# Planning and Environment Division

## Sample Consent Orders – Planning and Environment Division

(updated March 2025)

**Sample Consent Order 1**

## Section 77 or 79 of the *Planning and Environment Act 1987* (Vic)

**This sample applies if the parties agree to the grant of a permit in relation to an application by a permit applicant to review the refusal to grant a permit under section 77 of the *Planning and Environment Act 1987* (Vic)or in relation to an application by a permit applicant to review the failure to grant a permit within the prescribed period under section 79 of the *Planning and Environment Act 1987* (Vic).**

### Permit granted

The parties in Application [insert relevant VCAT application number] have reached agreement and request the Tribunal to grant the following order.

1. In application [insert relevant VCAT application number], the decision of the responsible authority is set aside.
2. In planning permit application [insert permit application number] a permit is granted and directed to be issued for land at [insert address] in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

|  |  |  |
| --- | --- | --- |
| **Planning scheme clause** | |  | | --- | | **Matter for which the permit has been granted** | |
| Insert the planning scheme clause and subclause as shown in the example below. Insert a new row for each planning scheme clause and subclause.  e.g | For each planning scheme clause and subclause, list the matter for which the permit has been granted as shown in the example below. Insert a new row for each planning scheme clause and subclause.  Note – the Department of Transport and Planning ‘Writing Planning Permit’ guidelines use active voice  e.g. |
| Clause 32.08-7 | Construct two or more dwellings on a lot. |
| Clause 42.02-2 | Remove vegetation. |

If relevant also include:

### Hearings vacated

1. The compulsory conference scheduled at [time] on [date] is vacated. No attendance is required.
2. The hearing scheduled at [time] on [date] is vacated. No attendance is required.

**The parties must attach Appendix A containing all the conditions. Do not include notes.**

**CONSENTS**

Applicant/Permit applicant (print name and sign) ………………………………..

Responsible Authority (print name and sign) …………………………………….

(If relevant) Other party (eg objector, referral authority) (print name and sign) ………………………………………

**Sample Consent Order 2**

## Section 82 of the *Planning and Environment Act 1987* (Vic) (permit issued)

**This sample applies if the parties agree to the grant of a permit in relation to an application by an objector to review a decision to grant a permit under section 82 of the *Planning and Environment Act 1987* (Vic).**

### Permit granted

The parties in Application [insert relevant VCAT application number] have reached agreement and request the Tribunal to grant the following order.

1. In application [insert relevant VCAT application number], the decision of the responsible authority is affirmed [if no changes to conditions], [OR] is varied [if changes made from the notice of decision].
2. In planning permit application [insert permit application number] a permit is granted and directed to be issued for land at [insert address] in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

|  |  |
| --- | --- |
| **Planning scheme clause** | **Matter for which the permit has been granted** |
| Insert the planning scheme clause and subclause as shown in the example below.  Insert a new row for each planning scheme clause and subclause.  e.g | For each planning scheme clause and subclause, list the matter for which the permit has been granted as shown in the example below.  Insert a new row for each planning scheme clause and subclause.  Note – the Department of Transport and Planning ‘Writing Planning Permit’ guidelines use active voice  e.g. |
| Clause 32.08-7 | Construct two or more dwellings on a lot. |
| Clause 42.02-2 | Remove vegetation. |

If relevant also include:

### Hearings vacated

1. The compulsory conference scheduled at [time] on [date] is vacated. No attendance is required.
2. The hearing scheduled at [time] on [date] is vacated. No attendance is required.

**The parties must attach Appendix A containing all the conditions. Do not include notes.**

**CONSENTS**

Applicant/Objector (print name and sign) ………………………………………...

Responsible Authority (print name and sign) …………………………………….

Permit applicant/Respondent (print name and sign) ....……………………………

(If relevant) Other party (eg referral authority) (print name and sign) …………………………………..

**Sample Consent Order 3**

## Section 82 of the *Planning and Environment Act 1987* (Vic) (No permit granted)

**This sample applies if the parties agree that no permit should be granted in relation to an application by an objector to review a decision to grant a permit under section 82 of the *Planning and Environment Act 1987* (Vic)*.* This instance may arise where the permit applicant seeks to ‘withdraw’ their permit application, and therefore consent to an order that the Council’s decision is set aside and that no permit is granted.**

### No permit granted

The parties in Application [insert relevant VCAT application number] have reached agreement and request the Tribunal to grant the following order.

1. In application [insert relevant VCAT application number], the decision of the responsible authority is set aside.
2. In planning permit application [insert permit application number] no permit is granted.

If relevant also include:

### Hearings vacated

1. The compulsory conference scheduled at [time] on [date] is vacated. No attendance is required.
2. The hearing scheduled at [time] on [date] is vacated. No attendance is required.

**CONSENTS**

Applicant/Objector (print name and sign) ………………………………………...

Responsible Authority (print name and sign) …………………………………….

Permit applicant/Respondent (print name and sign) ....……………………………

(If relevant) Other party (eg referral authority) (print name and sign) …………………………………..

**Sample Consent Order 4**

## Section 72 of the *Planning and Environment Act 1987* (Vic)

**This sample applies if the parties agree to the grant of an amended permit in relation to an application by a permit applicant to review the refusal to grant an amended permit under section 72 of the *Planning and Environment Act 1987* (Vic).**

The parties in Application [insert relevant VCAT application number] have reached agreement and request the Tribunal to grant the following orders.

## Amend permit

1. In application [insert relevant VCAT application number], the decision of the responsible authority is set aside/affirmed/varied [delete depending on agreement].
2. Planning permit [insert planning permit no] is amended and an amended permit is directed to be issued for the land at [insert address of subject land]. The permit is amended as follows:

(a) The description of what the permit allows is amended to read: [delete if not applicable]

|  |  |
| --- | --- |
| **Planning scheme clause** | **Matter for which the permit has been granted** |
| Insert the planning scheme clause and subclause as shown in the example below.  Insert a new row for each planning scheme clause and subclause.  e.g | For each planning scheme clause and subclause, list the matter for which the permit has been granted as shown in the example below.  Insert a new row for each planning scheme clause and subclause.  Note – the Department of Transport and Planning ‘Writing Planning Permit’ guidelines use active voice  e.g. |
| Clause 32.08-7 | Construct two or more dwellings on a lot. |
| Clause 42.02-2 | Remove vegetation. |

(b) Conditions are amended to read as set out in Appendix A. [Delete if not applicable]

[Note that if plans have already been endorsed, this may need to be considered in drafting of permit conditions e.g. by condition being amended to require further amended plans to be submitted within a specified timeframe from the date of the amended permit]

1. [Use if amendment relates to specific plans. Delete if not applicable] The plans endorsed under the permit are amended and the responsible authority is directed to endorse amended plans showing:

(a) Here type a description of how the plans are to be amended either by describing the changes from the previous plans (eg extending balcony on north elevation by 3 metres) or by reference to a specific plan(s).

If relevant also include:

### Hearings vacated

1. The compulsory conference scheduled at [time] on [date] is vacated. No attendance is required.
2. The hearing scheduled at [time] on [date] is vacated. No attendance is required.

**CONSENTS**

Applicant/Permit applicant (print name and sign) ………………………………..

Responsible Authority (print name and sign) …………………………………….

(If relevant) Other party (eg objector or referral authority) (print name and sign) ………………………………………

**Sample Consent Order 5**

## Section 87 or 87A of the *Planning and Environment Act 1987* (Vic)

**This sample applies if the parties agree to the grant of an amended permit in relation to an application under section 87 or 87A of the *Planning and Environment Act 1987* (Vic)*.***

The parties in Application [insert relevant VCAT application number] have reached agreement and request the Tribunal to grant the following orders.

## Amend permit

1. Application [insert relevant VCAT application number], is allowed.
2. Planning permit [insert planning permit no] is amended and an amended permit is directed to be issued for the land at [insert address of subject land]. The permit is amended as follows:

(a) The description of what the permit allows is amended to read: [delete if not applicable]

|  |  |
| --- | --- |
| **Planning scheme clause** | **Matter for which the permit has been granted** |
| Insert the planning scheme clause and subclause as shown in the example below.  Insert a new row for each planning scheme clause and subclause.  e.g | For each planning scheme clause and subclause, list the matter for which the permit has been granted as shown in the example below.  Insert a new row for each planning scheme clause and subclause.  Note – the Department of Transport and Planning ‘Writing Planning Permit’ guidelines use active voice  e.g. |
| Clause 32.08-7 | Construct two or more dwellings on a lot. |
| Clause 42.02-2 | Remove vegetation. |

(b) Conditions are amended to read as set out in Appendix A. [Delete if not applicable]

[Note that if plans have already been endorsed, this may need to be considered in drafting of permit conditions e.g. by condition being amended to require further amended plans to be submitted within a specified timeframe from the date of the amended permit]

1. [Use if amendment relates to specific plans. Delete if not applicable] The plans endorsed under the permit are amended and the responsible authority is directed to endorse amended plans showing:

(a) Here type a description of how the plans are to be amended either by describing the changes from the previous plans (eg extending balcony on north elevation by 3 metres) or by reference to a specific plan(s).

If relevant also include:

### Hearings vacated

1. The compulsory conference scheduled at [time] on [date] is vacated. No attendance is required.
2. The hearing scheduled at [time] on [date] is vacated. No attendance is required.

**CONSENTS**

Person requesting amendment (print name and sign) …………………………….

Responsible Authority (print name and sign) …………………………………….

(If relevant) Other party (eg objector or referral authority) (print name and sign) …………………………………...

**Sample Consent Order 6**

## Section 80 of the *Planning and Environment Act 1987* (Vic)

**This sample applies if the parties agree to modified conditions in a permit in relation to an application to review the conditions of a permit under section 80 of the *Planning and Environment Act 1987* (Vic).**

The parties in Application [insert relevant VCAT application number] have reached agreement and request the Tribunal to grant the following order.

1. In application [insert relevant VCAT application number], the decision of the responsible authority is varied.
2. The Tribunal directs that planning permit [insert planning permit no.] must contain the conditions set out in Appendix A.
3. The responsible authority is directed to issue a modified permit in accordance with this order.

### OR – if only amending a few permit conditions

1. In application [insert relevant VCAT application number] the decision of the responsible authority is varied.
2. The Tribunal directs that permit [insert permit no.] must contain the conditions set out in permit [insert permit no.] issued by the responsible authority on [insert date issued and latest amendment date] with the following modifications:
   1. Condition**(s) ……. is/are** deleted.
   2. Condition**(s) …… is/are** amended to read:

xx Here type the amended condition preceded by the relevant condition number.

* 1. A new condition is or New conditions are included as follows:

xx Here type the new condition(s).

1. The responsible authority is directed to issue a modified permit in accordance with this order.

And insert if relevant:

### Hearings vacated

1. The compulsory conference scheduled at [time] on [date] is vacated. No attendance is required.
2. The hearing scheduled at [time] on [date] is vacated. No attendance is required.

**CONSENTS**

Applicant/Permit holder (print name and sign) …………………………………...

Responsible Authority (print name and sign) ……………………………………..

(If relevant) Other party (eg objector or referral authority) (print name and sign) …………………………………........

**Sample Consent Order 7**

## Section 149 of the *Planning and Environment Act 1987* (Vic)

**This sample applies if the parties agree to the approval of a plan or other document under a permit in relation to an application to review the refusal to approve the plan or other document under section 149 of the *Planning and Environment Act 1987* (Vic).**

The parties in Application [insert relevant VCAT application number] have reached agreement and request the Tribunal to grant the following order.

1. In application [insert relevant VCAT application number], the decision of the responsible authority is set aside.
2. [Insert name of plan(s)[[1]](#footnote-1) or other document] is approved as being to the satisfaction of the responsible authority under condition insert number of planning permit insert number.[[2]](#footnote-2)
3. The responsible authority is directed to endorse the plans or insert name of other document.

Insert if relevant:

### Hearings vacated

1. The compulsory conference scheduled at [time] on [date] is vacated. No attendance is required.
2. The hearing scheduled at [time] on [date] is vacated. No attendance is required.

## **CONSENTS**

Applicant (print name and sign) …………………………………………………..

Responsible Authority (or other specified body) (print name and sign) ……………………………………..

**Sample Consent Order 8**

## Section 114 of the *Planning and Environment Act 1987* (Vic)

**This sample applies if the parties agree to the making of an enforcement order under section 119 of the *Planning and Environment Act 1987* (Vic).**

The parties in Application [insert relevant VCAT application number] have reached agreement and request the Tribunal to grant the following orders.

### Enforcement order allowed

1. The application for an enforcement order pursuant to section 114 of the *Planning and Environment Act 1987* (Vic) is allowed.
2. The enforcement order is in the form attached to this order.
3. The applicant must serve a copy of this order and the enforcement order on the owner and occupier of the land, and any other person against whom the order is made, pursuant to section 140 of the *Victorian Civil and Administrative Tribunal Act* *1998* (Vic).
4. [insert other directions or orders, as appropriate].

### Costs

1. [Insert costs orders or directions as appropriate.]

Insert if relevant

### Hearings vacated

1. The compulsory conference scheduled at [time] on [date] is vacated. No attendance is required.
2. The hearing scheduled at [time] on [date] is vacated. No attendance is required.

**In preparing the enforcement order in the attachment, it must contain the following:**

* **A description of the contravention (eg ‘demolition of a building without a permit as required under clause insert number of the insert name of planning scheme’).**
* **The full names of each person against whom the enforcement order is made.**
* **A precise description of what each named person is required to do and by what date having regard to s 119(b) of the *Planning and Environment Act 1987* (Vic).**

# SAMPLE Agreed form of Enforcement Order

|  |  |
| --- | --- |
| **Applicant/ responsible authority** |  |

|  |  |
| --- | --- |
| **Responsible Authority** |  |
| **owner** | [insert name of owner if order is being made against them] |
| **occupier** | [insert name of occupier if order is being made against them and they are different to owner] |
| **other** | [insert name of other person against whom enforcement order is being made noting s114 sets out the people against whom enforcement order can be made] |

|  |  |
| --- | --- |
| SUBJECT LAND | [insert description of land to which the order will apply] |
| DATE OF ORDER | **[leave blank – date to be inserted by Tribunal when making the actual enforcement order]** |

A.

# Enforcement Order

|  |  |
| --- | --- |
| NATURE OF CONTRAVENTION | [insert details of contravention in sufficient detail to clearly ascertain breach] |

1. By no later than [insert time and date], [ insert person against whom particular order is made] must:

[state enforcement order(s) precisely].

## **CONSENTS**

Applicant (print name and sign) …………………………………………………..

Responsible Authority (if not Applicant) (print name and sign) ………………….

Respondent 1 (print name and sign) ………………………………………………

(If relevant) Respondent 2 (print name and sign) …………………………………

(If relevant) Other party (print name and sign) …………………………………...

**Sample Consent Order 9**

## Section 81(1) of the *Planning and Environment Act 1987* (Vic)

**This sample applies if the parties agree to the extension of a permit under section 81(1) of the *Planning and Environment Act 1987* (Vic).**

The parties in Application insert relevant VCAT application number have reached agreement and request the Tribunal to grant the following order.

1. In application insert relevant VCAT application number, the decision of the responsible authority is set aside.
2. Pursuant to section 85(1)(f) of the *Planning and Environment Act 1987* (Vic), the Tribunal directs that:
   1. (If relevant) The time within which the use described in permit insert number is to be started is extended to insert date.
   2. (If relevant) The time within which the development or a stage of it described in permit insert number is to be started is extended to insert date.
   3. (If relevant) The time within which the development described in permit insert number is to be completed is extended to insert date.
   4. (If relevant) The time within which a plan under the *Subdivision Act 1988* (Vic) is to be certified as described in permit insert number is extended to insert date.

### Hearing vacated

1. The hearing scheduled at [time] on [date] is vacated. No attendance is required.

## **CONSENTS**

Applicant (print name and sign) …………………………………………………..

Responsible Authority (print name and sign) ……………………………………..

1. If the plan shows floor plans, elevations and sections of a building under requirements to amend application plans under condition 1 of a permit, the plan should identify the person who prepared the plans, the drawing numbers, the revision number (if applicable) and date. [↑](#footnote-ref-1)
2. The exact wording of this order will depend on the wording of the relevant condition eg whether ‘satisfaction’, ‘approval’ or ‘consent’ is required under the condition. [↑](#footnote-ref-2)