

# G1 - Guide for Planning Authorities: Pre-setting Hearing dates

Version: February 2020

## Introduction

Ministerial Direction No. 15 (The Planning Scheme Amendment Process), introduced on 25 October 2012 under Section 12(2)(a) of the *Planning and Environment Act 1987*, (the Act), requires that before notice of an amendment is given under section 19 of the Act, a Planning Authority must, with the agreement of Planning Panels Victoria (PPV), set a date for a Directions Hearing and a Panel Hearing to consider any submissions that must be referred under section 23(1)(b) of the Act.

The following documents, which are relevant to this guide, can be found on the Department's website:

- [Ministerial Direction No. 15 \(MD15\) –The planning scheme amendment](#)
- [Advisory Note 48 \(AN48\) - Ministerial Direction No. 15 – the planning scheme amendment process](#)
- [Practice Note 77 \(PN77\) – Pre-setting panel hearing dates](#)

Pre-setting panel Hearing dates provides an agreed timeframe for public hearings to consider submissions on proposed planning scheme amendments.

## Matters to consider when setting Hearing dates

- Set realistic timeframes as it is assumed the Panel will proceed on exhibited pre-set dates, any changes to these are an exception
- Include time for two rounds of Council meetings (in case the matter misses the agenda for the first one)
- As a general guide, there should be four weeks between the formal Panel request from the Planning Authority and the Directions Hearing, and then four weeks between the Directions Hearing and Panel Hearing
- Consider likelihood of expert evidence, number of submissions, complexity of the matter as you may require longer timeframes between the Directions Hearing and the Panel Hearing (e.g. six weeks). Some examples are:
  - Structure Plan: six weeks
  - Heritage Overlays: six weeks
  - Policy: four weeks
  - Major site-specific amendment: six to eight weeks

## Process for requesting Pre-set Hearing dates

Before notice of an amendment to a planning scheme is given, a planning authority must apply to Planning Panels Victoria and agree upon the hearing dates for consideration of submissions.

The following procedures must be followed (unless an exemption is granted by the Minister):

- Following receipt of authorisation to prepare a planning scheme amendment, the planning authority contacts the PPV Panel Coordinator to discuss potential hearing dates.
- At least 25 business days before the anticipated start of the public exhibition period, the planning authority, using the online Pre-set Panel Hearing Request Form, forwards the proposed hearing dates to PPV.
- The planning authority will receive an automatically generated receipt, advising that the

request has been received by PPV.

- Within 15 business days after the receipt of the request to pre-set the hearing dates, PPV will confirm the agreed dates with the planning authority.
- If there is a proponent or major affected landowner (other than the planning authority), the planning authority must consult and notify them of the agreed pre-set dates.

### Using the online Pre-set Panel Hearing Request Form

When using the online request form the planning authority is required to:

- Enter the appropriate information about the proposed amendment, contact details and proposed dates in the required fields.
- Upload the draft explanatory report. Note that files can only be uploaded in Microsoft Word or PDF format and that multiple files should be sent via a file sharing platform.
- Submit the on-line form to PPV.

The online Pre-set Panel Hearing Request Form can be found here:

<https://www.planning.vic.gov.au/panels-and-committees/planning-panel-guides/pre-setting-panel-hearing-dates/panel-hearing-request>

An outline of the process for pre-setting Hearing dates is included at the end of this guide.

## Changes to Pre-set dates

### Pre exhibition

- Please email the Panel Coordinator with a request for revised dates.
- Within 15 business days after the receipt of the request to revise the pre-set the hearing dates, PPV will confirm the agreed dates with the planning authority.
- If there is a proponent or major affected landowner involved (other than the planning authority), they must be notified by the planning authority of the new agreed pre-set dates. (eg Precinct Structure Plans, major site-specific amendments)

### Where PPV pre-set exhibited dates are not met

In exceptional circumstances, where exhibited pre-set dates cannot be met, you will need to make a formal request to the Chief Panel Member (by email to the Panel Coordinator) seeking approval for revised dates. This request should include:

- a reason why the exhibited pre-set dates cannot be met
- new dates proposed
- how any proponent or major affected landowner have been consulted about the proposed date changes
- how any proponent or major affected landowner will be notified about any date changes if approved by PPV.

## Post Exhibition Process

### Before submitting a formal request to appoint a Panel

Within five business days of the closing date for the receipt of submissions, the Planning Authority is required to advise the PPV Panel Coordinator (by email) of the number of submissions received, and the likelihood of the matter being referred to a panel.

### Formal request to appoint a Panel

A formal request is required after the Planning Authority has decided to refer the submissions to a

Panel. This is due within 40 business days of the closing date for submissions.

After receiving the formal Panel request, the Chief Panel Member under delegation from the Minister for Planning will appoint the Panel.

If the pre-set dates cannot be met or the matter does not need to be referred to a Panel, the Planning Authority must advise the Panel Coordinator as soon as possible.

Please refer to *G2 – Guide for Planning Authorities – Making a Panel Request* for more information.

## Contacting the Panel Coordinator

Panel Coordinator  
Planning Panels Victoria  
Email: [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au)  
Phone: (03) 8624 5712

Postal address:  
GPO Box 2392  
Melbourne 3001

Street address:  
Level 5  
1 Spring Street  
Melbourne 3000

## Further Information

Further information about PPV can be found at <https://www.planning.vic.gov.au/panels-and-committees/panels-and-committees>.

## Outline of the process for Pre-setting Hearing Dates

Action (and the relevant document/s)	Action required
<i>AN48 – Advisory Note 48</i> <i>MD15 – Ministerial Direction 15</i> <i>PN77 – Practice Note 77</i>	The Minister may exempt an Amendment from the need to comply with one or more of the requirements of the Direction (MD15, AN48). Timeframes may vary accordingly.
Authorisation granted (MD15)	Planning Authority has 40 business days to give notice of exhibition of the Amendment.
After authorisation granted and before notice of the PSA is given (PN77)	Planning Authority contacts Panel Coordinator to discuss potential Hearing dates. As a general guide there should be 4 weeks between the formal Panel request from the Planning Authority and the Directions Hearing and then 4 weeks between the Directions Hearing and Panel Hearing
At least 25 business days prior the anticipated commencement of exhibition (PN77)	Planning Authority submits a request to PPV (by email - see online form on the DELWP web site) to pre-set dates
Within 15 business days of the request to pre-set dates (MD15, PN77)	PPV confirms pre-set dates with Planning Authority (PN77)
Following confirmation of agreed Hearing dates	Planning Authority to advise proponent of the agreed dates (PN77) – no set time frame for this step
10 business days prior to commencement of exhibition	Taking into account the previous 2 steps – pre-set dates should now be finalised
Notice of exhibition given	Nil
Exhibition commences	Nil
Exhibition closes	Nil
Within 5 business days of exhibition closing (PN77)	Planning Authority advises PPV by Email ( <a href="mailto:planning.panels@delwp.vic.gov.au">planning.panels@delwp.vic.gov.au</a> ) of the number of submissions received and the likelihood of a Panel
Within 40 business days of exhibition closing (MD15, PN77)	Planning Authority to request a Panel
Panel to be appointed	No timeframe allocated
Panel appointed (MD15, PN77)	Panel must ' <i>commence its functions</i> ' within 20 business days of the appointment
Directions Hearing	As per the pre-set date 'window' set out in exhibited documentation
Panel Hearings	As per the pre-set date 'window' set out in exhibited documentation
Panel to submit its report (to the Planning Authority) – this timing includes the time taken by PPV to review the report) (MD15)	1 person panel – within 20 business days * 2 person panel – within 30 business days* 3 (or more) person panel – within 40 business days* *after the last hearing day or further information requested by the Panel is received (whichever is the later)
Remaining steps of the Amendment process do not affect Panels	Nil