# Proposed Planning and Environment Amendment Regulations 2013

This document has been prepared for information purposes only.

## TABLE OF PROVISIONS

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Objective</td>
</tr>
<tr>
<td>2</td>
<td>Authorising provision</td>
</tr>
<tr>
<td>3</td>
<td>Principal Regulations</td>
</tr>
<tr>
<td>4</td>
<td>Revocation of regulation 7</td>
</tr>
<tr>
<td>5</td>
<td>Ministers, public authorities, municipal councils and persons to be given notice under section 19(1)(c)</td>
</tr>
<tr>
<td>6</td>
<td>Notices under section 19</td>
</tr>
<tr>
<td>7</td>
<td>New regulation 9A inserted</td>
</tr>
<tr>
<td>8</td>
<td>Consent to approval of amendments under section 35(4)</td>
</tr>
<tr>
<td>9</td>
<td>Revocation of regulation 12</td>
</tr>
<tr>
<td>10</td>
<td>Applications for permits and applications for amendments to permits</td>
</tr>
<tr>
<td>11</td>
<td>New regulation 20A inserted</td>
</tr>
<tr>
<td>12</td>
<td>New regulation 23A inserted</td>
</tr>
<tr>
<td>13</td>
<td>Regulation 25 substituted</td>
</tr>
<tr>
<td>14</td>
<td>Regulation 26 substituted</td>
</tr>
<tr>
<td>15</td>
<td>Regulation 27 substituted</td>
</tr>
<tr>
<td>16</td>
<td>Regulation 28 substituted</td>
</tr>
<tr>
<td>17</td>
<td>Regulation 32 substituted</td>
</tr>
<tr>
<td>18</td>
<td>New regulation 34A inserted</td>
</tr>
<tr>
<td>19</td>
<td>Ministers, public authorities, municipal councils and persons to be given notice under section 96C(1)(c)</td>
</tr>
<tr>
<td>20</td>
<td>Regulation 44 substituted</td>
</tr>
<tr>
<td>21</td>
<td>Notice under section 97G of decision to refuse</td>
</tr>
<tr>
<td>Regulation</td>
<td>Page</td>
</tr>
<tr>
<td>------------</td>
<td>------</td>
</tr>
<tr>
<td>21 New regulation 44A inserted</td>
<td>11</td>
</tr>
<tr>
<td>44A Notice under section 97K of decision to refuse</td>
<td>12</td>
</tr>
<tr>
<td>22 New regulations 53A and 53B inserted</td>
<td>12</td>
</tr>
<tr>
<td>53A Application for agreement to proposal to amend or end an agreement</td>
<td>12</td>
</tr>
<tr>
<td>53B Notice of proposal to amend or end an agreement</td>
<td>13</td>
</tr>
<tr>
<td>23 Recording of agreements under section 181</td>
<td>14</td>
</tr>
<tr>
<td>24 Cancellation or amendment of recorded agreements under section 183</td>
<td>14</td>
</tr>
<tr>
<td>25 Regulation 56 substituted and new regulations 56A, 56B and 56C inserted</td>
<td>14</td>
</tr>
<tr>
<td>56 Application for review under section 184</td>
<td>15</td>
</tr>
<tr>
<td>56A Time to apply for review under section 184A</td>
<td>15</td>
</tr>
<tr>
<td>56B Time to apply for review under section 184B</td>
<td>16</td>
</tr>
<tr>
<td>56C Time to apply for review under section 184C</td>
<td>17</td>
</tr>
<tr>
<td>26 Revocation of regulation 60</td>
<td>17</td>
</tr>
<tr>
<td>27 Form 1 in Schedule 1 substituted</td>
<td>17</td>
</tr>
<tr>
<td>28 Form 4 in Schedule 1 substituted</td>
<td>19</td>
</tr>
<tr>
<td>29 Form 5 in Schedule 1 substituted</td>
<td>22</td>
</tr>
<tr>
<td>30 Form 6 in Schedule 1 substituted</td>
<td>24</td>
</tr>
<tr>
<td>31 Form 7 in Schedule 1 substituted</td>
<td>26</td>
</tr>
<tr>
<td>32 Form 8 in Schedule 1 substituted</td>
<td>28</td>
</tr>
<tr>
<td>33 Form 13 in Schedule 1 amended</td>
<td>30</td>
</tr>
</tbody>
</table>

ENDNOTES | 31 |
Proposed Planning and Environment Amendment Regulations 2013

This document has been prepared for information purposes only.

1 Objective

The objective of these Regulations is to make miscellaneous amendments to the Planning and Environment Regulations 2005 as a result of amendments to the Planning and Environment Act 1987 made by the Planning and Environment Amendment (General) Act 2013 and to make other amendments to improve the operation of those Regulations.

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 28 October 2013.

4 Principal Regulations
In these Regulations, the Planning and Environment Regulations 2005\(^1\) are called the Principal Regulations.

\textbf{54 \hypertarget{54}{Revocation of regulation 7}}

Regulation 7 of the Principal Regulations is revoked.

\textbf{65 \hypertarget{65}{Ministers, public authorities, municipal councils and persons to be given notice under section 19(1)(c)}}

In regulation 8 of the Principal Regulations—

(a) after paragraph (a) insert—

"(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) in paragraph (e), for "Mineral Resources Development Act 1990" substitute "Minerals Resources (Sustainable Development) Act 1990";

(c) for paragraphs (f) and (g) substitute—

"(f) the Minister administering the Pipelines Act 2005.".

\textbf{76 \hypertarget{76}{Notices under section 19}}

In regulation 9 of the Principal Regulations—

(a) in paragraph (e), for "submissions" substitute "submissions; and";

(b) after paragraph (e) insert—

"(f) state the proposed dates for hearings by a panel (including a directions panel) appointed under Part 8 of the Act.".

\textbf{87 \hypertarget{87}{New regulation 9A inserted}}
After regulation 9 of the Principal Regulations insert—

"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 language or grammatical form of a clause in the Victoria Planning Provisions or a planning scheme, if the intended effect of that clause or any other clause in the Victoria Planning Provisions or a planning scheme is not changed by that amendment; and

(d) an amendment to remove a clause that duplicates another clause in the Victoria Planning Provisions or a planning scheme; and

(e) an amendment to the description of an incorporated document or a reference document in the Victoria Planning Provisions or a planning scheme; and

(f) an amendment to delete a reference to a reference document in the Victoria Planning Provisions or a planning scheme; and
(ge) 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

(hf) an amendment to the description of a person or body, department, Act or statutory rule specified as a referral authority in the Victoria Planning Provisions or a planning scheme if the legal description of that person or body, department, Act or statutory rule has changed; and

(ig) an amendment to delete a reference to a person or body specified as a referral authority in the Victoria Planning Provisions or a planning scheme if that person or body requests the amendment; and

(j) an amendment to the description of 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 the legal description of that person or body has changed; and

(kh) 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

(li) 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

(mj) an amendment to a planning scheme to delete a Road Closure Overlay from land; and

(nk) 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

(oj) an amendment to a planning scheme to delete an Environmental Audit Overlay from land if a certificate of environmental audit has been issued for that land in accordance with Part IXD of the **Environment Protection Act 1970**; and

(p) an amendment to a planning scheme to rezone land to a Public Use Zone, Public Park and Recreation Zone, Public Conservation and Resource Zone or Road Zone if the land is in public ownership; and

(qm) 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

(rn) any combination of the classes of amendment referred to in paragraphs (a) to (qhn).

(2) For the purposes of section 20A(4)(b) of the Act, the prescribed 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.”.

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

In regulation 11 of the Principal Regulations—

(a) in paragraph (f), for "Mineral Resources Development Act 1990" substitute "Minerals Resources (Sustainable Development) Act 1990";

(b) in paragraph (g), for "as defined under the Extractive Industries Development Act 1995" substitute "under the Minerals Resources (Sustainable Development) Act 1990";

(c) for paragraph (h) substitute—
"(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**.".

### 409 Revocation of regulation 12

Regulation 12 of the Principal Regulations is **revoked**.

### 4110 Applications for permits and applications for amendments to permits

At the foot of regulation regulations 15 and 16 of the Principal Regulations **insert**—

"**Note**

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

### 1211 New regulation 20A inserted

After regulation 20 of the Principal Regulations **insert**—

"**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.

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.”.

**New regulation 23A inserted**

After regulation 23 of the Principal Regulations insert—

"23A Referral authority register

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

(a) the name of the planning scheme applying to the land affected by the application; and

(ba) the name of the responsible authority that referred the application; and

(cb) the permit application number given by the responsible authority; and

(dc) the reference number given to the application by the referral authority (if any); and

(ed) the date the referral authority received the application; and
(f) the address of the land affected by the application; and

(e) the proposed use, development or other matter for which the application is made; and

(g) the date and decision of the referral authority."

**1413 Regulation 25 substituted**

For regulation 25 of the Principal Regulations substitute—

"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.".

**1514 Regulation 26 substituted**

For regulation 26 of the Principal Regulations substitute—

"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.".

**1615 Regulation 27 substituted**

For regulation 27 of the Principal Regulations substitute—

"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.".
**4716 Regulation 28 substituted**

For regulation 28 of the Principal Regulations substitute—

"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.".

**4817 Regulation 32 substituted**

For regulation 32 of the Principal Regulations substitute—

"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.".

**4918 New regulation 34A inserted**

After regulation 34 of the Principal Regulations insert—

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

In regulation 40 of the Principal Regulations—

(a) after paragraph (a) insert—

"(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"; any Minister, public authority or municipal council that the amendment would designate in the planning scheme as an acquiring authority for the purposes of the Act for land reserved for public purposes;

(b) in paragraph (e), for "Mineral Resources Development Act 1990" substitute "Minerals Resources (Sustainable Development) Act 1990";

(c) for paragraphs (f) and (g) substitute—

"(f) the Minister administering the Pipelines Act 2005.".

Regulation 44 substituted

For regulation 44 of the Principal Regulations substitute—

"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.".

New regulation 44A inserted

After regulation 44 of the Principal Regulations insert—
"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."

23 22 New regulations 53A and 53B inserted

In Part 8 of the Principal Regulations, before regulation 54, insert—

"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) state the applicant’s name and address; and

(b) clearly identify the agreement proposed to be amended, ended or ended in part; and

(c) in the case of a proposal to amend an agreement, clearly describe—

(i) the proposed amendment; and

(ii) the purpose of the proposed amendment; and

(iii) any change in circumstances that necessitates the proposed amendment; and

(d) in the case of a proposal to end an agreement in part, clearly describe—
(i) the parts of the agreement proposed to be ended; and
(ii) why the agreement is no longer required.

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 purpose of the agreement; and

(c) a description of the persons affected by any covenant in the agreement; and

(d) a description of the proposal; and

(e) 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) a statement of whether—

(i) the application was made under section 178A of the Act and the responsible authority agrees with the proposal in principle; or
(ii) the responsible authority, on its own initiative, proposes to amend or end the agreement; and

(fe) the address of places where, during office hours, the proposal and any documents supporting the proposal may be inspected free of charge; and

(g) 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 decide to make a decision on the application for the proposal under section 178E of the Act; and

(iii) the responsible authority is required to give notice of its decision to any person who made an objection or submission."

**2423 Recording of agreements under section 181**

In the heading to regulation 54 of the Principal Regulations, for "Registration" substitute "Recording".

**2524 Cancellation or amendment of recorded agreements under section 183**

In the heading to regulation 55 of the Principal Regulations, for "registered" substitute "recorded".

**2625 Regulation 56 substituted and new regulations 56A, 56B and 56C inserted**
For regulation 56 of the Principal Regulations

**substitute**—

"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."

27—New regulations 56A, 56B, 56C and 56D inserted

After regulation 56 of the Principal Regulations—

"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.

(1) An application for review under section 184A(1)(a) and (b) of the Act must be made—

(a) in the case of a decision of the responsible authority referred to in section 178E(2)(b)—within 21 days after the responsible authority made the decision; or

(b) in the case of a decision of the responsible authority referred to in section 178E(3)(a) and (b)—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 178(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.

An application for review under section 184B of the Act must be made—

(a) in the case of a decision of the responsible authority referred to in section 178E(2)(a) or (b) or (3)(c)—within 21 days after the responsible authority made the decision; or

(b) in the case of a decision of the responsible authority referred to in section 178E(3)(a) or (b) within 21 days after the responsible authority gave—
notice under section 178F(1) of its decision if the party to the agreement made an objection or submission in accordance with section 178D of the Act.

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.

56D Time to apply for review under section 184D

An application for review under section 184D of the Act must be made—

(a) in the case of a decision of the responsible authority referred to in section 178E(2)(a) or (b) or (3)(c)—within 21 days after the responsible authority made the decision; or

(b) in the case of a decision of the responsible authority referred to in section 178E(3)(a) or (b)—within 21 days after the responsible authority gave notice under section 178F(1) of its decision.

2826 Revocation of regulation 60

Regulation 60 of the Principal Regulations is revoked.

2927 Form 1 in Schedule 1 substituted

For Form 1 in Schedule 1 to the Principal Regulations substitute—

"FORM 1

Section 38(1)
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]

[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
3028 Form 4 in Schedule 1 substituted

For Form 4 in Schedule 1 to the Principal Regulations substitute—

"FORM 4

Sections 63 and 86

PLANNING PERMIT

Permit No.:
Planning Scheme:
Responsible Authority:
ADDRESS OF THE LAND:
THE PERMIT ALLOWS:
THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

PERMIT EXPIRY:

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:

<table>
<thead>
<tr>
<th>Date of amendment</th>
<th>Brief description of amendment</th>
</tr>
</thead>
</table>

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?
The Responsible Authority has issued a permit *at the direction of the Victorian Civil and Administrative Tribunal.

*Delete if not applicable.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)
CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

[If this permit was not issued at the direction of the Victorian Civil and Administrative Tribunal or if this permit was issued at the direction of the Tribunal but the Tribunal did not direct that the permit or part of the permit must not be amended by the Responsible Authority under Division 1A of Part 4 of the Act include the following paragraph—]

The Responsible Authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987.

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

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

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

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

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

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

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

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 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.

* 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.

__________________

31 Form 5 in Schedule 1 substituted

For Form 5 in Schedule 1 of the Principal Regulations substitute—

"FORM 5

Sections 64(1) and 66(2)

NOTICE OF DECISION TO GRANT A PERMIT

Application No.:
Planning Scheme:
Responsible Authority:

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.
THE PERMIT HAS NOT BEEN ISSUED.
ADDRESS OF THE LAND:
WHAT WILL THE PERMIT ALLOW?
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.

[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.

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 6 in Schedule 1 substituted**

For Form 6 in Schedule 1 to the Principal Regulations substitute —

"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.

[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.

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 in Schedule 1 substituted"

For Form 7 in Schedule 1 to the Principal Regulations substitute—

"FORM 7"

Sections 65(1) and 66(4)

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.
* 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

Sch. 1
(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.

__________________”.

3432 Form 8 in Schedule 1 substituted

For Form 8 in Schedule 1 to the Principal Regulations substitute—

"FORM 8

Sections 76(1) and 76A(4)

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.
* 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 13 in Schedule 1 amended
In Form 13 in Schedule 1 to the Principal Regulations, for "SECTION 97F" substitute "SECTION 97J".
ENDNOTES