review is lodged. An objector who applies for a review must give notice to the person who applied for the permit.

Planning and Environment Regulations 2005  
S.R. No. 33/2005

**Sch. 1**

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An applicant who applies for review must give notice to all objectors.

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

Sch. 1

Sch. 1 Form 6  
substituted by  
S.R. No.  
132/2013  
reg. 30.

**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?

*(if applicable)* TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?

Date Issued:

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 APPEALS?

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.

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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 the 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 Application for Review 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 in writing to all other parties to the review as soon as practicable after an application for review is lodged. An objector who applies for a review must give notice to the person who applied for the amendment to the permit.

Planning and Environment Regulations 2005  
S.R. No. 33/2005

**Sch. 1**

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An applicant who applies for review must give notice to all objectors.

- \* 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)

Sch. 1 Form 7  
substituted by  
S.R. No.  
132/2013  
reg. 31.

**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 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?

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.

**Sch. 1**

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- \* An application for review must be made on the Application for Review 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 in writing to all other parties to the review as soon as practicable after an application for review is lodged.
- \* An applicant who applies for a review must give notice of the application to—
  - (a) all objectors; and
  - (b) any recommending referral authority that objected to the amendment of the permit.
- \* Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

For an Objector—

- \* If the applicant applies for a review of this decision, the applicant must give notice in writing to all objectors as soon as practicable after an application for review is lodged.
-

**FORM 8**

Sections 76(1) and 76A(4)

Sch. 1 Form 8  
substituted by  
S.R. No.  
132/2013  
reg. 32.

**REFUSAL 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?

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 amend a permit.
- \* This notice sets out 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?

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.
- \* An application for review must be made on the Application for Review 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.

Planning and Environment Regulations 2005  
S.R. No. 33/2005

**Sch. 1**

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- \* An application for review must also be served on the Responsible Authority.
- \* Notice of the application for review must be given in writing to all other parties to the review as soon as practicable after an application for review is lodged.
- \* An applicant who applies for review must give notice of the application to—
  - (a) all objectors; and
  - (b) any recommending referral authority that objected to the amendment of the permit.
- \* Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

For an Objector—

- \* If the applicant applies for a review of this decision, the applicant must give notice in writing to all objectors as soon as practicable after an appeal is lodged.
-

**FORM 9**

Section 96J

**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:

*[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:

Date of amendment	Brief description of amendment
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**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.

**Sch. 1**

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 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 apply for a review of—
  - 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 application for review is lodged with the Victorian Civil and Administrative Tribunal.
- \* An application for review must be made on an Application for Review 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.
- \* Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

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**FORM 10**

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(S) 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 in this notice.
- \* 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 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  
DIVISION 6 OF PART 4 OF THE PLANNING AND ENVIRONMENT  
ACT 1987**

Permit No.:

Planning Scheme:

Responsible Authority for Administration and Enforcement of this permit:

ADDRESS OF THE LAND:

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:

Date of amendment	Brief description of amendment

**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

**Sch. 1**

- \* 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.
6. In accordance with section 97H of the **Planning and Environment Act 1987**, the Minister is the responsible authority in respect to any extension of time under section 69 in relation to this permit.

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WHAT ABOUT APPEALS?

The permit has been granted and issued by the Minister under Division 6 of Part 4 of the **Planning and Environment Act 1987**. Section 97M provides that Divisions 2 and 3 of that Part and section 149A do not apply in relation to an application referred to the Minister under this Division, a permit issued under this Division or an amendment of a permit issued under this Division. The effect of this is that the Minister's decision is final.

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**FORM 12**

Section 97G

**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(S) ON WHICH THE PERMIT IS REFUSED:

Date Issued:

Signature for the Minister for Planning:

**IMPORTANT INFORMATION ABOUT THIS NOTICE**

WHAT HAS BEEN DECIDED?

The Minister has refused the permit. The grounds on which the permit is refused are set out in this notice. The grounds are those of the Minister except as otherwise noted.

WHAT ABOUT APPEALS?

There is no provision in the **Planning and Environment Act 1987** for an applicant to apply to the Victorian Civil and Administrative Tribunal for a review of this decision.

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**FORM 13**

Section 97K

Sch. 1  
Form 13  
amended by  
S.R. No.  
132/2013  
reg. 33.

**REFUSAL BY THE MINISTER TO GRANT AN AMENDMENT TO A  
PERMIT UNDER SECTION 97J OF THE PLANNING AND  
ENVIRONMENT ACT 1987**

Application No.:

PLANNING SCHEME:

RESPONSIBLE AUTHORITY WHICH ISSUED THE ORIGINAL  
PERMIT:

ADDRESS OF THE LAND:

PERMIT FOR WHICH AMENDMENT WAS SOUGHT:

WHAT HAS BEEN REFUSED?

GROUND(S) ON WHICH THE AMENDMENT TO THE PERMIT IS  
REFUSED:

Date Issued:

Signature for the Minister for Planning:

**IMPORTANT INFORMATION ABOUT THIS NOTICE:**

WHAT HAS BEEN DECIDED?

The Minister has refused to amend the permit. The grounds on which the amendment to the permit is refused are set out in this notice. The grounds are those of the Minister except as otherwise noted.

WHAT ABOUT APPEALS?

There is no provision in the **Planning and Environment Act 1987** for an applicant to apply to the Victorian Civil and Administrative Tribunal for a review of this decision.

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**FORM 14**

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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**FORM 15**

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.

#### 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 apply for a review of that decision to the Victorian Civil and Administrative Tribunal in accordance with section 97P of the **Planning and Environment Act 1987** and the relevant provisions of the **Victorian Civil and Administrative Tribunal Act 1998**.

- \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
  - \* An application for review must be made on the Application for Review 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.
  - \* Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.
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**FORM 16**

Section 110(2)

**STATEMENT OF COMPENSATION PAID**

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 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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Sch. 1

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**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:

  

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**FORM 18**

Section 181

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

**Planning and Environment Act 1987**

Lodged 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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Sch. 1

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**FORM 19**

Section 183

**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 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 Office of Titles reference)*

Signature for the Authority:

Name of Officer:

Date:

  

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**FORM 20**

Section 183

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

**Planning and Environment Act 1987**

Lodged 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 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 Plan of Subdivision or pursuant to an Order of the Victorian Civil and Administrative Tribunal), a copy of which is attached.

Signature for the Authority:

Name of Officer:

Date:

  

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Sch. 1

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**FORM 21**

Section 183

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

**Planning and Environment Act 1987**

Lodged 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 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.

Signature for the Authority:

Name of Officer:

Date:

  

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**FORM 22**

Section 201(2)

**APPLICATION FOR UNDERLYING ZONING**

Applicant's Name and Address:

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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Planning and Environment Regulations 2005  
S.R. No. 33/2005

Sch. 2

Sch. 2  
revoked by  
S.R. No.  
126/2014  
reg. 10.

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## ENDNOTES

### 1. General Information

The Planning and Environment Regulations 2005, S.R. No. 33/2005 were made on 17 May 2005 by the Governor in Council under section 202 of the **Planning and Environment Act 1987**, No. 45/1987 and came into operation on 23 May 2005: regulation 3.

The Planning and Environment Regulations 2005 will sunset 10 years after the day of making on 17 May 2015 (see section 5 of the **Subordinate Legislation Act 1994**).

## 2. Table of Amendments

This Version incorporates amendments made to the Planning and Environment Regulations 2005 by statutory rules, subordinate instruments and Acts.

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Planning and Environment (Amendment) Regulations 2006, S.R. No. 135/2006

*Date of Making:* 10.10.06

*Date of Commencement:* 10.10.06

Planning and Environment Amendment Regulations 2013, S.R. No. 132/2013

*Date of Making:* 29.10.13

*Date of Commencement:* 29.10.13

Planning and Environment Amendment (VicSmart) Regulations 2014,  
S.R. No. 126/2014

*Date of Making:* 16.9.14

*Date of Commencement:* 19.9.14: reg. 4

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### 3. Explanatory Details

<sup>1</sup> Reg. 4(a): S.R. No. 8/1998 as amended by S.R. No. 97/2004.

<sup>2</sup> Reg. 4(b): S.R. No. 97/2004.