

Tips on how to complete PNPE2 – Table 1

Applications under sections 77, 79, 80, 82, 82B and 82AAA of the *Planning and Environment Act 1987* for review

Responsible authorities must provide information and documents to the Tribunal in accordance with this Table with respect to the above application types.

The information must be provided using this Table. Documents attached to the response must be numbered to accord with the number of the item in the Table to which they relate. A response must be provided for each item.

If the responsible authority has been served with a copy of the application and accompanying reference documents, it will be a sufficient response to particular items in Practice Note PNPE2 for the responsible authority to indicate alongside any item in the Table that the information or reference document provided with the application is correct.

Permit application and decision		<i>Tips on how to complete PNPE2 – Table 1</i>
1.1 What is the number of the permit application?		
1.2 Is the application for a new permit or to amend an existing permit under section 72 of the Act?		
1.3 Provide a copy of the relevant notice of refusal, permit or notice of decision to grant a permit or amend a permit (as the case may be).		
Planning scheme details		<i>Tips on how to complete PNPE2 – Table 1</i>
1.4 What is the name of the relevant planning scheme, the zone, and any overlay or other control applying to the subject land?		
1.5 Specify each clause of the planning scheme under which a permit is required.		Provide in a format consistent with the table in Form 4 of Schedule 1 in the <i>Planning and Environment Regulations 2015</i> (Vic).

1.6 Provide a plan in colour showing the zoning of the subject land and surrounding land.		For example, a VicPlan planning report.
Notice		<i>Tips on how to complete PNPE2 – Table 1</i>
1.7 Is the proposal exempt from the notice requirements or review rights under the Act? If so, specify by what provision in the planning scheme.		In respect of each clause under which a permit is required, indicate whether that permission is exempt from the notice requirements or review rights under the Act, and identify under which clause it is exempt. If it is a proceeding under s82 of the Act, see Myers v Southern Grampians SC (Red Dot) [2022] VCAT 695 (24 June 2022) for more details regarding the Tribunal's jurisdiction.

1.8 If the proposal was not exempt, was notice of the permit application required to be given under section 52(1)(a) or (d) of the Act? If permit applicant was required to give notice, specify the manner in which notice was required to be given, and the date on which the written requirement for notice was despatched. OR If the responsible authority gave notice, specify the manner in which the notice was given, and the date on which notice was given. Provide a list of the names and addresses of all persons to whom notice was given.		
1.9 If the application sought permission to remove or vary a restrictive covenant, was notice given in accordance with sections 52(1)(cb) & 52(1AA) of the Act?		
1.10 Provide a list of the names and addresses of all objectors. [Copies of individual objections are not required.] In addition, if there are more than 20 objectors, an electronic version of the list must be sent to admin@vcat.vic.gov.au		Provide full names where possible (middle names are not necessary). Accurately record objector email and postal addresses. If an objection has been prepared by a consultant etc, acting on behalf of a client, the objection should be recorded as: 'Mary Smith & Fred Smith c/- ABC Town Planning'. Record petitioners as 'Mary Smith & petitioners'.

		Where an objection has been submitted from multiple persons in the same household, record all names, e.g.: 'Mary Smith, Fred Smith, Eliza Smith & Joe Brown, 1 High Street, South Melbourne'.
1.11 Did the responsible authority process the application as a VicSmart application?		
1.12 If notice of the application was not given pursuant to section 52(1)(a) or (d) of the Act and the proposal is not exempt from the notice requirements and review rights under the Act: (a) Specify what notice (if any) the responsible authority considers should be given if the Tribunal decides to direct that notice be given under section 83B of the Act. (b) Provide a copy of a suitable locality plan to assist the Tribunal to assess the extent of the notification suggested. (c) Provide a list of the names and addresses of persons and land nominated for notification under sub-clause (a).		
Referrals		<i>Tips on how to complete PNPE2 – Table 1</i>

1.13 Determining referral authorities (a) At the time of the relevant decision, were there any determining referral authorities? (b) For each determining referral authority: (i) what is its name and regional address? (ii) under which provision of the planning scheme or an enactment was it a determining referral authority? (iii) did the responsible authority provide it with a copy of the permit application? (iv) provide copies of all responses under section 56 of the Act, and all reports and correspondence between the responsible authority and the determining referral authority. (c) Since the date of the relevant decision, has there been any change to the planning scheme which would result in a change to the status or number of the determining referral authorities? If so, describe the relevant change to the planning scheme.	(a) ☐ No determining referral authorities. (b) (i) (ii) (iii) ☐ Yes ☐ No (iv) ☐ Copies provided. (c) ☐ Yes ☐ No	List each determining referral authority and identify under which clause/s of the planning scheme it is a referral authority for the application. Do not include authorities here that were given notice under s52 of the Act.
---	--	---

1.14 Recommending referral authorities (a) At the time of the relevant decision, were there any recommending referral authorities? (b) For each recommending referral authority: (i) what is its name and regional address? (ii) under which provision of the planning scheme or an enactment was it a recommending referral authority? (iii) did the responsible authority provide it with a copy of the permit application? (iv) provide copies of all responses under section 56 of the Act, and all reports and correspondence between the responsible authority and the recommending referral authority. (c) Since the date of the relevant decision, has there been any change to the planning scheme which would result in a change to the status or number of the recommending referral authorities? If so, describe the relevant change to the planning scheme.	(a) ☐ No recommending referral authorities. (b) (i) (ii) (iii) ☐ Yes ☐ No (iv) ☐ Copies provided. (c)	List each recommending referral authority and identify under which clause/s of the planning scheme it is a referral authority for the application. Do not include authorities here that were given notice under s52 of the Act.
1.15 Other notice		

(a) Did the responsible authority give notice of the permit application to any other authority or entity under section 52 of the Act? (b) For each other authority or entity to which notice of the permit application was given: (i) what is its name and regional address? (ii) did the responsible authority provide it with a copy of the permit application? (iii) provide copies of all correspondence between the responsible authority and the authority or entity. (c) Would any other organisation, municipal council, public authority or government department be interested in or affected by the application? If so, why?	(a) ☐ Yes ☐ No (b) (i) (ii) (iii) (c)	Include here any authorities that were given s52 notice. If the authority objected or provided 'conditional support' for the application, they should be included in the list of objectors at 1.10.
Restrictive covenant		<i>Tips on how to complete PNPE2 – Table 1</i>
1.16 If the subject land is subject to a registered restrictive covenant: (a) Provide details of the covenant. (b) Would the grant of the permit applied for result in a breach of that covenant, in the opinion of the responsible authority? (c) Was any notice of the application given to the owners and occupiers of the land having the benefit of that covenant?		
Aboriginal cultural heritage		<i>Tips on how to complete PNPE2 – Table 1</i>
1.17 Did the permit applicant provide an approved cultural heritage management plan (CHMP) before the permit application was decided (or, if a section 79 application,		

before the s 79 application was lodged)? If it was provided, attach a copy, unless a copy has been included with the application. If it was provided, indicate whether, in the responsible authority's opinion, it is sufficient for the permit application. If it was not provided, complete the following:		
(a) Is the location of the proposed use and / or development on or partly on an area of Cultural Heritage sensitivity as defined under Divisions 3 or 4 of Part 2 of the <i>Aboriginal Heritage Regulations 2018</i>?		
(b) Is the proposed use and / or development of the land a high impact activity as defined under Division 5 of Part 2 of the <i>Aboriginal Heritage Regulations 2018</i>?		Careful consideration is required of whether the development or use is a high impact activity.
(c) Is the activity exempt from a CHMP under Division 2 of Part 2 of the <i>Aboriginal Heritage Regulations 2018</i>?		
(d) Is a CHMP not required because of significant ground disturbance?		
(e) Is a CHMP not required because the permit application provided a preliminary Aboriginal heritage test (PAHT) under section 49C of the <i>Aboriginal Heritage Act 2006</i>? If so, provide a copy of the Secretary's certificate.		

(f) Provide copies of all information that the responsible authority relies upon or has been submitted by the permit applicant about Aboriginal cultural heritage matters.		
--	--	--

Permit application documents		<i>Tips on how to complete PNPE2 – Table 1</i>
1.18 Has the responsible authority been served with a copy of the application and accompanying reference documents? If yes, are these documents correct and complete? If no, provide a full copy of the permit application documents, including:		For s82 applications, the Responsible Authority must provide a full copy of the permit application documents. For s82 applications, a copy of the application documents should be given to all parties, in addition to the PNPE2 table. For all other applications, the applicant should have provided copies of the application documents. The responsible authority must carefully check whether the application documents provided by the applicant are complete, and if they are not, must provide a copy of any missing documents. Provide unredacted copies of documents.
(a) A copy of the permit which is proposed to be amended, where the application is an application to amend a permit under section 72 of the Act.		If an application under s72, provide a copy of: - the permit proposed to be amended. - any endorsed plans. - any approved extensions of time.

		If there are no endorsed plans, provide a clearly labelled copy of the 'decision plans'.
(b) The application for a permit or the application to amend a permit. The plans which the responsible authority considered when it made its decision. This means the plans accompanying the permit application or, if there has been a formal amendment of the permit application under the Act, the latest set of amended plans. [It is not necessary to send multiple versions of plans, only the latest version. In the case of a failure application under section 79, it means the relevant plans at the date the application for review was lodged.]		It is not necessary to send multiple versions of plans – provide a copy of the 'decision plans.' In the case of a failure application under section 79, it means the relevant plans at the date the application for review was lodged.
(d) Any other information required under section 47 of the Act.		
(e) Any neighbourhood and site description, design response or urban context report (as relevant) and design response.		
(f) Any other documents supplied by the permit applicant in support of the permit application.		
Considering the permit application		<i>Tips on how to complete PNPE2 – Table 1</i>

1.19 Have there been any formal amendments to the permit application under the <i>Planning and Environment Act 1987</i>? If so, provide a copy of any form or correspondence requesting or agreeing to an amendment.		If the application was amended under s50 or s57A, provide a copy of the correspondence requesting the amendment and copies of the amended plans / documents.
1.20 Provide a copy of any officer's report prepared in respect of the permit application, together with all attachments.		Provide an unredacted copy. If the matter was determined at a Council meeting, provide a copy of the meeting agenda and meeting minutes, together with all attachments.
1.21 What sort of consultation or mediation occurred in the course of considering the application, if any?		
Hearing arrangements		<i>Tips on how to complete PNPE2 – Table 1</i>
1.22 Is the application for review suitable for a compulsory conference by the Tribunal?		
1.23 Specify an estimate of the time required: (a) to present the responsible authority's case, including time for any witnesses (specify the number of witnesses (if any) the responsible authority intends to call); and (b) to hear the application.		Provide an accurate time estimate, both for the Council's case and for the entire hearing.

1.24 Is the matter suitable for inclusion in the Short Cases List?		
1.25 Is any question of law likely to arise in the hearing of the application for review? If so, specify particulars of that question of law, including any issues relating to characterisation of the proposed use, definitions under or interpretations of the planning scheme, existing use rights or the like.		
1.26 Specify details of any relevant past or present Tribunal or Court proceeding.		This may include proceedings concerning abutting land, where relevant.

Other issues		<i>Tips on how to complete PNPE2 – Table 1</i>
1.27 Are there any other issues relating to the application that the responsible authority wishes to highlight?		For example – If a permit application for dwelling/s lodged before the approval date of VC267, or an amendment under s72 of a permit for dwelling/s where the original permit application was lodged before that date, provide a copy of the relevant residential zone schedule, as in force immediately before the approval date of Amendment VC267. Any relevant proposed planning scheme

		amendments, and their status. If an application under s72: • Whether the use/development has commenced / is complete. • Whether the permit has expired. • Any relevant planning scheme amendments that have been approved in the time since the permit was issued.
Draft permit conditions		<i>Tips on how to complete PNPE2 – Table 1</i>
1.28 In applications under sections 77 (refusal) or 79 (failure) of the <i>Planning and Environment Act 1987</i> the responsible authority must no later than one (1) week before the hearing provide a draft of the conditions to which the permit should be subject if it was granted to: (a) the Tribunal via email and in Word format; and (b) all other parties by any usual method of service.		Provide the document in Word-format. The conditions should not be formatted into a table. The permissions sought should be provided in a format consistent with the table in Form 4 of Schedule 1 in the <i>Planning and Environment Regulations 2015</i> (Vic).
Copy of decision		<i>Tips on how to complete PNPE2 – Table 1</i>
1.29 In applications under sections 80 (conditions) or 82 (notice of decision) of the <i>Planning and Environment Act 1987</i> the responsible authority must no later than one (1) week		Provide the document in Word-format. The conditions should not be formatted into a table. The permissions sought should be provided in a

before the hearing provide a copy of the notice of decision or permit (as the case may be) to the Tribunal via email in Word format.		format consistent with the table in Form 4 of Schedule 1 in the <i>Planning and Environment Regulations 2015</i> (Vic).
---	--	--

